SENATE
STATE OF MINNESOTA
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S.F. No. 1640

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03/01/2021	620	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/04/2021	706	Authors added Pappas; Marty; Champion; Torres Ray

A bill for an act

relating to cannabis; establishing the Cannabis Management Board; establishing advisory councils; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis by adults; providing for the licensing, inspection, and regulation of cannabis businesses; requiring testing of cannabis and cannabis products; requiring labeling of cannabis and cannabis products; limiting the advertisement of cannabis, cannabis products, and cannabis businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; taxing the sale of adult-use cannabis; establishing grant and loan programs; amending criminal penalties; establishing expungement procedures for certain individuals; establishing labor standards for the use of cannabis by employees and testing of employees; creating a civil cause of action for certain nuisances; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; appropriating money; amending Minnesota Statutes 2020, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 152.02, subdivisions 2, 4; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, by adding subdivisions; 181.952, by adding a subdivision; 181.953, by adding a subdivision; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 256.01, subdivision 18c; 256D.024, subdivision 1; 256J.26, subdivision 1; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 12; 609.135, subdivision 1; 609.531, subdivision 1; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609.5317, subdivision 1; 609A.01; 609A.03, subdivisions 5, 9; proposing coding for new law in Minnesota Statutes, chapters 17; 28A; 34A; 116J; 116L; 120B; 144; 152; 175; 295; 604; 609A; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2020, sections 152.027, subdivisions 3, 4; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37; Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008;

4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; 4770.4030.

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

ARTICLE 1

REGULATION OF ADULT-USE CANNABIS

Section 1. **[342.01] DEFINITIONS.**

Subdivision 1. **Terms.** For the purposes of this chapter, the following terms have the meanings given them.

Subd. 2. **Adult-use cannabis.** "Adult-use cannabis" means the flower, leaves, stems, seeds, or plant form of cannabis that is approved for sale by the board, or is substantially similar to a product approved by the board. Adult-use cannabis does not include adult-use cannabis products, medical cannabis, medical cannabis products, hemp, or hemp products.

Subd. 3. **Adult-use cannabis concentrate.** (a) "Adult-use cannabis concentrate" means either of the following that is approved for sale by the board, or is substantially similar to a product approved by the board:

(1) the extracts and resins of a plant of the genus Cannabis; or

(2) a product derived from cannabis that is produced by extracting cannabinoids from the plant including but not limited to a product intended to be consumed through a vaporized delivery method.

(b) Adult-use cannabis concentrate does not include edible cannabis products, medical cannabis products, hemp, or hemp products.

Subd. 4. **Adult-use cannabis product.** (a) "Adult-use cannabis product" means any of the following that is approved for sale by the board, or is substantially similar to a product approved by the board:

(1) cannabis concentrate;

(2) a product infused with tetrahydrocannabinol; and

(3) any other product that contains cannabis concentrate.

(b) "Adult-use cannabis product" does not include adult-use cannabis, medical cannabis, medical cannabis products, the extracts and resins from hemp, or hemp products.

Subd. 5. **Advertisement.** "Advertisement" means any written or oral statement, illustration, or depiction that is intended to promote sales of cannabis or cannabis products

or sales at a specific cannabis business and includes any newspaper, radio, Internet and electronic media, or television advertisement; the distribution of fliers and circulars; and the display of window and interior signs in a cannabis business. Advertisement does not include a fixed outdoor sign that meets the requirements in section 342.66, subdivision 2, paragraph (b).

Subd. 6. **Batch.** "Batch" means:

(1) a specific quantity of cannabis plants that are cultivated by a cannabis cultivator or cannabis microbusiness from the same seed or plant stock, that are cultivated and harvested together, and that receive an identical propagation and cultivation treatment; or

(2) a specific quantity of a specific cannabis product that is manufactured by a cannabis manufacturer or cannabis microbusiness at the same time and using the same methods, equipment, and ingredients.

Subd. 7. **Batch number.** "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch of cannabis by a cannabis cultivator or cannabis microbusiness, or assigned to a batch of cannabis product by a cannabis manufacturer or cannabis microbusiness.

Subd. 8. **Board.** "Board" means the Cannabis Management Board.

Subd. 9. **Cannabinoid profile.** "Cannabinoid profile" means the amounts, expressed as dry-weight percentages, of delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid, cannabidiolic acid, and other cannabinoids as specified by the board, in cannabis or a cannabis product.

Subd. 10. **Cannabis.** "Cannabis" means the flower, leaves, stems, and seeds of a plant of the genus Cannabis whether growing or not. Cannabis includes adult-use cannabis and medical cannabis. Cannabis does not include cannabis products, hemp, or hemp products.

Subd. 11. **Cannabis business.** "Cannabis business" means any of the following licensed under this chapter:

(1) cannabis cultivator;

(2) cannabis manufacturer;

(3) cannabis retailer;

(4) cannabis wholesaler;

(5) cannabis transporter;

(6) cannabis testing facility;

(7) cannabis microbusiness;

(8) cannabis event organizer;

(9) cannabis delivery service; and

(10) medical cannabis business.

Subd. 12. **Cannabis concentrate.** "Cannabis concentrate" means the extracts and resins of a plant of the genus Cannabis, or other product derived from cannabis that is produced by extracting cannabinoids from the plant including but not limited to a product intended to be consumed through a vaporized delivery method with use of liquid or oil. "Cannabis concentrate" does not include edible cannabis products or the extracts and resins extracted from hemp.

Subd. 13. **Cannabis extraction.** "Cannabis extraction" means the process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include the process of extracting concentrate from hemp.

Subd. 14. **Cannabis paraphernalia.** "Cannabis paraphernalia" means all equipment, products, and materials of any kind which are knowingly or intentionally used primarily in:

(1) cultivating cannabis;

(2) manufacturing cannabis products;

(3) ingesting, inhaling, or otherwise introducing cannabis into the human body; and

(4) testing the strength, effectiveness, or purity of cannabis or a cannabis product.

Subd. 15. **Cannabis product.** "Cannabis product" means cannabis concentrate; a product infused with tetrahydrocannabinol; and any other product that contains cannabis concentrate. Cannabis product includes adult-use cannabis products and medical cannabis products.

Subd. 16. **Community health board.** "Community health board" has the meaning given in section 145A.02, subdivision 5.

Subd. 17. **Cooperative.** "Cooperative" means an association conducting business on a cooperative plan that is organized or is subject to chapter 308A or 308B.

Subd. 18. **Council.** "Council" means the Cannabis Advisory Council.

Subd. 19. **Cultivation.** "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Subd. 20. **Edible cannabis product.** "Edible cannabis product" means any type of food or drink infused with tetrahydrocannabinol or containing cannabis concentrate that is approved as an adult-use cannabis product for sale by the board, or is substantially similar to a product approved by the board including but not limited to candy and baked goods. "Edible cannabis product" does not include an edible product containing hemp or a hemp product.

Subd. 21. **Health care practitioner.** "Health care practitioner" means a Minnesota-licensed doctor of medicine, a Minnesota-licensed physician assistant acting within the scope of authorized practice, 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. 22. **Health record.** "Health record" has the meaning given in section 144.291, subdivision 2.

Subd. 23. **Hemp.** "Hemp" means the plant Cannabis sativa L. and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Subd. 24. **Hemp-derived consumable or topical product.** "Hemp-derived consumable or topical product" means a product that is derived from hemp, that is intended for human consumption or application onto human skin or hair, and contains cannabidiol or another cannabinoid, derivative, or extract of hemp.

Subd. 25. **Hemp product.** (a) "Hemp product" means either:

(1) intermediate or finished products made from fibrous waste that are not intended for human or animal consumption and are not usable or recognizable as medical or retail marijuana. Industrial fiber products include but are not limited to cordage, paper, fuel, textiles, bedding, insulation, construction materials, compost materials, and industrial materials; or

(2) a finished product containing hemp that:

(i) is a cosmetic, food, food additive, or herb;

(ii) is for human use or consumption;

(iii) contains any part of the hemp plant, including naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, or derivatives; or

(iv) contains a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.

(b) "Hemp product" includes hemp-derived consumable or topical products.

Subd. 26. **Labor peace agreement.** "Labor peace agreement" means an agreement between a cannabis business and any labor organization recognized under the National Labor Relations Act, referred to in this chapter as a bona fide labor organization, that prohibits labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the cannabis business. This agreement means that the cannabis business has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, employees of the cannabis business. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which employees of the cannabis business work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

Subd. 27. **Legacy medical cannabis manufacturer.** "Legacy medical cannabis manufacturer" means an entity registered by the commissioner of health as of July 1, 2021, to cultivate, manufacture, and dispense medical cannabis and medical cannabis products to patients.

Subd. 28. **License holder.** "License holder" means a person, cooperative, or business that holds any of the following licenses:

(1) cannabis cultivator;

(2) cannabis manufacturer;

(3) cannabis retailer;

(4) cannabis wholesaler;

(5) cannabis transporter;

(6) cannabis testing facility;

(7) cannabis microbusiness;

(8) cannabis event organizer;

(9) cannabis delivery service; or

(10) medical cannabis business.

Subd. 29. **Local unit of government.** "Local unit of government" means a home rule charter or statutory city, county, town, or other political subdivision.

Subd. 30. **Medical cannabis.** "Medical cannabis" means the flower, dried leaves, or plant form of cannabis provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. "Medical cannabis" does not include adult use cannabis, medical cannabis products, hemp, or hemp products.

Subd. 31. **Medical cannabis business.** "Medical cannabis business" means an entity licensed under this chapter to engage in one or more of the following:

(1) cultivation of medical cannabis;

(2) manufacture of medical cannabis products; and

(3) retail sale of medical cannabis and medical cannabis products.

Subd. 32. **Medical cannabis paraphernalia.** "Medical cannabis paraphernalia" means a delivery device, related supply, or educational material used by a patient enrolled in the registry program to administer medical cannabis and medical cannabis products.

Subd. 33. **Medical cannabis product.** (a) "Medical cannabis product" means a cannabis product manufactured from hemp or cannabis and provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. A medical cannabis product must be in the form of:

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

(2) pill;

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

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

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

(6) topical formulation; or

(7) any allowable form or delivery method approved by the board.

(b) "Medical cannabis product" does not include medical cannabis, adult-use cannabis, adult-use cannabis products, hemp, or hemp products other than those identified in paragraph (a).

Subd. 34. **Office of Medical Cannabis.** "Office of Medical Cannabis" means a division housed in the Cannabis Management Board that operates the medical cannabis program.

Subd. 35. **Office of Social Equity.** "Office of Social Equity" means a division housed in the Cannabis Management Board that promotes development, stability, and safety in communities that experienced a disproportionate, negative impact from cannabis prohibition.

Subd. 36. **Outdoor advertisement.** "Outdoor advertisement" means an advertisement that is located outdoors or can be seen or heard by an individual who is outdoors, and includes billboards; advertisements on benches; advertisements at transit stations or transit shelters; advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles; and print signs that do not meet the requirements in section 342.66, subdivision 2, paragraph (b), but that are placed or located on the exterior property of a cannabis business.

Subd. 37. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met all other requirements for patients under this chapter to participate in the registry program.

Subd. 38. **Patient registry number.** "Patient registry number" means a unique identification number assigned by the Office of Medical Cannabis to a patient enrolled in the registry program.

Subd. 39. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

(1) cancer;

(2) glaucoma;

(3) human immunodeficiency virus or acquired immune deficiency syndrome;

(4) Tourette's syndrome;

(5) amyotropic 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;

(10) intractable pain;

(11) post-traumatic stress disorder;

(12) autism spectrum disorder;

(13) obstructive sleep apnea;

(14) Alzheimer's disease;

(15) chronic pain;

(16) age-related macular degeneration; or

(17) any other medical condition or its treatment approved by the board.

Subd. 40. **Registered designated caregiver.** "Registered designated caregiver" means a person who:

(1) is at least 18 years old;

(2) is not disqualified for a criminal offense according to section 342.20, subdivision 1; and

(3) has been approved by the Office of Medical Cannabis to assist a patient with obtaining medical cannabis and medical cannabis products from a cannabis retailer or medical cannabis business and with administering medical cannabis and medical cannabis products, if the patient has been identified by a health care practitioner as having a developmental or physical disability and, due to the disability, requires such assistance.

Subd. 41. **Registry or registry program.** "Registry" or "registry program" means the patient registry established under this chapter listing patients authorized to obtain medical cannabis, medical cannabis products, and medical cannabis paraphernalia from cannabis retailers and medical cannabis businesses and administer medical cannabis and medical cannabis products.

Subd. 42. **Registry verification.** "Registry verification" means the verification provided by the Office of Medical Cannabis that a patient is enrolled in the registry program and that includes the patient's name, patient registry number, and, if applicable, the name of the patient's registered designated caregiver or parent, legal guardian, or spouse.

Subd. 43. **Restricted area.** "Restricted area" means an area where cannabis or cannabis products are cultivated, manufactured, or stored by a cannabis business.

Subd. 44. **Statewide monitoring system.** "Statewide monitoring system" means the system for integrated cannabis tracking, inventory, and verification established or adopted by the board.

Subd. 45. **Veteran.** "Veteran" means an individual who satisfies the requirements in section 197.447.

Subd. 46. **Volatile solvent.** "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane, and propane.

Sec. 2. **[342.02] CANNABIS MANAGEMENT BOARD.**

Subdivision 1. **Establishment.** The Cannabis Management Board is created with the powers and duties established by law. In making rules, establishing policy, and regulating medical cannabis and the adult-use cannabis market, the board shall:

(1) promote public health and welfare;

(2) protect public safety;

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

(4) meet market demand for cannabis and cannabis products;

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

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

Subd. 2. **Membership.** (a) The Cannabis Management Board is composed of the following members who are appointed by the governor:

(1) a person with experience in oversight of production agriculture;

(2) a person with experience in corporate management, finance, or securities;

(3) a person with experience in public health, mental health, substance use, or toxicology;

(4) a person with experience in oversight of industry management, including commodities, production, or distribution in a regulated industry;

(5) a person with experience in administering and enforcing statutes and rules governing business operations;

(6) a person with experience in establishing and developing new economic opportunity programs; and

(7) a person with experience in promoting social equity.

(b) The governor shall make reasonable efforts to appoint qualified members of protected groups, as defined in section 43A.02, subdivision 33.

(c) The governor shall designate one member to serve as chair.

(d) While serving on the board and within two years after terminating service, board members may not:

(1) have a direct or indirect financial interest in a cannabis business licensed under this chapter; or

(2) serve as a lobbyist, as defined under section 10A.01, subdivision 21.

Subd. 3. **Terms; removal; vacancy.** (a) Members are appointed to serve three-year terms following the initial staggered-term lot determination and may be reappointed.

(b) The initial term of members appointed under paragraph (a) shall be determined by lot by the secretary of state and shall be as follows:

(1) two members shall serve one-year terms;

(2) two members shall serve two-year terms; and

(3) three members shall serve three-year terms.

(c) A member may be removed by the governor at any time for cause, after notice and hearing.

(d) If a vacancy occurs, the governor shall appoint a new qualifying member within 90 days.

(e) Compensation of board members is governed by section 15.0575.

Subd. 4. **Powers and duties.** The board has the following powers and duties:

(1) develop, maintain, and enforce an organized system of regulation for the lawful cannabis industry;

(2) establish programming, services, and notification to protect, maintain, and improve the health of citizens;

(3) prevent unauthorized access to cannabis by individuals under 21 years of age;

(4) establish and regularly update standards for product testing, packaging, and labeling;

(5) promote economic growth with an emphasis on growth in areas that experienced a disproportionate, negative impact from cannabis prohibition;

(6) issue and renew licenses;

(7) require fingerprints from persons determined by board rule to be subject to fingerprinting and obtain criminal conviction data for persons seeking a license from the board;

(8) receive reports required by this chapter and inspect the premises, records, books, and other documents of license holders to ensure compliance with all applicable laws and rules;

(9) authorize the use of unmarked motor vehicles to conduct seizures or investigations pursuant to the board's authority;

(10) impose and collect civil and administrative penalties as provided in this chapter;

(11) cooperate with the commissioners and directors of other state agencies and departments to promote the beneficial interests of the state;

(12) publish such information as may be deemed necessary to the welfare of cannabis businesses and the health and safety of citizens;

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

(14) authorize research and studies on cannabis, cannabis products, and the cannabis industry;

(15) provide reports as required by law;

(16) establish limits on the potency of cannabis that can be sold to customers by licensed cannabis retailers and licensed cannabis microbusinesses with an endorsement to sell cannabis and cannabis products to customers; and

(17) exercise other powers and authority and perform other duties required of or imposed upon the board by law.

Subd. 5. **Meetings.** (a) Meetings of the board are subject to chapter 13D.

(b) The board shall hold a monthly meeting. At a minimum, the meeting must include the following:

(1) report from the Cannabis Advisory Council, if any;

(2) report from the executive director; and

(3) action on matters within the jurisdiction of the board, if any.

Subd. 6. **Vote required.** Four members of the board constitutes a quorum for the purposes of any board meeting. The affirmative vote of four members is required for action taken at any board meeting.

Subd. 7. **Application of other laws.** The board is subject to sections 138.163 to 138.25, governing records management, and chapter 13, the Minnesota Government Data Practices Act.

Subd. 8. **Rulemaking.** The board may adopt rules to implement any provisions in this chapter. Rules for which notice is published in the State Register before July 1, 2024, may be adopted using the expedited rulemaking process in section 14.389.

Subd. 9. **Executive director.** (a) The board shall appoint an executive director. The executive director is in the unclassified service and serves at the pleasure of the board. The executive director is not an ex officio member of the board.

(b) The executive director shall:

(1) attend all meetings of the board;

(2) serve as secretary of the board and keep a record of all proceedings and actions by the board;

(3) serve as the chair of the Cannabis Advisory Council; and

(4) perform such duties on behalf of the board as the board shall prescribe.

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

(c) While serving as the executive director and within two years after terminating service, the executive director is prohibited from:

(1) having a direct or indirect financial interest in a cannabis business licensed under this chapter; or

(2) serving as a lobbyist, as defined under section 10A.01, subdivision 21.

Subd. 10. **Employees.** (a) The board may employ other personnel in the classified service necessary to carry out the duties under this chapter.

(b) The board may employ peace officers as defined under section 626.84, subdivision 1, paragraph (c).

(c) The director shall request the Bureau of Criminal Apprehension to perform background checks on persons who are finalists for employment with the board but may employ personnel pending completion of the background check.

(d) While employed by the board and within two years after terminating employment, employees may not have a direct or indirect financial interest in a cannabis business licensed under this chapter.

Subd. 11. **Office of social equity.** The board shall establish an office of social equity. At a minimum, the office shall:

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

(2) act as an ombudsperson for the board to provide information, investigate complaints arising from this chapter, and provide or facilitate dispute resolutions; and

(3) report to the board on the status of grants, complaints, and social equity in the cannabis industry.

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

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

(1) the executive director of the Cannabis Management Board;

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

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

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

(5) the commissioner of public safety, or a designee;

(6) the commissioner of human rights, or a designee;

(7) a representative from the League of Minnesota Cities, appointed by the league;

(8) a representative from the Association of Minnesota Counties, appointed by the association;

(9) an expert in minority business development, appointed by the governor;

(10) an expert in economic development strategies for under-resourced communities, appointed by the governor;

(11) an expert in farming or representing the interests of farmers, appointed by the governor;

(12) an expert representing the interests of employers, appointed by the governor;

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

(14) an expert in social welfare or social justice, appointed by the governor;

(15) an expert in criminal justice reform to mitigate the disproportionate impact of drug prosecutions on communities of color, appointed by the governor;

(16) an expert in the prevention and treatment of substance use disorders, appointed by the governor;

(17) an expert in minority business ownership, appointed by the governor;

(18) an expert in women-owned business, appointed by the governor;

(19) an expert in cannabis retailing, appointed by the governor;

(20) an expert in cannabis product manufacturing, appointed by the governor;

(21) an expert in laboratory sciences and toxicology, appointed by the governor;

(22) an expert in providing legal services to cannabis businesses, appointed by the governor;

(23) an expert in cannabis cultivation, appointed by the governor;

(24) a patient advocate, appointed by the governor; and

(25) a veteran, appointed by the governor.

Subd. 2. **Terms; compensation; removal; vacancy; expiration.** The membership terms, compensation, removal of members appointed by the governor, and filling of vacancies of members shall be as provided in section 15.059.

Subd. 3. **Officers; meetings.** (a) The executive director of the Cannabis Management Board shall chair the Cannabis Advisory Council. The advisory council shall elect a vice-chair and may elect other officers as necessary.

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

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

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

(1) reviewing national cannabis policy;

(2) examining the effectiveness of state cannabis policy;

(3) reviewing developments in the cannabis industry;

(4) reviewing developments in the study of cannabis;

(5) taking public testimony; and

(6) making recommendations to the Cannabis Management Board.

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

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

(a) The board shall conduct a study to determine the expected size and growth of the regulated cannabis industry including an estimate of demand for cannabis and cannabis products, the number and geographic distribution of cannabis businesses needed to meet that demand, and the anticipated business from residents of other states.

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

(c) The board shall conduct a study on impaired driving to determine the number of accidents involving one or more drivers who admitted to using cannabis or cannabis products or who tested positive for cannabis or tetrahydrocannabinol, the number of arrests of persons for impaired driving in which the person tested positive for cannabis or tetrahydrocannabinol, and the number of convictions for driving under the influence of cannabis or tetrahydrocannabinol.

(d) The board shall provide preliminary reports on the studies conducted pursuant to paragraphs (a) to (c) to the legislature by January 15, 2022, and shall provide final reports to the legislature by January 15, 2023. The reports may be consolidated into a single report by the board.

(e) The board shall submit an annual report to the legislature by January 15, 2022, and each January 15 thereafter. The annual report shall include but not be limited to the following:

(1) the status of the regulated cannabis industry;

(2) the status of the illicit cannabis industry;

(3) the number of accidents, arrests, and convictions involving drivers who admitted to using cannabis or cannabis products or who tested positive for cannabis or tetrahydrocannabinol;

(4) the change in potency, if any, of cannabis available through the regulated market;

(5) progress on ensuring that cannabis outcomes are socially equitable;

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

(7) proposed legislative changes; and

(8) recommendations for levels of funding for:

(i) a coordinated education program to raise public awareness about and address the top three adverse health effects, as determined by the commissioner of health, associated with the use of cannabis or cannabis products by persons under age 21;

(ii) a coordinated education program to educate pregnant women, breastfeeding women, and women who may become pregnant on the adverse health effects of cannabis and cannabis products;

(iii) providing training, technical assistance, and educational materials for home visiting programs and tribal home visiting programs regarding safe and unsafe use of cannabis and cannabis products in homes with infants and young children;

(iv) use of model programs to educate middle school and high school students on the health effects on children and adolescents of cannabis use and substance use;

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

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

(vii) training of peace officers and law enforcement agencies on changes to cannabis laws and their impact on searches and seizures;

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

(ix) the retirement and replacement of drug detection dogs; and

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

(f) In developing the recommended funding levels under paragraph (e), clause 8, items (vii) to (x), the board shall consult with local law enforcement agencies, the Minnesota Chiefs of Police Association, the Minnesota Sheriff's Association, the League of Minnesota Cities, the Association of Minnesota Counties, and county social service agencies.

(g) By January 15, 2024, the board shall submit a report to the legislature regarding the governance structure of the board and recommendations for legislative changes, if any.

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

Subdivision 1. **Statewide monitoring.** The board shall contract with an outside vendor to establish a statewide monitoring system for integrated cannabis tracking, inventory, and verification to track all cannabis and cannabis products from seed or immature plant until disposal or sale to a patient or customer.

Subd. 2. **Data submission requirements.** The monitoring system must allow cannabis businesses to submit monitoring data to the board through manual data entry or through the use of monitoring system software commonly used within the cannabis industry.

Subd. 3. **Monitoring system selection.** The board shall consult with the state chief information officer to enter into a managed services contract for the provision and improvement of the statewide monitoring system.

Sec. 6. **[342.06] APPROVAL OF PRODUCTS.**

(a) The board by rule shall approve cannabis products for retail sale.

(b) The board shall not approve any cannabis product that:

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

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

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

(4) is made by applying extracted or concentrated tetrahydrocannabinol to a commercially available candy or snack food item.

Sec. 7. **[342.07] ESTABLISHMENT OF ENVIRONMENTAL STANDARDS.**

Subdivision 1. **Water standards.** The board by rule shall establish appropriate water standards for cannabis businesses. At a minimum, the water standards must:

(1) regulate the use of automated watering systems;

(2) limit the acceptable runoff of water;

(3) require the reuse of wastewater; and

(4) require the use of filtration systems for removing contaminants from wastewater.

Subd. 2. **Energy use.** The board by rule shall establish appropriate energy standards for cannabis businesses. At a minimum, the energy standards must:

(1) promote the use of solar and wind energy throughout the cannabis industry;

(2) promote the use of electric vehicles throughout the cannabis industry;

(3) require cannabis cultivators and cannabis manufacturers to use solar and wind energy or purchase approved credits to offset the use of other energy sources; and

(4) establish a plan for legacy medical cannabis manufacturers to transition cultivation and manufacturing operations to solar and wind energy, or purchase approved credits to offset the use of other energy sources, within five years.

Subd. 3. **Solid waste.** The board by rule shall establish appropriate solid waste standards for the disposal of:

(1) cannabis and cannabis products;

(2) packaging;

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

(4) other solid waste.

Subd. 4. **Odor.** The board by rule shall establish appropriate standards and requirements to limit odors produced by cannabis businesses.

Sec. 8. **[342.08] PERSONAL ADULT USE OF CANNABIS.**

Subdivision 1. **Personal adult use, possession, and transportation of cannabis and cannabis products.** (a) A person 21 years of age or older may:

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

(2) possess or transport 1.5 ounces or less of adult-use cannabis in a public place;

(3) possess ten pounds or less of adult-use cannabis in the person's private residence;

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

(5) possess or transport an edible cannabis product infused with 800 milligrams or less of tetrahydrocannabinol;

(6) give for no remuneration 1.5 ounces or less of adult-use cannabis, eight grams or less of adult-use cannabis concentrate, or an edible cannabis product infused with 800 milligrams or less of tetrahydrocannabinol to a person who is at least 21 years of age; and

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

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

(ii) on private property, not generally accessible by the public, when the person is explicitly permitted to consume cannabis or cannabis products on the property by the owner of the property; or

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

(b) Except as provided in paragraph (c), a person may not:

(1) use, possess, or transport cannabis or cannabis products if the person is under the age of 21;

(2) use cannabis or cannabis products in a motor vehicle as defined in section 169A.03, subdivision 15;

(3) use cannabis or cannabis products at any location where smoking is prohibited under section 144.414;

(4) use or possess cannabis or cannabis products in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E, including all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls;

(5) use or possess cannabis or cannabis products in a state correctional facility;

(6) operate a motor vehicle while under the influence of cannabis or cannabis products;

(7) give for no remuneration cannabis or cannabis products to a person under 21 years of age; or

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

(c) The prohibitions under paragraph (b), clauses (1) to (4), do not apply to authorized use, possession, or transportation of medical cannabis or medical cannabis products by a patient; registered designated caregiver; or a parent, legal guardian, or spouse of a patient.

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

Subd. 2. **Home cultivation of cannabis for personal adult use.** Up to eight cannabis plants, with four or fewer being mature, flowering plants may be grown at a single residence, including the curtilage or yard, without a license to cultivate cannabis issued under this chapter provided that it takes place at the primary residence of a person 21 years of age or older and in an enclosed, locked space that is not open to public view.

Subd. 3. **Home extraction of cannabis concentrate by use of volatile solvent prohibited.** No person may use a volatile solvent to separate or extract cannabis concentrate without a cannabis manufacturer or cannabis microbusiness license issued under this chapter.

Subd. 4. **Sale of cannabis and cannabis products prohibited.** No person may sell cannabis or cannabis products without a cannabis retailer or cannabis microbusiness license issued under this chapter.

Subd. 5. **Violations; penalties.** (a) In addition to penalties listed in this subdivision, a person who violates the provisions of this chapter is subject to any applicable criminal penalty.

(b) The board may assess the following civil penalties on a person who sells cannabis or cannabis products without a license authorizing the sale of cannabis or cannabis products issued under this chapter:

(1) if the person sells more than 1.5 ounces but not more than eight ounces of cannabis, up to $1,000;

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

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

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

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

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

(c) The board may assess the following civil penalties on a person who sells cannabis concentrate without a license authorizing the sale of cannabis products issued under this chapter:

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

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

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

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

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

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

(d) The board may assess the following civil penalties on a person who sells products infused with tetrahydrocannabinol without a license authorizing the sale of cannabis products issued under this chapter:

(1) if the person sells products infused with more than 800 milligrams but not more than four grams of tetrahydrocannabinol, up to $1,000;

(2) if the person sells products infused with more than four grams but not more than eight grams of tetrahydrocannabinol, up to $5,000;

(3) if the person sells products infused with more than eight grams but not more than 40 grams of tetrahydrocannabinol, up to $25,000;

(4) if the person sells products infused with more than 40 grams but not more than 200 grams of tetrahydrocannabinol, up to $100,000;

(5) if the person sells products infused with more than 200 grams but not more than 400 grams of tetrahydrocannabinol, up to $250,000; and

(6) if the person sells products infused with more than 400 grams of tetrahydrocannabinol, up to $1,000,000.

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

Sec. 9. **[342.10] LICENSES; TYPES.**

The board shall issue the following types of license:

(1) cannabis cultivator, including:

(i) craft cultivator; and

(ii) bulk cultivator;

(2) cannabis manufacturer;

(3) cannabis retailer;

(4) cannabis wholesaler;

(5) cannabis transporter;

(6) cannabis testing facility;

(7) cannabis microbusiness;

(8) cannabis event organizer;

(9) cannabis delivery service; and

(10) medical cannabis business.

Sec. 10. **[342.11] LICENSES; FEES.**

Except for the application fee authorized under section 342.15, subdivision 3, the board shall not charge a fee for annual licenses issued under this chapter.

Sec. 11. **[342.12] LICENSES; TRANSFERS; ADJUSTMENTS.**

(a) Licenses issued under this chapter may not be transferred.

(b) Licenses must be renewed annually.

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

(d) The board by rule may permit relocation of a licensed cannabis business, adopt requirements for the submission of a license relocation application, establish standards for the approval of a relocation application, and charge a fee not to exceed $250 for reviewing

and processing applications. Relocation of a licensed premises pursuant to this paragraph does not extend or otherwise modify the license term of the license subject to relocation.

Sec. 12. **[342.14] LOCAL CONTROL.**

(a) A local unit of government may not prohibit the possession, transportation, or use of cannabis or cannabis products authorized under this chapter.

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

(c) A local unit of government may adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided such restrictions do not prohibit the establishment or operation of such a business.

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

(e) If a local unit of government is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of a cannabis business, the governing body of the local unit of government may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. Before adopting the interim ordinance, the governing body must hold a public hearing. The interim ordinance may regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction or a portion thereof until January 1, 2024.

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

(g) Upon receipt of an application for a license issued under this chapter, the board shall contact the local unit of government in which the business would be located and provide the local unit of government with 30 days in which to provide input on the application.

(h) The board by rule shall establish an expedited complaint process to receive, review, and respond to complaints made by a local unit of government about a cannabis business. Complaints may include alleged violations of local ordinances or other alleged violations. At a minimum, the expedited complaint process shall require the board to provide an initial

response to the complaint within seven days and perform any necessary inspections within 30 days. Nothing in this paragraphs prohibits a local unit of government from enforcing a local ordinance.

Sec. 13. **[342.15] LICENSE APPLICATION AND RENEWAL; FEES.**

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

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

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

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

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

(5) documentation showing legal possession of the premises where the business will operate;

(6) a diagram of the premises, including a security drawing;

(7) a copy of the security plan;

(8) proof of trade name registration;

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

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

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

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

(13) a statement that the applicant agrees to respond to the board's supplemental requests for information.

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

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

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

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

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

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

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

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

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

(c) An application may include:

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

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

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

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

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

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

Subd. 2. **Application; process.** (a) Applicants must submit all required information to the board on the forms and in the manner prescribed by the board.

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

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

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

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

Subd. 3. **Application; fees.** The board may charge a nonrefundable fee, not to exceed $250, to cover the costs associated with reviewing and processing applications.

Sec. 14. **[342.16] LICENSE SELECTION CRITERIA.**

Subdivision 1. **Market stability.** The board shall issue the necessary number of licenses in order to assure sufficient supply of cannabis and cannabis products to meet demand, provide market stability, and limit the sale of unregulated cannabis.

Subd. 2. **Craft cultivation priority.** (a) The board shall prioritize issuance of microbusiness licenses with an endorsement to cultivate cannabis and craft cultivator licenses.

(b) Unless the board determines that issuance of bulk cultivator licenses is necessary to assure a sufficient supply of cannabis and cannabis products, the board shall not issue a bulk cultivator license before July 1, 2026.

Subd. 3. **Application score; license priority.** (a) The board shall award points to each completed application in the following categories:

(1) status as a social equity applicant;

(2) status as a veteran applicant;

(3) security and record keeping;

(4) employee training plan;

(5) business plan and financial situation;

(6) diversity plan;

(7) labor and employment practices;

(8) knowledge and experience; and

(9) environmental plan.

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

(c) The board shall establish policies and guidelines, which shall be made available to the public, regarding the number of points available in each category and the basis for awarding those points. Status as a social equity applicant must account for at least 20 percent of the total available points.

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

Sec. 15. **[342.17] INSPECTION; LICENSE VIOLATIONS; PENALTIES.**

Subdivision 1. **Authority to inspect.** In order to carry out the purposes of this chapter, the board, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized to enter without delay and at reasonable times any cannabis business; and to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any cannabis business and all pertinent conditions, equipment, records, and materials therein, and to question privately any such employer, owner, operator, agent, or employee.

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

Subd. 3. **Delegation of powers and duties.** (a) The board may enter into an agreement with any community health board, or county or city that has an established delegation agreement as of January 1, 2014, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under this chapter.

(b) A community health board may authorize a city or county within its jurisdiction to conduct all or part of the licensing, inspection, reporting, and enforcement duties authorized under this chapter. An agreement to delegate duties to a county or city must be approved by the board.

(c) Agreements authorized under this subdivision must:

(1) be in writing and signed by the delegating authority and the designated agent;

(2) list criteria the delegating authority will use to determine if the designated agent's performance meets appropriate standards and is sufficient to replace performance by the delegating authority; and

(3) specify minimum staff requirements and qualifications, set procedures for the assessment of costs, and provide for termination procedures if the delegating authority finds that the designated agent fails to comply with the agreement.

(d) A designated agent must not perform licensing, inspection, or enforcement duties under the agreement in territory outside its jurisdiction unless approved by the governing body for that territory through a separate agreement.

(e) The scope of agreements established under this subdivision is limited to duties and responsibilities agreed upon by the parties. The agreement may provide for automatic renewal and for notice of intent to terminate by either party.

(f) During the life of the agreement, the delegating authority shall not perform duties that the designated agent is required to perform under the agreement, except inspections

necessary to determine compliance with the agreement and this section or as agreed to by the parties.

(g) The delegating authority shall consult with, advise, and assist a designated agent in the performance of its duties under the agreement.

(h) This subdivision does not alter the responsibility of the delegating authority for the performance of duties specified in law and does not alter the terms of any other agreement entered into by the designated agent.

Subd. 4. **Aiding of inspection.** Subject to rules issued by the board, a representative of a cannabis business shall be given an opportunity to accompany the board during the physical inspection of any cannabis business for the purpose of aiding such inspection.

Subd. 5. **Complaints and reports; priority of inspection.** (a) The board may conduct inspections of any licensed business at any time to assure compliance with the ownership and operation requirements of this chapter.

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

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

(d) The board shall promptly inspect cannabis businesses that are the subject of complaint by a local unit of government.

Subd. 6. **Violations; administrative orders and penalties.** (a) The board may issue an administrative order to any licensed business who the board determines has committed a violation of this chapter or rules adopted pursuant to this chapter. The administrative order may require the business to correct the violation or to cease and desist from committing the violation. The order must state the deficiencies that constitute the violation and the time by which the violation must be corrected. If the business believes that the information in the administrative order is in error, the person may ask the board to consider the parts of the order that are alleged to be in error. The request must be in writing, delivered to the board by certified mail within seven days after receipt of the order, and provide documentation to support the allegation of error. The board must respond to a request for reconsideration within 15 days after receiving the request. A request for reconsideration does not stay the

correction order unless the board issues a supplemental order granting additional time. The board's disposition of a request for reconsideration is final.

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

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

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

Subd. 7. **Nonpublic data.** (a) The following data collected, created, or maintained by the board is classified as private, pursuant to section 13.02, subdivision 9:

(1) data submitted by an applicant for a cannabis business license, other than the applicant's name and designated address;

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

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

(4) inactive investigative data relating to violations of statutes or rules; and

(5) the record of any disciplinary proceeding except as limited by paragraph (b).

(b) Minutes, application data on license holders except nondesignated addresses, orders for hearing, findings of fact, conclusions of law, and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 13.02, subdivision 15. If there is a public hearing concerning the disciplinary action, the entire record concerning the disciplinary proceeding is public data pursuant to section 13.02, subdivision 15. If the license holder and the board agree to resolve a complaint without a hearing, the agreement and the specific reasons for the agreement are public data.

Sec. 16. **[342.18] LICENSE SUSPENSION OR REVOCATION; HEARING.**

Subdivision 1. **License revocation and nonrenewal.** The board may revoke or not renew a license when it has cause to believe that a cannabis business has violated an ownership or operational requirement established in this chapter or rules adopted pursuant

to this chapter. The board shall notify the business in writing, specifying the grounds for revocation or nonrenewal and fixing a time of at least 20 days thereafter for a hearing on the matter.

Subd. 2. **Hearing; written findings.** (a) Before the board revokes or does not renew a license, the license holder shall be provided with a statement of the complaints made against the license holder and a hearing shall be held before the board to determine whether the license should be revoked or renewal should be denied. The license holder shall receive notice at least 20 days before the date of the hearing and notice may be served either by certified mail addressed to the address of the license holder as shown in the license application or in the manner provided by law for the service of a summons. At the time and place fixed for the hearing, the board, or any official employee or agent of the board authorized by the board to conduct the hearing, shall receive evidence, administer oaths, and examine witnesses.

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

Subd. 3. **Temporary suspension.** The board may temporarily, without hearing, suspend the license and operating privilege of any business licensed under this chapter for a period of up to 90 days if continued operation would threaten the health or safety of any person. The board may extend the period for an additional 90 days if the board notified the business that it intends to revoke or not renew a license and the hearing required under subdivision 1 has not taken place.

Sec. 17. **[342.20] ADULT-USE CANNABIS BUSINESS; GENERAL OWNERSHIP DISQUALIFICATIONS AND REQUIREMENTS.**

Subdivision 1. **Criminal offenses; disqualifications.** (a) No person may hold or receive a license issued under this chapter, or work for a cannabis business, if the person has been convicted of, or received a stay of adjudication for, 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 board determines that the person's conviction was for the possession or sale of cannabis.

(b) A person who has been convicted of, or received a stay of adjudication for, a violation of section 152.023, subdivision 1, clause (3), or a state or federal law in conformity with that provision, for the sale of cannabis to a person under the age of 18 may hold or receive

a license issued under this chapter, or work for a cannabis business, if 20 years have passed since the date the person was convicted or adjudication was stayed.

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

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

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

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

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

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

Subd. 2. **General requirements.** (a) A license holder or applicant must meet each of the following requirements, if applicable, to hold or receive a license issued under this chapter:

(1) be at least 21 years of age;

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

(3) have paid the applicable application fee;

(4) reside in the state;

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

(6) if the applicant or license holder is a business entity, at least 75 percent of the business must be owned by Minnesota residents;

(7) not be employed by the board or any state agency with regulatory authority under this chapter or the rules adopted pursuant to this chapter;

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

(9) never have had a license previously issued under this chapter revoked;

(10) have filed any previously required tax returns for a cannabis business;

(11) have paid and remitted any business taxes, gross receipts taxes, interest, or penalties due relating to the operation of a cannabis business;

(12) have fully and truthfully complied with all information requests of the board relating to license application and renewal;

(13) not be disqualified under subdivision 1;

(14) not employ a person who is disqualified from working for a cannabis business under this chapter; and

(15) meet the ownership and operational requirements for the type of license and, if applicable, endorsement sought or held.

(b) If the license holder or applicant is a business entity, every officer, director, manager, and general partner of the business entity must meet each of the requirements of this section.

Sec. 18. **[342.21] CANNABIS BUSINESS; GENERAL OPERATIONAL REQUIREMENTS AND PROHIBITIONS.**

Subdivision 1. **Persons under 21 years of age.** (a) A cannabis business may not employ a person under 21 years of age.

(b) A cannabis business may not permit a person under 21 years of age to enter the business premises other than entry into an area that solely dispenses medical cannabis or medical cannabis products.

(c) A cannabis business may not sell or give cannabis or cannabis products to a person under 21 years of age unless the person is a patient; registered designated caregiver; or a parent, legal guardian, or spouse of a patient who is authorized to use, possess, or transport medical cannabis or medical cannabis products.

Subd. 2. **Use of cannabis and cannabis products within a licensed cannabis business.** (a) A cannabis business may not permit a person who is not an employee to consume cannabis or cannabis products within its licensed premises unless the business is licensed to permit on-site consumption.

(b) Except as otherwise provided in this subdivision, a cannabis business may not permit an employee to consume cannabis or cannabis products within its licensed premises or while the employee is otherwise engaged in activities within the course and scope of employment.

(c) A cannabis business may permit an employee to use medical cannabis and medical cannabis products if that person is a patient.

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

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

(1) is an employee of a cannabis business, the board, or another enforcement agency;

(2) is a contractor of the cannabis business including but not limited to an electrician, a plumber, an engineer, or an alarm technician, whose scope of work will not involve the handling of cannabis or cannabis products and, if the person is working in an area with immediate access to cannabis or cannabis products, the person is supervised at all times by an employee; or

(3) has explicit authorization from the board to enter a restricted area and, if the person is in an area with immediate access to cannabis or cannabis products, the person is supervised at all times by an employee.

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

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

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

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

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

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

Subd. 7. **Use of statewide monitoring system.** (a) A cannabis business must use the statewide monitoring system for integrated cannabis tracking, inventory, and verification to track all cannabis and cannabis products in its possession to the point of disposal, transfer, or sale.

(b) For the purposes of this subdivision, a cannabis business possesses the cannabis it cultivates from seed or immature plant, if applicable, or receives from another cannabis business and possesses the cannabis products it manufactures or receives from another cannabis business.

(c) Sale and transfer of cannabis and cannabis products must be recorded in the statewide monitoring system within the time established by rule.

Subd. 8. **Disposal; loss documentation.** (a) A cannabis business must dispose of cannabis and cannabis products that are damaged, have a broken seal, have been contaminated, or have not been sold by the expiration date on the label.

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

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

(d) Any products lost or stolen must be reported to local law enforcement and must be logged in the statewide monitoring system as soon as the loss is discovered.

Subd. 9. **Sale of approved products.** A cannabis business may only sell cannabis or cannabis products that are approved by the board and that comply with the provisions of

this chapter and rules adopted pursuant to this chapter regarding the testing, packaging, and labeling of cannabis and cannabis products.

Subd. 10. **Security.** A cannabis business must maintain and follow a security plan to deter and prevent the theft or diversion of cannabis or cannabis products, unauthorized entry into the cannabis business, and the theft of currency.

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

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

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

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

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

Sec. 19. **[342.22] CANNABIS CULTIVATOR LICENSING.**

Subdivision 1. **Authorized actions.** (a) A cannabis cultivator license to cultivate cannabis entitles the license holder to grow cannabis within the approved amount of space from seed or immature plant to mature plant, harvest cannabis from a mature plant, package and label

cannabis for sale to other cannabis businesses, transport cannabis to a cannabis manufacturer located on the same premises, and perform other actions approved by the board.

(b) The board may issue an applicant either of the following types of cultivator licenses:

(1) a craft cultivator license, which allows cultivation by a license holder of not more than 10,000 feet of plant canopy; or

(2) a bulk cultivator license, which allows cultivation by a license holder of not more than 30,000 feet of plant canopy.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis cultivator license must submit the following information in a form approved by the board:

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

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

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

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a cannabis cultivator license may also hold a cannabis manufacturing license, medical cannabis license, a license to grow industrial hemp, and a cannabis event organizer license.

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

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

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

Subd. 4. **Limitations on health care practitioners.** A health care practitioner who certifies qualifying medical conditions for patients is prohibited from:

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

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

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

Subd. 5. **Remuneration.** A cannabis cultivator is prohibited from:

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

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

Sec. 20. **[342.23] CANNABIS CULTIVATOR OPERATIONS.**

Subdivision 1. **Cultivation records.** A cannabis cultivator must prepare a cultivation record for each batch of cannabis in the form required by the board and must maintain each record for at least five years. The cultivation record must include the quantity and timing, where applicable, of each pesticide, fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any other information required by the board in rule. A licensed cultivator must present cultivation records to the board, the commissioner of agriculture, or the commissioner of health upon request.

Subd. 2. **Agricultural chemicals and other inputs.** A cannabis cultivator is subject to rules promulgated by the commissioner of agriculture governing the use of pesticides, fertilizers, soil amendments, plant amendments, and other inputs to cultivate cannabis.

Subd. 3. **Cultivation plan.** A cannabis cultivator must prepare, maintain, and execute an operating plan and a cultivation plan as directed by the board in rule, which must include but is not limited to the following components:

(1) water usage;

(2) recycling;

(3) solid waste disposal; and

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

Subd. 4. **Pesticides; pollinator protection.** (a) A licensed cultivator must comply with chapters 18B, 18D, 18E, and any other pesticide laws and rules enforced by the commissioner of agriculture.

(b) A licensed cultivator must not apply pesticides when pollinators are present or allow pesticides to drift to flowering plants that are attractive to pollinators.

Subd. 5. **Adulteration prohibited.** A licensed cultivator must not treat or otherwise adulterate cannabis with any substance or compound that has the effect or intent of altering the color, appearance, weight, or smell of the cannabis.

Subd. 6. **Indoor, outdoor cultivation authorized; security.** A licensed cultivator may cultivate cannabis indoors or outdoors, subject to the security, fencing, lighting, and any other requirements imposed by the board in rule.

Subd. 7. **Organic production; labeling.** (a) All cannabis sold or offered for sale by a cannabis cultivator must be certified as organic under the organic cannabis certification program established by rule by the commissioner of agriculture.

(b) A person cannot label, advertise, or otherwise represent cannabis or a cannabis product as organic unless the product is certified under the organic cannabis certification program established by rule by the commissioner of agriculture.

Subd. 8. **Seed limitation.** The commissioner of agriculture must not authorize a release under chapter 18F and a cannabis cultivator must not cultivate a cannabis plant derived from genetic engineering, as defined in section 18F.02.

Sec. 21. **[342.24] CANNABIS MANUFACTURER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis manufacturer license, consistent with the specific license endorsement or endorsements, entitles the license holder to extract tetrahydrocannabinol and other raw materials from cannabis, concentrate tetrahydrocannabinol, manufacture products for public consumption, package and label cannabis products for sale to other cannabis businesses, and perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section,

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

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

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

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a cannabis manufacturer license may also hold a cannabis cultivator license, a medical cannabis license, and a cannabis event organizer license.

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

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

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

Subd. 4. **Limitations on health care practitioners.** A health care practitioner who certifies qualifying medical conditions for patients is prohibited from:

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

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

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

Subd. 5. **Remuneration.** A cannabis manufacturer is prohibited from:

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

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

Sec. 22. **[342.25] CANNABIS MANUFACTURER OPERATIONS.**

Subdivision 1. **All manufacturer operations.** (a) Cannabis manufacturing must take place in an enclosed, locked facility that is used exclusively for the manufacture of cannabis products except that a business that also holds a cannabis cultivator license may operate in a facility that shares general office space, bathrooms, entryways, and walkways.

(b) Cannabis manufacturing must take place on equipment that is used exclusively for the manufacture of cannabis products.

(c) A cannabis manufacturer must comply with all applicable packaging, labeling, and health and safety requirements.

Subd. 2. **Extraction and concentration.** (a) A cannabis manufacturer that extracts and concentrates tetrahydrocannabinol and other raw materials from cannabis must obtain an endorsement from the board.

(b) A cannabis manufacturer must inform the board of all methods of extraction and concentration it intends to use and identify the volatile chemicals, if any, that will be involved in extraction or concentration. A cannabis manufacturer may not use a method of extraction and concentration or a volatile chemical without approval by the board.

(c) A cannabis manufacturer must obtain a certification from an independent third-party industrial hygienist or professional engineer approving:

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

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

(d) Upon sale of extracted or concentrated tetrahydrocannabinol or other raw materials to any person, cooperative, or business, a cannabis manufacturer must provide a statement that discloses the method of extraction and concentration used and any solvents or gasses, including but not limited to any volatile chemicals, involved in that method.

Subd. 3. **Production of customer products.** (a) A cannabis manufacturer that produces edible cannabis products must obtain an endorsement under section 28A.30.

(b) A cannabis manufacturer that produces cannabis products other than edible products must obtain an endorsement from the board.

(c) All areas within the licensed premises of a cannabis manufacturer producing cannabis products must meet the sanitary standards specified in rules adopted by the board.

(d) A cannabis manufacturer may only add chemicals or compounds approved by the board to concentrates and extracts.

(e) Upon sale of any cannabis products to a cannabis business, a cannabis manufacturer must provide a statement that discloses the product's ingredients, including but not limited to any chemicals or compounds.

(f) A cannabis manufacturer shall not add any cannabis, extract, or concentrate to a product where the manufacturer of the product holds a trademark to the product's name; except that a cannabis products manufacturer may use a trademarked food product if the manufacturer uses the product as a component or as part of a recipe and where the cannabis manufacturer does not state or advertise to the customer that the final retail cannabis product contains a trademarked food product.

Sec. 23. **[342.26] CANNABIS RETAILER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis retailer license entitles the license holder to sell immature cannabis plants and seedlings, adult-use cannabis, adult-use cannabis products, and other products authorized by law to customers and perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis retail license must submit the following information in a form approved by the board:

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

(2) an operating plan demonstrating the proposed layout of the facility including a diagram of ventilation and filtration systems; policies to avoid sales to persons who are under 21 years of age; identification of a restricted area for storage; and plans to prevent visibility of cannabis and cannabis products to individuals outside the retail location; and

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

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

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

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

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

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

Subd. 4. **Municipal cannabis store.** A city may establish, own, and operate a municipal cannabis store subject to the restrictions in this chapter.

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

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

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

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

Subd. 6. **Remuneration.** A cannabis retailer is prohibited from:

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

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

Sec. 24. **[342.27] CANNABIS RETAILER OPERATIONS.**

Subdivision 1. **Sale of cannabis and cannabis products.** (a) A cannabis retailer may only sell immature cannabis plants and seedlings, adult-use cannabis, and adult-use cannabis products to persons who are at least 21 years of age.

(b) A cannabis retailer may sell immature cannabis plants and seedlings, adult-use cannabis, and adult-use cannabis products that:

(1) are obtained from a licensed Minnesota cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or cannabis wholesaler; and

(2) meet all applicable packaging and labeling requirements.

(c) A cannabis retailer may sell up to 1.5 ounces of adult-use cannabis, eight grams of adult-use cannabis concentrate, and edible cannabis products infused with 800 milligrams of tetrahydrocannabinol during a single transaction to a customer.

(d) Products infused with tetrahydrocannabinol may not include more than a total of 100 milligrams of tetrahydrocannabinol per package. A package may contain multiple servings of ten milligrams of tetrahydrocannabinol provided each serving is indicated by scoring, wrapping, or other indicators designating the individual serving size.

Subd. 2. **Sale of other products.** (a) A cannabis retailer may sell cannabis paraphernalia including but not limited to childproof packaging containers and other devices designed to ensure safe storage and monitoring of cannabis and cannabis products in the home to prevent access by persons under 21 years of age.

(b) A cannabis retailer may sell the following products that do not contain cannabis or tetrahydrocannabinol:

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

(2) books and videos on the cultivation and use of cannabis and cannabis products;

(3) magazines and other publications published primarily for information and education on cannabis and cannabis products;

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

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

(6) hemp products.

Subd. 3. **Age verification.** (a) Prior to initiating a sale, an employee of the cannabis retailer must verify that the customer is at least 21 years of age.

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

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

(2) a valid passport issued by the United States;

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

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

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

Subd. 4. **Display of cannabis and cannabis products.** (a) A cannabis retailer must designate a retail area where customers are permitted. The retail area shall include the portion of the premises where samples of cannabis and cannabis products available for sale are displayed. All other cannabis and cannabis products must be stored in the secure storage area.

(b) A cannabis retailer may display one sample of each type of cannabis or cannabis product available for sale. Samples of cannabis and cannabis products must be stored in a sample jar or display case and be accompanied by a label or notice containing the information required to be affixed to the packaging or container containing cannabis and cannabis products sold to customers. A sample may not consist of more than eight grams of useable cannabis or adult-use cannabis concentrate or an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the cannabis or cannabis product before purchase.

(c) A cannabis retailer may not sell cannabis or cannabis products used as a sample for display.

Subd. 5. **Posting of notices.** A cannabis retailer must post all notices as required by the board including but not limited to the following:

(1) information about any product recall;

(2) a statement that operating a motor vehicle under the influence of cannabis is illegal; and

(3) a statement that cannabis and cannabis products are only intended for consumption by persons who are at least 21 years of age.

Subd. 6. **Hours of operation.** (a) Except as provided by paragraph (b), a cannabis retailer may not sell cannabis or cannabis products between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

(b) A city or county may adopt an ordinance to permit sales between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, or between 2:00 a.m. and 10:00 a.m. on Sunday.

Subd. 7. **Building conditions.** (a) A cannabis retailer shall maintain compliance with state and local building, fire, and zoning requirements or regulations.

(b) A cannabis retailer shall ensure that the licensed premises is maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

Subd. 8. **Security.** A cannabis retailer shall maintain compliance with security requirements established by the board including but not limited to requirements for maintaining video surveillance records, use of specific locking mechanisms, establishment of secure entries, and the number of employees working at all times.

Subd. 9. **Lighting.** A cannabis retailer must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.

Subd. 10. **Deliveries.** Cannabis retailers may only accept cannabis deliveries into a limited access area. Deliveries may not be accepted through the public access areas unless otherwise approved by the board.

Subd. 11. **Prohibitions.** A cannabis retailer shall not:

(1) sell cannabis or cannabis products to a person who is visibly intoxicated;

(2) knowingly sell more cannabis or cannabis products than a customer is legally permitted to possess;

(3) give away immature cannabis plants or seedlings, cannabis, or cannabis products;

(4) operate a drive-through window;

(5) allow for the dispensing of cannabis or cannabis products in vending machines; or

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

Subd. 12. **Retail location; physical separation required.** (a) A licensed cannabis retailer that is also a licensed medical cannabis business may sell medical cannabis and medical cannabis products on a portion of its premises.

(b) The portion of the premises in which medical cannabis and medical cannabis products are sold must be definite and distinct from all other areas of the cannabis retailer, must be accessed through a distinct entrance, and must provide an appropriate space for a pharmacist employee of the medical cannabis business to consult with the patient to determine the proper type of medical cannabis or medical cannabis product and proper dosage for the patient.

Sec. 25. **[342.28] CANNABIS WHOLESALER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis wholesaler license entitles the license holder to purchase immature cannabis plants and seedlings, cannabis, cannabis products, hemp, and hemp products from cannabis cultivators, cannabis manufacturers, cannabis microbusinesses, and industrial hemp growers; sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp, and hemp products to cannabis manufacturers and cannabis retailers; and perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis wholesaler license must submit the following information in a form approved by the board:

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

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

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

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

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

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

Sec. 26. **[342.29] CANNABIS WHOLESALER OPERATIONS.**

Subdivision 1. **Separation of products.** A cannabis wholesaler must assure that cannabis and cannabis products are physically separated from industrial hemp and hemp products in a manner that prevents any cross contamination.

Subd. 2. **Records and labels.** A cannabis wholesaler must maintain accurate records and assure that appropriate labels remain affixed to cannabis, cannabis products, industrial hemp, and hemp products.

Subd. 3. **Building conditions.** (a) A cannabis wholesaler shall maintain compliance with state and local building, fire, and zoning requirements or regulations.

(b) A cannabis wholesaler shall ensure that the licensed premises is maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

Subd. 4. **Sale of other products.** A cannabis wholesaler may purchase and sell cannabis paraphernalia including but not limited to childproof packaging containers and other devices designed to ensure safe storage and monitoring of cannabis and cannabis products in the home to prevent access by persons under 21 years of age.

Sec. 27. **[342.30] CANNABIS TRANSPORTER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis transporter license entitles the license holder to transport immature cannabis plants and seedlings, cannabis, cannabis products, hemp, and hemp products from cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis microbusinesses, medical cannabis businesses, and industrial hemp growers to cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, and medical cannabis businesses, and perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis transporter license must submit the following information in a form approved by the board:

(1) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than $300,000, for loss of or damage to cargo;

(2) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than $1,000,000, for injury to one or more persons in any one accident and, if an accident has resulted in injury to or

destruction of property, of not less than $100,000 because of such injury to or destruction of property of others in any one accident;

(3) the number and type of equipment the business will use to transport cannabis and cannabis products;

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

(5) a description of the applicant's experience in the distribution or security business; and

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

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

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

(c) The board by rule may limit the number of cannabis transporter licenses a person or business may hold.

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

Sec. 28. **[342.31] CANNABIS TRANSPORTER OPERATIONS.**

Subdivision 1. **Electric vehicles.** All vehicles used by a cannabis transporter must be fully electric.

Subd. 2. **Manifest required.** Before transporting cannabis plants and seedlings, cannabis, or cannabis products, a cannabis transporter shall obtain a shipping manifest on a form established by the board. The manifest must be kept with the products at all times and the cannabis transporter must maintain a copy of the manifest in its records.

Subd. 3. **Records of transportation.** Records of transportation must be kept for a minimum of three years at the cannabis transporter's place of business and are subject to inspection upon request by the board or law enforcement agency. Records of transportation include the following:

(1) copies of transportation manifests for all deliveries;

(2) a transportation log documenting the chain of custody for each delivery, including every employee and vehicle used during transportation; and

(3) financial records showing payment for transportation services.

Subd. 4. **Storage compartment.** Cannabis plants and seedlings, cannabis, and cannabis products must be transported in a locked, safe, and secure storage compartment that is part of the motor vehicle or in a locked storage container that has a separate key or combination pad. Cannabis plants and seedlings, cannabis, and cannabis products may not be visible from outside the motor vehicle.

Subd. 5. **Identifying logos or business names prohibited.** No vehicle or trailer may contain an image depicting cannabis or cannabis products or a name suggesting that the vehicle is used in transporting cannabis plants and seedlings, cannabis, or cannabis products.

Subd. 6. **Randomized deliveries.** A cannabis transporter shall ensure that all delivery times and routes are randomized.

Subd. 7. **Multiple employees.** All cannabis transporter vehicles transporting cannabis plants and seedlings, cannabis, or cannabis products must be staffed with a minimum of two employees. At least one delivery team member shall remain with the motor vehicle at all times that the motor vehicle contains cannabis plants and seedlings, cannabis, or cannabis products.

Subd. 8. **Nonemployee passengers prohibited.** Only an employee of the cannabis transporter who is at least 21 years of age may transport cannabis plants and seedlings, cannabis, or cannabis products. All passengers in a vehicle must be employees of the cannabis transporter.

Subd. 9. **Drivers license required.** All drivers must carry a valid Minnesota driver's license with the proper endorsements when operating a vehicle transporting cannabis plants and seedlings, cannabis, or cannabis products.

Subd. 10. **Vehicles subject to inspection.** Any vehicle assigned for the purposes of transporting cannabis plants and seedlings, cannabis, or cannabis products is subject to inspection and may be stopped or inspected at any licensed cannabis business or while en route during transportation.

Sec. 29. **[342.32] CANNABIS TESTING FACILITY LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis testing facility license entitles the license holder to obtain and test immature cannabis plants and seedlings, cannabis, cannabis products,

hemp, and hemp products from cannabis cultivators, cannabis manufacturers, cannabis microbusinesses, medical cannabis businesses, and industrial hemp growers.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis testing facility license must submit the following information in a form approved by the board:

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

(2) proof of accreditation by a laboratory accrediting organization approved by the board; and

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

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a cannabis testing facility license may not own or operate, or be employed by, any other cannabis business.

(b) The board by rule may limit the number of cannabis testing facility licenses a person or business may hold.

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

Sec. 30. **[342.33] CANNABIS TESTING FACILITY OPERATIONS.**

Subdivision 1. **Testing services.** A cannabis testing facility shall provide all testing services required under section 342.60 and rules adopted pursuant to that section.

Subd. 2. **Testing protocols.** A cannabis testing facility shall follow all testing protocols, standards, and criteria adopted by rule by the board for the testing of different forms of cannabis and cannabis products; determining batch size; sampling; testing validity; and approval and disapproval of tested cannabis and cannabis products.

Subd. 3. **Records.** Records of all business transactions and testing results; records required to be maintained pursuant to any applicable standards for accreditation; and records relevant to testing protocols, standards, and criteria adopted by the board must be kept for

a minimum of three years at the cannabis testing facility's place of business and are subject to inspection upon request by the board or law enforcement agency.

Subd. 4. **Disposal of cannabis and cannabis products.** A testing facility shall dispose of or destroy used, unused, and waste cannabis and cannabis products pursuant to rules adopted by the board.

Sec. 31. **[342.34] CANNABIS MICROBUSINESS LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis microbusiness license, consistent with the specific license endorsement or endorsements, entitles the license holder to perform any or all of the following:

(1) grow cannabis from seed or immature plant to mature plant, harvest cannabis from a mature plant, package, and label cannabis for sale to other cannabis businesses;

(2) extract tetrahydrocannabinol and other raw materials from cannabis, and concentrate tetrahydrocannabinol;

(3) manufacture edible cannabis products for public consumption;

(4) purchase concentrated tetrahydrocannabinol from a cannabis manufacturer or cannabis wholesaler for use in manufacturing edible cannabis products;

(5) sell immature cannabis plants and seedlings, adult-use cannabis, adult-use cannabis products, and other products authorized by law to customers;

(6) operate an establishment that permits on-site consumption of edible cannabis products; and

(7) perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis microbusiness license must submit the following information in a form approved by the board:

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

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

(3) if the applicant is seeking an endorsement to extract and concentrate tetrahydrocannabinol and other raw materials from cannabis, information identifying all methods of extraction and concentration it intends to use and the volatile chemicals, if any, that will be involved in extraction or concentration;

(4) if the applicant is seeking an endorsement to manufacture edible cannabis products for public consumption, proof of an endorsement under section 28A.30; and

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

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a cannabis microbusiness license may not own or operate, or be employed by, any other cannabis business.

(b) A person, cooperative, or business holding a cannabis microbusiness license may hold a cannabis event organizer license.

(c) The board by rule may limit the number of cannabis microbusiness licenses a person or business may hold.

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

Sec. 32. **[342.35] CANNABIS MICROBUSINESS OPERATIONS.**

Subdivision 1. **Cultivation endorsement.** (a) A cannabis microbusiness that cultivates cannabis must comply with the requirements in section 342.23.

(b) A cannabis microbusiness that cultivates cannabis may cultivate not more than 2,000 square feet of plant canopy.

Subd. 2. **Extraction and concentration endorsement.** A cannabis microbusiness that extracts and concentrates tetrahydrocannabinol and other raw materials from cannabis must comply with the requirements in section 342.25, subdivisions 1 and 2.

Subd. 3. **Production of customer products endorsement.** A cannabis microbusiness that manufacturers edible cannabis products must comply with the requirements in section 342.25, subdivisions 1 and 3.

Subd. 4. **Retail operations endorsement.** A cannabis microbusiness that operates a retail location must comply with the requirements in section 342.27.

Subd. 5. **On-site consumption endorsement.** (a) A cannabis microbusiness may permit on-site consumption of edible cannabis products on a portion of its premises.

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

(c) Edible cannabis products sold for on-site consumption must comply with the provisions of this chapter and rules adopted pursuant to this chapter regarding the testing, packaging, and labeling of cannabis and cannabis products.

(d) Edible cannabis products sold for on-site consumption may be removed from their packaging and consumed on site.

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

(f) A cannabis microbusiness shall ensure that the display and consumption of any edible cannabis product is not visible from outside of the licensed premises of the business.

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

(h) A cannabis microbusiness may not:

(1) sell edible cannabis products to a person who is under 21 years of age;

(2) permit a person who is under 21 years of age to enter the premises;

(3) sell more than one single serving of an edible cannabis product to a customer;

(4) sell an edible cannabis product to a person who is visibly intoxicated;

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

(6) sell food or drink, other than packaged and labeled edible cannabis products, infused with cannabis or tetrahydrocannabinol;

(7) permit edible cannabis products sold in the portion of the area designated for on-site consumption to be removed from that area;

(8) permit adult-use cannabis, adult-use cannabis products, or tobacco to be consumed through smoking or a vaporized delivery method on the premises; or

(9) distribute or allow free samples of cannabis or cannabis products.

Sec. 33. **[342.36] CANNABIS EVENT ORGANIZER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days.

Subd. 2. **Additional information required.** (a) In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis event organizer license must submit the following information in a form approved by the board:

(1) the type and number of any other cannabis business license held by the applicant;

(2) the address and location where the temporary cannabis event will take place;

(3) the name of the temporary cannabis event;

(4) a diagram of the physical layout of the temporary cannabis event showing where the event will take place on the grounds, all entrances and exits that will be used by participants during the event, all cannabis consumption areas, all cannabis retail areas where cannabis and cannabis products will be sold, the location where cannabis waste will be stored, and any location where cannabis and cannabis products will be stored;

(5) a list of the name, number, and type of cannabis businesses that will sell cannabis and cannabis products at the event, which may be supplemented or amended within 72 hours of the time at which the cannabis event begins;

(6) the dates and hours during which the cannabis event will take place;

(7) proof of local approval for the cannabis event; and

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

(b) A person, cooperative, or business seeking a cannabis event organizer license may also disclose whether the person or any officer, director, manager, and general partner of a cannabis business is serving or has previously served in the military.

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a cannabis event organizer license may not hold a cannabis testing facility license.

(b) The board by rule may limit the number of cannabis event licenses a person or business may hold.

(c) For purposes of this subdivision, restrictions on the number or type of license a business may hold apply to every cooperative member or every director, manager, and general partner of a cannabis business.

Sec. 34. **[342.37] CANNABIS EVENT ORGANIZER OPERATIONS.**

Subdivision 1. **Local approval.** A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government, before holding a cannabis event.

Subd. 2. **Charging fees.** (a) A cannabis event organizer may charge an entrance fee to a cannabis event.

(b) A cannabis event organizer may charge a fee to a cannabis business in exchange for space to display and sell cannabis and cannabis products. Any fee paid for participation in a cannabis event shall not be based on or tied to the sale of cannabis or cannabis products.

Subd. 3. **Security.** A cannabis event organizer must hire or contract for licensed security personnel to provide security services at the cannabis event. All security personnel hired or contracted for shall be at least 21 years of age and present on the licensed event premises at all times cannabis products are available for sale or consumption of adult-use cannabis or adult-use cannabis products is allowed. The security personnel shall not consume cannabis or cannabis products before or during the event.

Subd. 4. **Limited access to event.** A cannabis event organizer shall ensure that access to an event is limited to persons who are at least 21 years of age. At or near each public entrance to any area where the sale or consumption of cannabis or cannabis products is allowed a cannabis event organizer shall maintain a clearly visible and legible sign consisting of the following statement: No persons under 21 allowed. The lettering of the sign shall be not less than one inch in height.

Subd. 5. **Cannabis waste.** A cannabis event organizer shall ensure that all cannabis and cannabis products are disposed of in a manner approved by the board.

Subd. 6. **Transportation of cannabis and cannabis products.** All transportation of cannabis and cannabis products intended for display or sale and all cannabis and cannabis products used for display or not sold during the cannabis event must be transported to and from the cannabis event by a licensed cannabis transporter.

Subd. 7. **Cannabis event sales.** (a) Licensed cannabis retailers and licensed cannabis microbusinesses with an endorsement to sell cannabis and cannabis products to customers, including the cannabis event organizer, may sell cannabis and cannabis products to customers at a cannabis event.

(b) All sales of cannabis and cannabis products at a cannabis event must take place in a retail area as designated in the premises diagram.

(c) Licensed cannabis retailers and licensed cannabis microbusinesses may only conduct sales within their specifically assigned area.

(d) Licensed cannabis retailers and licensed cannabis microbusinesses must verify the age of all customers pursuant to section 342.27, subdivision 3, before completing a sale and may not sell cannabis or cannabis products to a person under 21 years of age.

(e) Licensed cannabis retailers and licensed cannabis microbusinesses may display one sample of each type of cannabis or cannabis product available for sale. Samples of cannabis and cannabis products must be stored in a sample jar or display case and be accompanied by a label or notice containing the information required to be affixed to the packaging or container containing cannabis and cannabis products sold to customers. A sample may not consist of more than eight grams of useable cannabis or adult-use cannabis concentrate, or an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the cannabis or cannabis product before purchase.

(f) The notice requirements under section 342.27, subdivision 5, apply to licensed cannabis retailers and licensed cannabis microbusinesses offering cannabis or cannabis products for sale at a cannabis event.

(g) Licensed cannabis retailers and licensed cannabis microbusinesses may not:

(1) sell cannabis or cannabis products to a person who is visibly intoxicated;

(2) knowingly sell more cannabis or cannabis products than a customer is legally permitted to possess;

(3) give away immature cannabis plants or seedlings, cannabis, or cannabis products; or

(4) allow for the dispensing of cannabis or cannabis products in vending machines.

(h) Except for samples of cannabis and cannabis products, all cannabis and cannabis products for sale at a cannabis event must be stored in a secure, locked container that is not

accessible to the public. Cannabis and cannabis products being stored at a cannabis event shall not be left unattended.

(i) All cannabis and cannabis products for sale at a cannabis event must comply with the provisions of this chapter and rules adopted pursuant to this chapter regarding the testing, packaging, and labeling of cannabis and cannabis products.

(j) All cannabis and cannabis products sold, damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring system.

Subd. 8. **Cannabis event on-site consumption.** (a) If approved by the local unit of government, a cannabis event may designate an area for consumption of adult-use cannabis, adult-use cannabis products, or both.

(b) Access to areas where consumption of adult-use cannabis or adult-use cannabis products is allowed shall be restricted to persons who are at least 21 years of age.

(c) The cannabis event organizer shall ensure that consumption of adult-use cannabis or adult-use cannabis products within a designated consumption area is not visible from any public place.

(d) The cannabis event organizer shall not permit consumption of alcohol or tobacco.

Sec. 35. **[342.38] CANNABIS DELIVERY SERVICE LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis delivery service license entitles the license holder to obtain purchased cannabis and cannabis products from licensed cannabis retailers, licensed cannabis microbusinesses with an endorsement to sell cannabis and cannabis products to customers, and medical cannabis businesses; transport and deliver cannabis and cannabis products to customers; and perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis delivery service license must submit the following information in a form approved by the board:

(1) a list of all vehicles to be used in the delivery of cannabis and cannabis products including:

(i) the vehicle make, model, and color;

(ii) the vehicle identification number; and

(iii) the license plate number;

(2) proof of insurance on each vehicle;

(3) a business plan demonstrating policies to avoid sales to persons who are under 21 years of age and plans to prevent visibility of cannabis and cannabis products to individuals outside the delivery vehicle; and

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

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a cannabis delivery service license may also hold a cannabis retailer license, a cannabis wholesaler license, a cannabis transporter license, and a cannabis event organizer license subject to the ownership limitations that apply to those licenses.

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

(c) The board by rule may limit the number of cannabis delivery service licenses a person or business may hold.

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

Sec. 36. **[342.39] CANNABIS DELIVERY SERVICE OPERATIONS.**

Subdivision 1. **Age verification.** Prior to completing delivery, a cannabis delivery service shall verify that the customer is at least 21 years of age. The provisions of section 342.27, subdivision 3, apply to the verification of a customer's age.

Subd. 2. **Records.** The board by rule shall establish record-keeping requirements for a cannabis delivery service including but not limited to proof of delivery to persons who are at least 21 years of age.

Subd. 3. **Amount to be transported.** The board by rule shall establish limits on the amount of cannabis and cannabis products a cannabis delivery service may transport.

Subd. 4. **Statewide monitoring system.** Receipt of cannabis and cannabis products by the cannabis delivery service and delivery to a customer must be recorded in the statewide monitoring system within the time established by rule.

Subd. 5. **Storage compartment.** Cannabis and cannabis products must be transported in a locked, safe, and secure storage compartment that is part of the motor vehicle or in a locked storage container that has a separate key or combination pad. Cannabis and cannabis products may not be visible from outside the delivery vehicle.

Subd. 6. **Identifying logos or business names prohibited.** No vehicle or trailer may contain an image depicting cannabis or cannabis products or a name suggesting that the vehicle is used in transporting cannabis or cannabis products.

Subd. 7. **Multiple employees.** All cannabis delivery service vehicles transporting cannabis or cannabis products must be staffed with a minimum of two employees. At least one delivery team member shall remain with the motor vehicle at all times that the motor vehicle contains cannabis or cannabis products.

Subd. 8. **Nonemployee passengers prohibited.** Only an employee of the cannabis delivery service who is at least 21 years of age may transport cannabis plants and seedlings, cannabis, or cannabis products. All passengers in a vehicle must be employees of the cannabis delivery service.

Subd. 9. **Vehicles subject to inspection.** Any cannabis delivery service vehicle is subject to inspection and may be stopped or inspected at any licensed cannabis business or while en route during transportation.

Sec. 37. **[342.40] MEDICAL CANNABIS BUSINESS LICENSING.**

Subdivision 1. **Authorized actions.** A medical cannabis business license, consistent with the specific license endorsement or endorsements, entitles the holder to perform any or all of the following:

(1) grow cannabis from seed or immature plant to mature plant, harvest cannabis from a mature plant, package cannabis, and label cannabis as medical cannabis for sale to other cannabis businesses;

(2) extract tetrahydrocannabinol and other raw materials from cannabis and concentrate tetrahydrocannabinol for use in the manufacturing of medical cannabis products;

(3) manufacture medical cannabis products infused with tetrahydrocannabinol for patients enrolled in the registry program;

(4) purchase concentrated tetrahydrocannabinol from a cannabis manufacturer or cannabis wholesaler for use in manufacturing medical cannabis products infused with tetrahydrocannabinol for patients enrolled in the registry program;

(5) sell medical cannabis, medical cannabis products, and other products authorized by law to patients, registered designated caregivers, and other persons authorized to obtain and possess medical cannabis; cannabis wholesalers; and medical cannabis businesses; and

(6) perform other actions approved by the board.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.15, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a medical cannabis business license must submit the following information in a form approved by the board:

(1) an operating plan demonstrating the proposed layout of the facility including a diagram of ventilation and filtration systems; plans for wastewater and waste disposal for any cultivation or manufacturing activities; plans for providing electricity, water, and other utilities necessary for the normal operation of any cultivation or manufacturing activities; plans for compliance with applicable building code and federal and state environmental and workplace safety requirements and policies; and plans to avoid sales to unlicensed businesses and individuals who are not patients enrolled in the registry program;

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

(3) if the applicant is seeking an endorsement to extract and concentrate tetrahydrocannabinol and other raw materials from cannabis, information identifying all methods of extraction and concentration it intends to use and the volatile chemicals, if any, that will be involved in extraction or concentration;

(4) if the applicant is seeking an endorsement to manufacture products infused with tetrahydrocannabinol for consumption by patients enrolled in the registry program, proof of an endorsement under section 28A.30; and

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

Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a medical cannabis business license may also hold a cannabis cultivator license, a cannabis manufacturer license, a cannabis retailer license, and a cannabis event organizer license subject to the ownership limitations that apply to those licenses.

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

(c) The board by rule may limit the number of medical cannabis business licenses a person or business may hold.

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

Subd. 4. **Limitations on health care practitioners.** A health care practitioner who certifies qualifying medical conditions for patients is prohibited from:

(1) holding a direct or indirect economic interest in a medical cannabis business;

(2) serving on a board of directors or as an employee of a medical cannabis business; or

(3) advertising with a medical cannabis business in any way.

Subd. 5. **Remuneration.** A medical cannabis business is prohibited from:

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

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

Sec. 38. **[342.41] MEDICAL CANNABIS BUSINESS OPERATIONS.**

Subdivision 1. **Cultivation endorsement.** (a) A medical cannabis business that cultivates cannabis must comply with the requirements in section 342.23.

Subd. 2. **Extraction and concentration endorsement.** A medical cannabis business that extracts and concentrates tetrahydrocannabinol and other raw materials from cannabis must comply with the requirements in section 342.25, subdivisions 1 and 2.

Subd. 3. **Production of customer products endorsement.** A medical cannabis business that produces edible cannabis products must comply with the requirements in section 342.25, subdivisions 1 and 3.

Subd. 4. **Retail operations endorsement.** A medical cannabis business that operates a retail location must comply with the requirements in sections 342.27 and 342.51.

Subd. 5. **Retail location; physical separation required.** (a) A licensed cannabis retailer that is also a licensed medical cannabis business may sell medical cannabis and medical cannabis products on a portion of its premises.

(b) The portion of the premises in which medical cannabis and medical cannabis products are sold must be definite and distinct from all other areas of the cannabis retailer, must be accessed through a distinct entrance, and must provide an appropriate space for a pharmacist employee of the medical cannabis business to consult with the patient to determine the proper type of medical cannabis or medical cannabis product and proper dosage for the patient.

Sec. 39. **[342.42] LEGACY MEDICAL CANNABIS MANUFACTURERS.**

Subdivision 1. **Licensure; continued participation in medical cannabis program.** (a) A legacy medical cannabis manufacturer may apply to the board for licensure under this chapter within a time period specified by the board. Notwithstanding any provision to the contrary in this chapter, a legacy medical cannabis manufacturer may obtain:

(1) a cannabis cultivator license, if the legacy medical cannabis manufacturer also obtains a medical cannabis business license and commits to cultivating an adequate supply of medical cannabis for a period of time specified by the board;

(2) a cannabis manufacturer license, if the legacy medical cannabis manufacturer also obtains a medical cannabis business license and commits to manufacturing an adequate supply of medical cannabis products for a period of time specified by the board; and

(3) a cannabis retailer license, if the legacy medical cannabis manufacturer also obtains a medical cannabis business license and commits to offering for sale medical cannabis and medical cannabis products for a period of time specified by the board, within the limits of available supply.

(b) For purposes of this section, "adequate supply" means a cultivation, manufacturing, or inventory level of medical cannabis or medical cannabis products needed to meet the demand of patients enrolled in the registry program.

(c) A legacy medical cannabis manufacturer shall not hold a cannabis business license not listed in paragraph (a).

(d) The board may by rule limit the number of cannabis cultivator, cannabis manufacturer, cannabis retailer, and medical cannabis business licenses a legacy medical cannabis manufacturer may hold.

(e) For purposes of this subdivision, a restriction on the number or type of licenses a legacy medical cannabis manufacturer may hold applies to every director, manager, and general partner of a legacy medical cannabis manufacturer.

Subd. 2. **Licensure procedures; ownership requirements.** A legacy medical cannabis manufacturer that wishes to be licensed under this chapter must apply for licensure according to the procedures in section 342.15. A legacy medical cannabis manufacturer is exempt from the ownership requirements in section 342.20, subdivision 2, paragraph (a), clause (6). A legacy medical cannabis manufacturer must comply with the limitations in section 342.40, subdivision 4, regarding ownership or governance by or employment of a health care practitioner who certifies qualifying medical conditions for patients.

Subd. 3. **Inadequate supply of medical cannabis or medical cannabis products.** If there is an inadequate supply of medical cannabis or medical cannabis products in the state, a legacy medical cannabis manufacturer holding a medical cannabis business license and a cannabis cultivator, cannabis manufacturer, or cannabis retailer license must prioritize the cultivation of medical cannabis, manufacture of medical cannabis products, and retail sale of medical cannabis and medical cannabis products, as applicable based on the licenses held by the legacy medical cannabis manufacturer.

Subd. 4. **Energy use.** A medical cannabis business whose license is held by a legacy medical cannabis manufacturer must comply with the energy use standards established by the board within five years after licensure by the board. A cannabis cultivator, cannabis manufacturer, or cannabis retailer whose license is held by a legacy medical cannabis manufacturer must comply with the energy use standards established by the board upon licensure by the board.

Sec. 40. **[342.50] PATIENT REGISTRY PROGRAM.**

Subdivision 1. **Administration.** The Office of Medical Cannabis shall administer the medical cannabis registry program.

Subd. 2. **Application procedure for patients.** (a) A patient seeking to enroll in the registry program shall submit to the Office of Medical Cannabis an application established by the Office of Medical Cannabis and a copy of the certification specified in paragraph (b). The patient must provide at least the following information in the application:

(1) the patient's name, mailing address, and date of birth;

(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 registered designated caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as caregiver;

(4) a disclosure signed by the patient that includes:

(i) a statement that, notwithstanding any law to the contrary, the Office of Medical Cannabis, the board, or an employee of the office or the board may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by an act or omission while acting within the scope of office or employment under sections 342.50 to 342.59; and

(ii) the patient's acknowledgment that enrollment in the registry program is conditional on the patient's agreement to meet all other requirements of sections 342.50 to 342.59; and

(5) all other information required by the Office of Medical Cannabis.

(b) As part of the application under this subdivision, a patient must submit a copy of the certification from the patient's health care practitioner that is dated within 90 days prior to submission of the application. In the certification, the patient's health care practitioner must certify that the patient has been diagnosed with a qualifying medical condition and, if applicable, that in the health care practitioner's medical opinion, the patient is developmentally or physically disabled and, as a result of the disability, the patient requires assistance in administering medical cannabis or medical cannabis products or in obtaining medical cannabis or medical cannabis products from a cannabis retailer or medical cannabis business.

Subd. 3. **Application procedure for veterans.** A patient who is also a veteran and is seeking to enroll in the registry program shall submit to the Office of Medical Cannabis an application established by the Office of Medical Cannabis according to subdivision 2 and a copy of the veteran's medical record from the United States Department of Veterans Affairs or other official documentation from the United States Department of Veterans Affairs. The medical record or other official documentation must specify that the veteran has been diagnosed with a qualifying medical condition and, if applicable, that the veteran requires assistance in administering medical cannabis or medical cannabis products or in obtaining medical cannabis or medical cannabis products from a cannabis retailer or medical cannabis business.

Subd. 4. **Enrollment; denial of enrollment; revocation.** (a) Within 30 days after receipt of an application and certification or other documentation of diagnosis with a qualifying medical condition, the Office of Medical Cannabis shall approve or deny a patient's enrollment in the registry program. If the Office of Medical Cannabis approves a patient's enrollment in the registry program, the office shall provide notice to the patient and to the patient's health care practitioner.

(b) A patient's enrollment in the registry program shall only be denied if the patient:

(1) does not submit a certification from a health care practitioner or documentation from the United States Department of Veterans Affairs that the patient has been diagnosed with a qualifying medical condition;

(2) has not signed the disclosure required in subdivision 2;

(3) does not provide the information required by the Office of Medical Cannabis;

(4) has previously been removed from the registry program;

(5) provided false information on the application; or

(6) at the time of application, is also enrolled in a federally approved clinical trial for the treatment of a qualifying medical condition with medical cannabis or medical cannabis products.

(c) If the Office of Medical Cannabis denies a patient's enrollment in the registry program, the Office of Medical Cannabis shall provide written notice to a patient of all reasons for denying enrollment. Denial of enrollment in the registry program is considered a final decision of the board and is subject to judicial review under chapter 14.

(d) A patient's enrollment in the registry program may be revoked only upon the death of the patient, if the patient does not comply with subdivision 6, or if the patient intentionally sells or diverts medical cannabis or medical cannabis products in violation of this chapter.

Subd. 5. **Registry verification.** When a patient is enrolled in the registry program, the Office of Medical Cannabis shall assign the patient a patient registry number and shall issue the patient and the patient's registered designated caregiver, parent, legal guardian, or spouse, if applicable, a registry verification. The Office of Medical Cannabis shall also make the registry verification available to cannabis retailers and medical cannabis businesses. The registry verification must 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 act as caregiver.

Subd. 6. **Conditions of continued enrollment.** As conditions of continued enrollment, a patient must:

(1) continue to receive regularly scheduled treatment for the patient's qualifying medical condition from the patient's health care practitioner or, if the patient is a veteran and receives care from the United States Department of Veterans Affairs, from a health care provider with the United States Department of Veterans Affairs; and

(2) report changes in the patient's qualifying medical condition to the patient's health care practitioner or, if the patient is a veteran and receives care from the United States Department of Veterans Affairs, to a health care provider with the United States Department of Veterans Affairs.

Subd. 7. **Enrollment period.** Enrollment in the registry program is valid for one year. To re-enroll, a patient must submit the information required in subdivision 2, and a patient who is also a veteran must submit the information required in subdivision 3.

Subd. 8. **Medical cannabis; allowable delivery methods.** A patient may administer medical cannabis by smoking or by a vaporized delivery method.

Subd. 9. **Registered designated caregiver.** (a) The Office of Medical Cannabis shall register a designated caregiver for a patient upon receipt of:

(1) certification from the patient's health care practitioner that the patient is developmentally or physically disabled and, as a result of that disability, requires assistance in administering medical cannabis or medical cannabis products or in obtaining medical cannabis or medical cannabis products from a cannabis retailer or medical cannabis business; or

(2) documentation from the United States Department of Veterans Affairs that the veteran requires assistance in administering medical cannabis or medical cannabis products or in obtaining medical cannabis or medical cannabis products from a cannabis retailer or medical cannabis business.

(b) In order to serve as a designated caregiver, a person must:

(1) be at least 18 years of age;

(2) agree to only possess the patient's medical cannabis and medical cannabis products for purposes of assisting the patient; and

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

(c) The Office of Medical Cannabis shall conduct a criminal background check on the person applying to serve as a designated caregiver prior to registration to ensure that the person is not disqualified for a criminal offense according to section 342.20, subdivision 1. Any cost for the background check must be paid by the person seeking to register as a designated caregiver. A registered designated caregiver must have the criminal background check renewed every two years.

(d) Nothing in sections 342.50 to 342.59 shall be construed to prevent a registered designated caregiver from also being enrolled in the registry program as a patient and possessing and administering medical cannabis and medical cannabis products as a patient.

Subd. 10. **Parents, legal guardians, spouses.** A parent, legal guardian, or spouse of a patient may act as the caregiver for a patient without having to register as a designated caregiver. The parent, legal guardian, or spouse who is acting as a caregiver must follow all requirements for parents, legal guardians, and spouses under sections 342.50 to 342.59. Nothing in sections 342.50 to 342.59 limits any legal authority a parent, legal guardian, or spouse may have for the patient under any other law.

Subd. 11. **Notice of change of name or address.** Patients and registered designated caregivers must notify the Office of Medical Cannabis 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 office of the change.

Sec. 41. **[342.51] DISTRIBUTION OF MEDICAL CANNABIS AND MEDICAL CANNABIS PRODUCTS.**

Subdivision 1. **General.** A cannabis retailer or medical cannabis business may distribute medical cannabis, medical cannabis products, and medical cannabis paraphernalia. Prior to distribution of medical cannabis, a cannabis retailer or medical cannabis business must:

(1) verify the patient's registry verification;

(2) verify that the person requesting distribution of medical cannabis or medical cannabis products is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse, using the procedures specified in section 152.11, subdivision 2d; and

(3) ensure that a pharmacist employee of the cannabis retailer or medical cannabis business has consulted with the patient according to subdivision 2.

Subd. 2. **Final approval for distribution of medical cannabis and medical cannabis products.** A cannabis retailer or medical cannabis business employee who is licensed as a

pharmacist shall be the only employee who may give final approval for the distribution of medical cannabis and medical cannabis products. Prior to distribution of medical cannabis and medical cannabis products, a pharmacist employee of the cannabis retailer or medical cannabis business must consult with the patient to determine the proper type of medical cannabis or medical cannabis product and proper dosage for the patient, after reviewing the range of chemical compositions of medical cannabis and medical cannabis products, and the range of proper dosages reported by the Office of Medical Cannabis. For purposes of this subdivision, a consultation may be conducted remotely using a videoconference as long as:

(1) the pharmacist engaging in the consultation is able to confirm the identity of the patient;

(2) the consultation occurs while the patient is at the cannabis retailer or medical cannabis business; and

(3) the consultation adheres to patient privacy requirements that apply to health care services delivered through telemedicine.

Subd. 3. **90-day supply.** A cannabis retailer or medical cannabis business shall not distribute more than a 90-day supply of medical cannabis and medical cannabis products to a patient, registered designated caregiver, or parent, legal guardian, or spouse of a patient, according to the dosages established for the individual patient.

Subd. 4. **Report.** A cannabis retailer or medical cannabis business shall, on a monthly basis, report to the Office of Medical Cannabis the following information for each patient for the preceding month:

(1) the amounts, dosages, and chemical compositions of medical cannabis and medical cannabis products distributed; and

(2) the tracking numbers assigned to medical cannabis and medical cannabis products distributed.

Sec. 42. **[342.52] DUTIES OF BOARD; REGISTRY PROGRAM.**

Subdivision 1. **Allowable forms; qualifying medical conditions.** The board may add an allowable form of medical cannabis and medical cannabis products, and may add or modify a qualifying medical condition upon the board's own initiative, upon a petition from a member of the public or the task force on medical cannabis therapeutic research, or as directed by law. The board shall evaluate all petitions and shall make the addition or modification if the board determines that the addition or modification is warranted by the

best available evidence and research. If the board wishes to add an allowable form or add or modify a qualifying medical condition, the board must notify the chairs and ranking minority members of the legislative policy committees with jurisdiction over health and public safety by January 15 of the year in which the change becomes effective. In this notification, the board must specify the proposed addition or modification and the reasons for the addition or modification and must include any written comments received by the board from the public about the addition or modification and any guidance received from the task force on medical cannabis therapeutic research. An addition or modification by the board under this subdivision shall become effective on August 1 of that year unless the legislature by law provides otherwise.

Subd. 2. **Rulemaking.** The board may adopt rules to implement sections 342.50 to 342.59.

Sec. 43. **[342.53] DUTIES OF OFFICE OF MEDICAL CANNABIS; REGISTRY PROGRAM.**

Subdivision 1. **Duties related to health care practitioners.** The Office of Medical Cannabis shall:

(1) provide notice of the registry program to health care practitioners in the state;

(2) allow health care practitioners to participate in the registry program if they request to participate and meet the program's requirements;

(3) provide explanatory information and assistance to health care practitioners to understand the nature of the therapeutic use of medical cannabis and medical cannabis products within program requirements;

(4) make available to participating health care practitioners a certification form in which a health care practitioner certifies that a patient has a qualifying medical condition and certifies whether a patient, in the health care practitioner's professional opinion, is developmentally or physically disabled and, as a result of the disability, requires assistance in administering medical cannabis or medical cannabis products or in obtaining medical cannabis or medical cannabis products from a cannabis retailer or medical cannabis business; and

(5) supervise the participation of health care practitioners in the registry reporting system, in which health care practitioners report patient treatment and health records information to the office in a manner that ensures stringent security and record keeping requirements

and that prevents the unauthorized release of private data on individuals as defined in section 13.02.

Subd. 2. **Duties related to the registry program.** The Office of Medical Cannabis shall:

(1) administer the registry program according to section 342.50;

(2) provide information to patients enrolled in the registry program on the existence of federally approved clinical trials for treatment of the patient's qualifying medical condition with medical cannabis or medical cannabis products, as an alternative to enrollment in the registry program;

(3) maintain safety criteria with which patients must comply as a condition of participation in the registry program, to prevent patients from undertaking any task under the influence of medical cannabis or a medical cannabis product that would constitute negligence or professional malpractice;

(4) review and publicly report existing medical and scientific literature regarding the range of recommended dosages for each qualifying medical condition, the range of chemical compositions of medical cannabis that will likely be medically beneficial for each qualifying medical condition, and any risks of noncannabis drug interactions. This information must be updated by December 1 of each year. The office may consult with an independent laboratory under contract with the office or other experts in reporting and updating this information; and

(5) annually consult with cannabis businesses about the medical cannabis and medical cannabis products cultivated, manufactured, and offered for sale and post on the office's website a list of the medical cannabis and medical cannabis products offered for sale by each cannabis retailer or medical cannabis business.

Subd. 3. **Research.** (a) The Office of Medical Cannabis shall conduct or contract with a third party to conduct research and studies using data from health records submitted to the registry program under section 342.54 and data submitted to the registry program under section 342.51, subdivision 4. If the office contracts with a third party for research and studies, the third party must provide the office with access to all research and study results. The office must submit reports on intermediate or final research results to the legislature and major scientific journals. All data used by the office or a third party under this subdivision may be used or reported in an aggregated, nonidentifiable form as part of a scientific, peer-reviewed publication of research or in the creation of summary data, as defined in section 13.02, subdivision 19.

(b) The Office of Medical Cannabis may submit medical research based on the data collected under sections 342.51, subdivision 4, and 342.54, to any federal agency with regulatory or enforcement authority over medical cannabis to demonstrate the effectiveness of medical cannabis for treating or alleviating the symptoms of a qualifying medical condition.

Subd. 4. **Reports.** The Office of Medical Cannabis 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.

Sec. 44. **[342.54] DUTIES OF HEALTH CARE PRACTITIONERS; REGISTRY PROGRAM.**

Subdivision 1. **Duties prior to a patient's enrollment in the registry program.** 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 has a qualifying medical condition and if so determined, provide the patient with a certification of that diagnosis;

(2) determine whether a patient is developmentally or physically disabled and, as a result of that disability, requires assistance in administering medical cannabis or medical cannabis products or in obtaining medical cannabis or medical cannabis products from a cannabis retailer or medical cannabis business and if so determined, include that determination on the patient's certification of diagnosis;

(3) advise patients, registered designated caregivers, and parents, legal guardians, and spouses acting as caregivers of any nonprofit patient support groups or organizations;

(4) provide to patients explanatory information from the Office of Medical Cannabis, including information about the experimental nature of the therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the proposed treatment; and the application and other materials from the office;

(5) provide to patients a Tennessen warning as required under section 13.04, subdivision 2; and

(6) agree to continue treatment of the patient's qualifying medical condition and to report findings to the Office of Medical Cannabis.

Subd. 2. **Duties upon a patient's enrollment in the registry program.** Upon notification from the Office of Medical Cannabis of the patient's enrollment in the registry program a health care practitioner shall:

(1) participate in the patient registry reporting system under the guidance and supervision of the Office of Medical Cannabis;

(2) report to the Office of Medical Cannabis patient health records throughout the patient's ongoing treatment in a manner determined by the office and in accordance with subdivision 4;

(3) determine on a yearly basis if the patient continues to have a qualifying medical condition and, if so, issue the patient a new certification of that diagnosis. The patient assessment conducted under this clause may be conducted via telemedicine, as defined in section 62A.671, subdivision 9; and

(4) otherwise comply with requirements established by the board and the Office of Medical Cannabis.

Subd. 3. **Participation not required.** Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 4. **Data.** Data on patients collected by a health care practitioner and reported to the registry program 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 342.53 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Sec. 45. **[342.55] TASK FORCE ON MEDICAL CANNABIS THERAPEUTIC RESEARCH.**

Subdivision 1. **Establishment.** (a) A 23-member task force on medical cannabis therapeutic research is created to conduct an impact assessment of medical cannabis therapeutic research. The task force shall consist of the following members:

(1) two members of the house of representatives, one selected by the speaker of the house and one selected by the minority leader;

(2) two members of the senate, one selected by the majority leader and one selected by the minority leader;

(3) four members representing 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 using the appointment process in section 15.0597. Members shall serve on the task force at the pleasure of the appointing authority.

(c) There shall be two cochairs of the task force chosen from the members listed under paragraph (a). One cochair shall be selected by the speaker of the house and one cochair shall be selected by the majority leader of the senate. The authority to convene meetings shall alternate between cochairs.

(d) Members of the task force other than those listed in paragraph (a), clauses (1), (2), and (7), shall receive reimbursement for expenses according to section 15.059, subdivision 6.

Subd. 2. **Administration.** The board shall provide administrative and technical support to the task force.

Subd. 3. **Impact assessment.** The task force shall hold hearings to evaluate the impact of the use of medical cannabis, medical cannabis products, and hemp and Minnesota's activities involving medical cannabis, medical cannabis products, 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 use disorders;

(5) access to and the quality of medical cannabis, medical cannabis products, and hemp;

(6) the impact on law enforcement and prosecutions;

(7) public awareness and perception; and

(8) any unintended consequences.

Subd. 4. **Reports; recommendations.** By February 15 of each odd-numbered year, the cochairs of the task force shall submit a complete impact assessment report to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services, public safety, judiciary, and civil law. The task force may make recommendations or submit petitions to the legislature or to the board on whether to add or remove conditions from the list of qualifying medical conditions.

Subd. 5. **No expiration.** Notwithstanding section 15.059, subdivision 6, the task force on medical cannabis therapeutic research does not expire.

Sec. 46. **[342.56] LIMITATIONS.**

Subdivision 1. **Limitations on consumption; locations of consumption.** Nothing in sections 342.50 to 342.59 permits any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for:

(1) undertaking a task under the influence of medical cannabis or medical cannabis products that would constitute negligence or professional malpractice;

(2) possessing or consuming medical cannabis or medical cannabis products:

(i) on a school bus or van;

(ii) in a correctional facility; or

(iii) on the grounds of a child care facility or family or group family day care program;

(3) vaporizing medical cannabis or medical cannabis products:

(i) on any form of public transportation;

(ii) where the vapor would be inhaled by a nonpatient minor; 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 in section 144.413, subdivision 1b; and

(4) operating, navigating, or being in actual physical control of a motor vehicle, aircraft, train, or motorboat, or working on transportation property, equipment, or facilities while under the influence of medical cannabis or a medical cannabis product.

Subd. 2. **Consumption and possession on school grounds.** An elementary or secondary school pupil or a child participating or enrolled in a prekindergarten program is permitted to possess medical cannabis and medical cannabis products, have medical cannabis and medical cannabis products stored, and self-administer medical cannabis and medical cannabis products or have medical cannabis and medical cannabis products administered, on the grounds of a prekindergarten program, elementary school, or secondary school if:

(1) the child or pupil is enrolled as a patient in the registry program;

(2) the possession, storage, and administration occur in compliance with all applicable policies or guidelines adopted by the school board;

(3) the pupil or the child's or pupil's parent submits to the school, a form developed by the board and completed by the child's or pupil's health care practitioner and by a pharmacist employed by the cannabis retailer or medical cannabis business that distributes the child's or pupil's medical cannabis or medical cannabis products. The form must specify the child's or pupil's qualifying medical condition, the dosage of medical cannabis or medical cannabis product, the frequency with which the medical cannabis or medical cannabis product must be administered, circumstances that warrant administration, and other relevant information; and

(4) the medical cannabis or medical cannabis product is administered or self-administered in a manner that does not disrupt the educational environment or expose other children or pupils to medical cannabis or medical cannabis products.

(b) Only a pupil who is age 18 or older is permitted to self-administer medical cannabis or medical cannabis products under this subdivision.

(c) The school board may adopt policies or guidelines establishing reasonable parameters for the storage and administration of medical cannabis and medical cannabis products under this subdivision, but shall not unreasonably limit a child's or pupil's access to or use of medical cannabis or medical cannabis products.

(d) A school may designate specific locations on school grounds where medical cannabis and medical cannabis products may be administered or self-administered.

Subd. 3. **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 care facilities licensed by the commissioner of health, may adopt reasonable

restrictions on the use of medical cannabis and medical cannabis products 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 a patient's supply of medical cannabis or medical cannabis products, that the facility is not responsible for providing medical cannabis or medical cannabis products for patients, and that medical cannabis and medical cannabis products may be used only in a location specified by the facility or provider.

(b) An employee or agent of a facility or provider listed in this subdivision or a person licensed under chapter 144E is not violating this chapter or chapter 152 for possession of medical cannabis or medical cannabis products while carrying out employment duties, including providing or supervising care to a patient enrolled in the registry program, or distribution of medical cannabis or medical cannabis products to a patient enrolled in the registry program who resides at or is actively receiving treatment or care at the facility or from the provider with which the employee or agent is affiliated. Nothing in this subdivision shall require facilities and providers listed in this subdivision to adopt such restrictions, and no facility or provider listed in this subdivision shall unreasonably limit a patient's access to or use of medical cannabis or medical cannabis products to the extent that such use is authorized under sections 342.50 to 342.59.

Sec. 47. **[342.57] PROTECTIONS FOR REGISTRY PROGRAM PARTICIPANTS.**

Subdivision 1. **Presumption.** There is a presumption that a patient enrolled in the registry program is engaged in the authorized use of medical cannabis and medical cannabis products. This presumption may be rebutted by evidence that the patient's use of medical cannabis or medical cannabis products 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 342.56, the following are not violations of this chapter or chapter 152:

(1) use or possession of medical cannabis, medical cannabis products, or medical cannabis paraphernalia by a patient enrolled in the registry program;

(2) possession of medical cannabis, medical cannabis products, or medical cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or spouse of a patient enrolled in the registry program; or

(3) possession of medical cannabis, medical cannabis products, or medical cannabis paraphernalia by any person while carrying out duties required under sections 342.50 to 342.59.

(b) Board members, board employees, agents or contractors of the board, and health care practitioners participating in the registry program are not subject to any civil penalties or disciplinary action by the Board of Medical Practice, the Board of Nursing, or any business, occupational, or professional licensing board or entity solely for participating in the registry program. A pharmacist licensed under chapter 151 is not subject to any civil penalties or disciplinary action by the Board of Pharmacy when acting in accordance with sections 342.50 to 342.59. Nothing in this section prohibits a professional licensing board from taking action in response to a violation of law.

(c) Notwithstanding any law to the contrary, a board member, the governor, or an employee of a state agency shall 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 342.50 to 342.59.

(d) Federal, state, and local law enforcement authorities are prohibited from accessing the registry except when acting pursuant to a valid search warrant. Notwithstanding section 13.09, a violation of this paragraph is a gross misdemeanor.

(e) Notwithstanding any law to the contrary, board members and public employees shall not release data or information about an individual contained in any report or document or in the registry, and shall not release data or information obtained about a patient enrolled in the registry program, except as provided in sections 342.50 to 342.59. Notwithstanding section 13.09, a violation of this paragraph is a gross misdemeanor.

(f) No information contained in a report or document, contained in the registry, or obtained from a patient under sections 342.50 to 342.59 may be admitted as evidence in a criminal proceeding, unless:

(1) the information is independently obtained; or

(2) admission of the information is sought in a criminal proceeding involving a criminal violation of sections 342.50 to 342.59.

(g) An attorney shall not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or licensed medical cannabis businesses or others for activities that do not violate this chapter or chapter 152.

(h) Possession of a registry verification or an application for enrollment in the registry program:

(1) does not constitute probable cause or reasonable suspicion;

(2) shall not be used to support a search of the person or property of the person with a registry verification or applying to enroll in the registry program; and

(3) shall not subject the person or the property of the person to inspection by any government agency.

Subd. 3. **School enrollment; rental property.** (a) No school may refuse to enroll a patient as a pupil or otherwise penalize a patient solely because the patient is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

(b) No landlord may refuse to lease to a patient or otherwise penalize a patient solely because the patient is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Subd. 4. **Medical care.** For purposes of medical care, including organ transplants, a patient's use of medical cannabis or medical cannabis products according to sections 342.50 to 342.59 is considered the equivalent of the authorized use of a medication used at the discretion of a health care practitioner and does disqualify a patient from needed medical care.

Subd. 5. **Employment.** (a) Unless a failure to do so would violate federal or state 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:

(1) the person's status as a patient enrolled in the registry program; or

(2) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, sold, transported, or was impaired by medical cannabis or a medical cannabis product on work premises; during working hours; or while operating an employer's machinery, vehicle, or equipment.

(b) An employee who is a patient and whose employer requires the employee to undergo drug testing according to section 181.953 may present the employee's registry verification as part of the employee's explanation under section 181.953, subdivision 6.

Subd. 6. **Custody; visitation; parenting time.** A person shall not be denied custody of a minor child or visitation rights or parenting time with a minor child based solely on the person's status as a patient enrolled in the registry program. There shall be no presumption of neglect or child endangerment for conduct allowed under sections 342.50 to 342.59, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

Sec. 48. **[342.58] VIOLATION BY HEALTH CARE PRACTITIONER; CRIMINAL PENALTY.**

A health care practitioner who knowingly refers patients to a cannabis retailer or medical cannabis business or to a designated caregiver, who advertises as a medical cannabis business, or who issues certifications while holding a financial interest in a cannabis retailer or medical cannabis business is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of not more than $1,000, or both.

Sec. 49. **[342.585] DATA PRACTICES.**

Subdivision 1. **Data classification.** Patient health records maintained by the board or the Office of Medical Cannabis, and government data in patient health records maintained by a health care practitioner, are classified as private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9.

Subd. 2. **Allowable use; prohibited use.** Data specified in subdivision 1 may be used to comply with chapter 13, to comply with a request from the legislative auditor or the state auditor in the performance of official duties, and for purposes specified in sections 342.50 to 342.59. Data specified in subdivision 1 and maintained by the board or Office of Medical Cannabis shall not be used for any purpose not specified in sections 342.50 to 342.59, and shall not be combined or linked in any manner with any other list, dataset, or database.

Sec. 50. **[342.59] CLINICAL TRIALS.**

The Office of Medical Cannabis may conduct, or award grants to health care providers or research organizations to conduct, clinical trials on the safety and efficacy of using medical cannabis and medical cannabis products to treat a specific health condition. A health

care provider or research organization receiving a grant under this section must provide the office with access to all data collected in a clinical trial funded under this section. The board may use data from clinical trials conducted or funded under this section as evidence to approve additional qualifying medical conditions or additional allowable forms of medical cannabis.

Sec. 51. **[342.60] TESTING.**

Subdivision 1. **Testing required.** A cannabis business shall not sell or offer for sale cannabis or cannabis products to another cannabis business or to a customer or patient, or otherwise transfer cannabis or cannabis products to another cannabis business, unless a representative sample of the batch of cannabis or batch of cannabis product has been tested according to this section and rules adopted under this chapter by a cannabis testing facility licensed under this chapter, and found to meet testing standards established by the board.

Subd. 2. **Procedures and standards established by board.** (a) The board shall by rule establish procedures governing the sampling, handling, testing, storage, and transportation of cannabis and cannabis products tested under this section; the contaminants for which cannabis and cannabis products must be tested; standards for potency and homogeneity testing; and procedures applicable to cannabis businesses and cannabis testing facilities regarding cannabis and cannabis products that fail to meet the standards for allowable levels of contaminants established by the commissioner of health, that fail to meet the potency limits in this chapter, or that do not conform with the content of the cannabinoid profile listed on the label.

(b) All testing required under this section must be performed in a manner that is consistent with general requirements for testing and calibration activities.

Subd. 3. **Standards established by commissioner of health.** The commissioner of health shall by rule establish standards for allowable levels of contaminants in cannabis, cannabis products, and growing media. Contaminants for which the commissioner must establish allowable levels must include but are not limited to residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide residue, mold, and mycotoxins.

Subd. 4. **Testing of samples.** On a schedule determined by the board, every cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business shall make each batch of cannabis or cannabis product grown or manufactured by the cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business available to a cannabis testing facility. The cannabis testing facility shall select

one or more representative samples from each batch, test the samples for the presence of contaminants, and test the samples for potency and homogeneity and to allow the cannabis or cannabis product to be accurately labeled with its cannabinoid profile. Testing for contaminants must include testing for residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide residue, mold, and mycotoxins, and may include testing for other contaminants. A cannabis testing facility must destroy or return to the cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business any part of the sample that remains after testing.

Subd. 5. **Test results.** (a) If a sample meets the applicable testing standards, the cannabis testing facility shall issue a certification to the cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business, and the cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business may then sell or transfer the batch of cannabis or cannabis product from which the sample was taken to another cannabis business or offer the cannabis or cannabis product for sale to customers or patients. If a sample does not meet the applicable testing standards, the batch from which the sample was taken shall be subject to procedures established by the board for such batches, including destruction, remediation, or retesting. A cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business must maintain the test results for cannabis and cannabis products grown or manufactured by that cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business for at least five years after the date of testing.

(b) A cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business shall make test results maintained by that cannabis cultivator, cannabis manufacturer, cannabis microbusiness, or medical cannabis business available for review by any member of the public, upon request. Test results made available to the public must be in plain language.

Sec. 52. **[342.62] PACKAGING.**

Subdivision 1. **General.** All cannabis, cannabis products, and hemp-derived consumable or topical products sold to customers or patients must be packaged as required by this section and rules adopted under this chapter.

Subd. 2. **Packaging requirements.** (a) All cannabis, cannabis products, and hemp-derived consumable or topical products sold to customers or patients must be:

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

(2) placed in packaging or a container that is plain, child-resistant, tamper-evident, and opaque at the final point of sale to a customer.

(b) If a cannabis product or hemp-derived consumable or topical product is packaged in a manner that indicates serving sizes, the product must be packaged in one or more easily identifiable single-serving portions.

(c) If a cannabis product or hemp-derived consumable or topical product is an edible product for human consumption intended for more than a single use or containing multiple servings, the product must be prepackaged or placed at the final point of sale in packaging or a container that is resealable.

Subd. 3. **Packaging prohibitions.** (a) Cannabis, cannabis products, or hemp-derived consumable or topical products sold to customers or patients must not be packaged in a manner that:

(1) bears a reasonable resemblance to any commercially available product; or

(2) is designed to appeal to persons under age 21.

(b) Packaging for cannabis, cannabis products, and hemp-derived consumable or topical products must not contain or be coated with any perfluoroalkyl substance.

Sec. 53. **[342.64] LABELING.**

Subdivision 1. **General.** All cannabis, cannabis products, and hemp-derived consumable or topical products sold to customers or patients must be labeled as required by this section and rules adopted under this chapter.

Subd. 2. **Content of label; cannabis.** All cannabis sold to customers or patients must have affixed on the packaging or container of the cannabis a label that contains at least the following information:

(1) the name and license number of the cannabis cultivator, cannabis microbusiness, or medical cannabis business where the cannabis was cultivated;

(2) the net weight or volume of cannabis in the package or container;

(3) batch number;

(4) cannabinoid profile;

(5) a universal symbol established by the board indicating that the package or container contains cannabis or a cannabis product;

(6) verification that the cannabis was tested according to section 342.60 and that the cannabis complies with the applicable standards;

(7) the following statement: "Keep this product out of reach of children."; and

(8) any other statements or information required by the board.

Subd. 3. **Content of label; cannabis products.** All cannabis products sold to customers or patients must have affixed to the packaging or container of the cannabis product a label that contains at least the following information:

(1) the name and license number of the cannabis cultivator, cannabis microbusiness, or medical cannabis business that cultivated the cannabis in the cannabis product;

(2) the name and license number of the cannabis manufacturer, cannabis microbusiness, or medical cannabis business that manufactured the cannabis product;

(3) the net weight or volume of the cannabis product in the package or container;

(4) the type of cannabis product;

(5) batch number;

(6) serving size;

(7) cannabinoid profile per serving and in total;

(8) a list of ingredients;

(9) a universal symbol established by the board indicating that the package or container contains cannabis or a cannabis product;

(10) verification that the cannabis product was tested according to section 342.60 and that the cannabis product complies with the applicable standards;

(11) the following statement: "Keep this product out of reach of children."; and

(12) any other statements or information required by the board.

Subd. 4. **Additional content of label; medical cannabis and medical cannabis products.** In addition to the applicable requirements for labeling under subdivision 2 or 3, all medical cannabis and medical cannabis products must include at least the following information on the label affixed to the packaging or container of the medical cannabis or medical cannabis product:

(1) the patient's name and date of birth;

(2) 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, legal guardian, or spouse, if applicable; and

(3) the patient's registry identification number.

Subd. 5. **Content of label; hemp-derived consumable or topical products.** In addition to any labeling requirements established by the Board of Pharmacy, all hemp-derived consumable or topical products sold to customers must have affixed to the packaging or container of the product a label that contains at least the following information:

(1) manufacturer name, location, phone number, and website;

(2) name and address of the testing laboratory used by the manufacturer to test the product;

(3) net weight or volume of the product in the package or container;

(4) type of consumable or topical product;

(5) serving size, if the product is an edible product intended for human consumption;

(6) amount or percentage of cannabidiol or any other cannabinoid, derivative, or extract of hemp, per serving and in total;

(7) list of ingredients;

(8) a statement that the product does not claim to diagnose, treat, cure, or prevent any disease and that the product has not been evaluated or approved by the United States Food and Drug Administration unless the product has been so approved; and

(9) any other statements or information required by the board.

Subd. 6. **Additional information.** A cannabis retailer, cannabis microbusiness, or medical cannabis business may provide customers and patients with the following information by including the information on the label affixed to the packaging or container of cannabis or a cannabis product; by posting the information in the premises of the cannabis retailer, cannabis microbusiness, or medical cannabis business; or by providing the information on a separate document or pamphlet provided to customers or patients when the customer purchases cannabis or a cannabis product:

(1) factual information about impairment effects and the expected timing of impairment effects, side effects, adverse effects, and health risks of cannabis and cannabis products;

(2) a statement that customers and patients must not operate a motor vehicle or heavy machinery while under the influence of cannabis or a cannabis product;

(3) resources customers and patients may consult to answer questions about cannabis, cannabis products, and any side effects and adverse effects;

(4) contact information for the poison control center and a safety hotline or website for customers to report and obtain advice about side effects and adverse effects of cannabis and cannabis products; and

(5) any other information specified by the board.

Sec. 54. **[342.66] ADVERTISEMENT.**

Subdivision 1. **Limitations applicable to all advertisements.** No cannabis business or other person shall publish or cause to be published an advertisement for cannabis, a cannabis business, a cannabis product, or a hemp-derived consumable or topical product in a manner that:

(1) contains false or misleading statements;

(2) contains unverified claims about the health or therapeutic benefits or effects of consuming cannabis or a cannabis product;

(3) promotes the overconsumption of cannabis, cannabis products, or a hemp-derived consumable or topical products;

(4) depicts a person under age 21 consuming cannabis or a cannabis product; or

(5) includes an image designed or likely to appeal to persons under age 21, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed to be appealing to persons under age 21 or encourage consumption by persons under age 21.

Subd. 2. **Outdoor advertisements; cannabis business signs.** (a) An outdoor advertisement of cannabis, a cannabis business, a cannabis product, or a hemp-derived consumable or topical product is prohibited.

(b) A cannabis business may erect up to two fixed outdoor signs on the exterior of the building or property of the cannabis business. A fixed outdoor sign:

(1) may contain the name of the cannabis business and the address and nature of the cannabis business; and

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

Subd. 3. **Audience under age 21.** A cannabis business or other person shall not publish or cause to be published an advertisement for cannabis, a cannabis business, or a cannabis product in any print publication or on radio, television, or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be individuals who are under age 21, as determined by reliable, current audience composition data.

Subd. 4. **Certain unsolicited advertising.** A cannabis business or another person shall not utilize unsolicited pop-up advertisements on the Internet to advertise cannabis, a cannabis business, a cannabis product, or a hemp-derived consumable or topical product.

Subd. 5. **Advertising using direct, individualized communication or dialogue.** Before a cannabis business or another person may advertise cannabis, a cannabis business, or a cannabis product through direct, individualized communication or dialogue controlled by the cannabis business or other person, the cannabis business or other person must use a method of age affirmation to verify that the recipient of the direct, individualized communication or dialogue is 21 years of age or older. For purposes of this subdivision, the method of age affirmation may include user confirmation, birth date disclosure, or another similar registration method.

Subd. 6. **Advertising using location-based devices.** A cannabis business or another person shall not advertise cannabis, a cannabis business, or a cannabis product with advertising directed toward location-based devices, including but not limited to cellular telephones, unless:

(1) the advertising occurs via a mobile device application that is installed on the device by the device's owner and includes a permanent and easy to implement opt-out feature; and

(2) the owner of the device is 21 years of age or older.

Subd. 7. **Advertising restrictions for health care practitioners under the medical cannabis program.** (a) A health care practitioner shall not publish or cause to be published an advertisement that:

(1) contains false or misleading statements about the registry program;

(2) uses colloquial terms to refer to medical cannabis, such as pot, weed, or grass;

(3) states or implies that the health care practitioner is endorsed by the board, the Office of Medical Cannabis, or the registry program;

(4) includes images of cannabis in its plant or leaf form or images of paraphernalia used to smoke cannabis; 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 board 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. A decision by the board that a health care practitioner has violated this subdivision is a final decision and is not subject to the contested case procedures in chapter 14.

Sec. 55. **[342.70] SOCIAL EQUITY APPLICANTS.**

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

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

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

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

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

Sec. 56. **[342.71] CANNABIS INDUSTRY COMMUNITY RENEWAL GRANTS.**

Subdivision 1. **Establishment.** The Cannabis Management Board shall establish CanRenew, a program to award grants to eligible organizations for investments in communities where long-term residents are eligible to be social equity applicants.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Community investment" means a project or program designed to improve community-wide outcomes or experiences and may include efforts targeting economic development, violence prevention, youth development, or civil legal aid, among others.

(c) "Eligible community" means a community where long-term residents are eligible to be social equity applicants.

(d) "Eligible organization" means any organization able to make an investment in a community where long-term residents are eligible to be social equity applicants and may

include educational institutions, nonprofit organizations, private businesses, community groups, units of local government, or partnerships between different types of organizations.

(e) "Program" means the CanRenew grant program.

(f) "Social equity applicant" has the meaning defined in section 342.70.

Subd. 3. **Grants to organizations.** (a) The board must award grants to eligible organizations through a competitive grant process.

(b) To receive grant funds, an eligible organization must submit a written application to the board, using a form developed by the board, explaining the community investment the organization wants to make in an eligible community.

(c) An eligible organization's grant application must also include:

(1) an analysis of the community need for the proposed investment;

(2) a description of the positive impact the proposed investment is expected to generate for that community;

(3) any evidence of the organization's ability to successfully achieve that positive impact;

(4) any evidence of the organization's past success in making similar community investments;

(5) an estimate of the cost of the proposed investment;

(6) the sources and amounts of any nonstate funds or in-kind contributions that will supplement grant funds; and

(7) any additional information requested by the board.

(d) In awarding grants under this subdivision, the board shall give weight to applications from organizations that demonstrate a history of successful community investments, particularly in geographic areas that are now eligible communities. The board shall also give weight to applications where there is demonstrated community support for the proposed investment. The board shall fund investments in eligible communities throughout the state.

Subd. 4. **Program outreach.** The board shall make extensive efforts to publicize these grants, including through partnerships with community organizations, particularly those located in eligible communities.

Subd. 5. **Reports to the legislature.** By January 15, 2023, and each January 15 thereafter, the board must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over community

development that details awards given through the CanRenew program and the use of grant funds, including any measures of successful community impact from the grants.

Sec. 57. **[342.79] ADULT-USE CANNABIS SUBSTANCE USE DISORDER ADVISORY COUNCIL.**

Subdivision 1. **Establishment.** The Adult-Use Cannabis Substance Use Disorder Advisory Council is established to develop and implement a comprehensive and effective statewide approach to substance use disorder prevention and treatment related to cannabis use. The council shall:

(1) establish priorities to address public education and substance use disorder prevention and treatment needs related to cannabis use;

(2) make recommendations to the legislature on the amount of money to be allocated to substance use disorder prevention and treatment initiatives related to cannabis use;

(3) make recommendations to the commissioner of human services on grant and funding options for money appropriated from the general fund to the commissioner of human services for substance use disorder prevention and treatment related to cannabis use;

(4) recommend to the commissioner of human services specific programs, projects, and initiatives to be funded; and

(5) consult with the commissioners of human services, health, and management and budget to develop measurable outcomes to determine the effectiveness of programs, projects, and initiatives funded.

Subd. 2. **Membership.** (a) The council shall consist of the following members, appointed by the commissioner of human services, except as otherwise specified. Members must include:

(1) two members of the house of representatives, one from the majority party appointed by the speaker and one from the minority party appointed by the minority leader of the house of representatives;

(2) two members of the senate, one from the majority party appointed by the senate majority leader and one from the minority party appointed by the senate minority leader;

(3) the commissioner of human services or a designee;

(4) one member of the Cannabis Management Board or a designee;

(5) two members representing substance use disorder treatment programs licensed under chapter 245G;

(6) one public member who is a Minnesota resident and in recovery from a substance use disorder;

(7) one public member who is a family member of a person with a substance use disorder;

(8) one member who is a physician;

(9) one member who is a licensed psychologist, licensed professional clinical counselor, licensed marriage and family therapist, or licensed social worker;

(10) one member representing an Indian tribe;

(11) one mental health advocate representing persons with mental illness;

(12) one member representing county social services agencies;

(13) one patient advocate; and

(14) a representative from a community that experienced a disproportionate, negative impact from cannabis prohibition.

(b) The commissioner of human services shall coordinate appointments to provide geographic diversity and shall ensure that at least one-third of council members reside outside of the seven-county metropolitan area.

(c) The council is governed by section 15.059, except that members of the council shall receive no compensation other than reimbursement for expenses. Notwithstanding section 15.059, subdivision 6, the council shall not expire.

(d) The chair shall convene the council on a quarterly basis and may convene other meetings as necessary. The chair shall convene meetings at different locations in the state to provide geographic access.

(e) The commissioner of human services shall provide staff and administrative services for the advisory council.

(f) The council is subject to chapter 13D.

Subd. 3. **Report and grants.** (a) The commissioner of human services shall submit a report of the grants and funding recommended by the advisory council to be awarded for the upcoming fiscal year to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by March 1 of each year, beginning March 1, 2024.

(b) When awarding grants, the commissioner of human services shall consider the programs, projects, and initiatives recommended by the council that address the priorities established by the council, unless otherwise appropriated by the legislature.

Sec. 58. **[342.80] LAWFUL ACTIVITIES.**

(a) Notwithstanding any law to the contrary, the cultivation, manufacturing, possessing, and selling of cannabis and cannabis products by a licensed cannabis business in conformity with the rights granted by a cannabis business license is lawful and may not be the grounds for the seizure or forfeiture of property, arrest or prosecution, or search or inspections except as provided by this chapter.

(b) A person acting as an agent of a licensed cannabis retailer or licensed cannabis microbusiness who sells or otherwise transfers cannabis or cannabis products to a person under 21 years of age is not subject to arrest, prosecution, or forfeiture of property if the person complied with section 342.27, subdivision 3, and any rules promulgated pursuant to this chapter.

Sec. 59. **[342.81] CIVIL ACTIONS.**

Subdivision 1. **Right of action.** A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by an intoxicated person or by the intoxication of another person, has a right of action in the person's own name for all damages sustained against a person who caused the intoxication of that person by illegally selling cannabis or cannabis products. All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs.

Subd. 2. **Actions.** All suits for damages under this section must be by civil action in a court of this state having jurisdiction.

Subd. 3. **Comparative negligence.** Actions under this section are governed by section 604.01.

Subd. 4. **Defense.** It is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age in selling, bartering, furnishing, or giving the cannabis or cannabis product.

Subd. 5. **Subrogation claims denied.** There shall be no recovery by any insurance company against any cannabis or cannabis retailer or cannabis microbusiness under subrogation clauses of the uninsured, underinsured, collision, or other first-party coverages

of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or in part under this section. The provisions of section 65B.53, subdivision 3, do not apply to actions under this section.

Subd. 6. **Common law claims.** Nothing in this chapter precludes common law tort claims against any person 21 years old or older who knowingly provides or furnishes cannabis or cannabis products to a person under the age of 21 years.

Sec. 60. **ADULT-USE CANNABIS SUBSTANCE USE DISORDER ADVISORY COUNCIL FIRST MEETING.**

The commissioner of human services shall convene the first meeting of the Adult-Use Cannabis Substance Use Disorder Advisory Council established under Minnesota Statutes, section 342.79, no later than October 1, 2022. The members shall elect a chair at the first meeting.

ARTICLE 2
TAXES

Section 1. Minnesota Statutes 2020, section 290.0132, subdivision 29, is amended to read:

Subd. 29. **Disallowed section 280E expenses; medical cannabis manufacturers.** The amount of expenses of a medical cannabis manufacturer, as defined under section 152.22, subdivision 7, related to the business of medical cannabis under sections 152.21 to 152.37, or a license holder under chapter 342, related to the business of nonmedical cannabis under that chapter, and not allowed for federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2021.

Sec. 2. Minnesota Statutes 2020, section 290.0134, subdivision 19, is amended to read:

Subd. 19. **Disallowed section 280E expenses; medical cannabis manufacturers.** The amount of expenses of a medical cannabis manufacturer, as defined under section 152.22, subdivision 7, related to the business of medical cannabis under sections 152.21 to 152.37, or a license holder under chapter 342, related to the business of nonmedical cannabis under that chapter, and not allowed for federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2021.

Sec. 3. **[295.81] DEFINITIONS.**

Subdivision 1. **Definitions.** For purposes of sections 295.81 to 295.89, the following terms have the meanings given.

Subd. 2. **Adult-use cannabis.** "Adult-use cannabis" has the meaning given in section 342.01, subdivision 2.

Subd. 3. **Adult-use cannabis product.** "Adult-use cannabis product" has the meaning given in section 342.01, subdivision 4.

Subd. 4. **Cannabis microbusiness.** "Cannabis microbusiness" means a cannabis business licensed under section 342.34.

Subd. 5. **Cannabis retailer.** "Cannabis retailer" means a retailer that is licensed under section 342.26 to sell adult-use cannabis and adult-use cannabis products.

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of revenue.

Subd. 7. **Gross receipts.** "Gross receipts" means the total amount received, in money or by barter or exchange, for all adult-use cannabis and adult-use cannabis product sales at retail as measured by the sales price, but does not include any taxes imposed directly on the customer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.

Subd. 8. **On-site sale.** "On-site sale" means the sale of adult-use cannabis products for consumption on the premises of a cannabis microbusiness.

Subd. 9. **Retail sale.** "Retail sale" has the meaning given in section 297A.61, subdivision 4.

EFFECTIVE DATE. This section is effective day following final enactment.

Sec. 4. **[295.83] CANNABIS PRODUCTS GROSS RECEIPTS TAX.**

Subdivision 1. **Gross receipts tax imposed.** A tax equal to ten percent of gross receipts from retail and on-site sales in Minnesota of adult-use cannabis and adult-use cannabis products is imposed on any cannabis retailer or cannabis microbusiness that sells these products to customers.

Subd. 2. **Use tax imposed; credit for taxes paid.** (a) A person that receives adult-use cannabis or adult-use cannabis products for use or storage in Minnesota, other than from a cannabis retailer or cannabis microbusiness that paid the tax under subdivision 1, is subject to tax at the rate imposed under subdivision 1. Liability for the tax is incurred when the person has possession of the adult-use cannabis or adult-use cannabis product in Minnesota. The tax must be remitted to the commissioner in the same manner prescribed for the taxes imposed under chapter 297A.

(b) A person who has paid taxes to another jurisdiction on the same transaction and is subject to tax under this section is entitled to a credit for the tax legally due and paid to another jurisdiction to the extent of the lesser of (1) the tax actually paid to the other jurisdiction, or (2) the amount of tax imposed by Minnesota on the transaction subject to tax in the other jurisdiction.

Subd. 3. **Tax collection required.** A cannabis retailer or cannabis microbusiness with nexus in Minnesota, that is not subject to tax under subdivision 1, is required to collect the tax imposed under subdivision 2 from the purchaser of the adult-use cannabis or adult-use cannabis product and give the purchaser a receipt for the tax paid. The tax collected must be remitted to the commissioner in the same manner prescribed for the taxes imposed under chapter 297A.

Subd. 4. **Taxes paid to another jurisdiction; credit.** A cannabis retailer or cannabis microbusiness that has paid taxes to another jurisdiction measured by gross receipts and is subject to tax under this section on the same gross receipts is entitled to a credit for the tax legally due and paid to another jurisdiction to the extent of the lesser of (1) the tax actually paid to the other jurisdiction, or (2) the amount of tax imposed by Minnesota on the gross receipts subject to tax in the other taxing jurisdictions.

Subd. 5. **Sourcing of sales.** All of the provisions of section 297A.668 apply to the taxes imposed by this section.

EFFECTIVE DATE. This section is effective for gross receipts received after December 31, 2022.

Sec. 5. **[295.85] ADMINISTRATION.**

Subdivision 1. **Administration.** Unless specifically provided otherwise by sections 295.81 to 295.89, the audit, assessment, refund, penalty, interest, enforcement, collection remedies, appeal, and administrative provisions of chapters 270C and 289A that are

applicable to taxes imposed under chapter 297A apply to taxes imposed under section 295.83.

EFFECTIVE DATE. This section is effective for gross receipts received after December 31, 2022.

Sec. 6. **[295.87] RETURNS; PAYMENT OF TAX.**

Subdivision 1. **Payment; reporting.** A cannabis retailer or cannabis microbusiness must report the tax on a return prescribed by the commissioner and must remit the tax with the return. The return and the tax must be filed and paid using the filing cycle and due dates provided for taxes imposed under chapter 297A and section 289A.20, subdivision 4.

Subd. 2. **Interest on overpayments.** Interest must be paid on an overpayment refunded or credited to the taxpayer from the date of payment of the tax until the date the refund is paid or credited. For purposes of this subdivision, the date of payment is the due date of the return or the date of actual payment of the tax, whichever is later.

Subd. 3. **Deposit of revenues.** The commissioner must deposit all revenues, including penalties and interest, derived from the tax imposed by section 295.83 in the general fund.

EFFECTIVE DATE. This section is effective for gross receipts received after December 31, 2022.

Sec. 7. **[295.89] EXEMPTIONS.**

Subdivision 1. **Use tax.** The use tax imposed under section 295.83 does not apply to the possession, use, or storage of adult-use cannabis or adult-use cannabis products if (1) the adult-use cannabis or adult-use cannabis products have an aggregate cost in any calendar month to the customer of $100 or less, and (2) the adult-use cannabis or adult-use cannabis products were carried into this state by the customer.

Subd. 2. **Medical cannabis.** The tax imposed under section 295.83 does not apply to sales of medical cannabis and medical cannabis products purchased by or for the patients enrolled in the registry program.

EFFECTIVE DATE. This section is effective January 1, 2023.

Sec. 8. Minnesota Statutes 2020, section 297A.61, subdivision 12, is amended to read:

Subd. 12. **Farm machinery.** (a) "Farm machinery" means new or used machinery, equipment, implements, accessories, and contrivances used directly and principally in

agricultural production of tangible personal property intended to be sold ultimately at retail including, but not limited to:

(1) machinery for the preparation, seeding, or cultivation of soil for growing agricultural crops, including cannabis;

(2) barn cleaners, milking systems, grain dryers, feeding systems including stationary feed bunks, and similar installations, whether or not the equipment is installed by the seller and becomes part of the real property; and

(3) irrigation equipment sold for exclusively agricultural use, including pumps, pipe fittings, valves, sprinklers, and other equipment necessary to the operation of an irrigation system when sold as part of an irrigation system, whether or not the equipment is installed by the seller and becomes part of the real property.

(b) Farm machinery does not include:

(1) repair or replacement parts;

(2) tools, shop equipment, grain bins, fencing material, communication equipment, and other farm supplies;

(3) motor vehicles taxed under chapter 297B;

(4) snowmobiles or snow blowers;

(5) lawn mowers except those used in the production of sod for sale, or garden-type tractors or garden tillers; or

(6) machinery, equipment, implements, accessories, and contrivances used directly in the production of horses not raised for slaughter, fur-bearing animals, or research animals.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2021.

ARTICLE 3
FOOD SAFETY

Section 1. **[28A.30] EDIBLE CANNABIS PRODUCT HANDLER ENDORSEMENT.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "edible cannabis product" has the meaning given in section 342.01, subdivision 20; and

(2) "edible cannabis product handler" means a person engaged in the business of manufacturing, processing, selling, handling, or storing an edible cannabis product.

Subd. 2. **Endorsement required.** No person can manufacture, process, sell, handle, or store an edible cannabis product without a valid endorsement issued by the commissioner. The commissioner must regulate edible cannabis product handlers and assess fees and penalties in the same manner provided for food handlers under this chapter, chapter 31, chapter 34A, and associated rules, with the following exceptions:

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

(2) eligibility for an edible cannabis product handler endorsement is limited to persons who possess a valid license issued by the Cannabis Management Board under chapter 342;

(3) the commissioner must align the term and renewal period for edible cannabis product handler endorsements with the term and renewal period enforced by the Cannabis Management Board for cannabis licenses; and

(4) the commissioner must deposit all fees, penalties, and other edible cannabis product handler revenues in the account established under subdivision 4.

Subd. 3. **Premises limitation.** A person cannot manufacture food and edible cannabis products at the same premises, except for the limited production of cannabis-free edible products produced solely for product development, sampling, or testing.

Subd. 4. **Dedicated account; appropriation.** An edible cannabis product handler account is established in the agricultural fund. Money in the account, including interest earned, is appropriated to the commissioner for purposes of regulating edible cannabis product handlers under this chapter, chapter 31, chapter 34A, and associated rules.

Subd. 5. **Rulemaking authorized.** The commissioner may adopt rules to implement this section.

Sec. 2. **[34A.025] EDIBLE CANNABIS PRODUCT NOT ADULTERATED.**

Food that is an edible cannabis product, and defined under and produced in compliance with chapter 342 and associated rules, is not adulterated solely because the product consists of or contains cannabis.

Sec. 3. **RULEMAKING; DEPARTMENT OF AGRICULTURE.**

The commissioner of agriculture must adopt rules governing:

(1) the use of pesticides, fertilizers, soil amendments, and plant amendments by licensed cultivators;

(2) the certification, testing, and labeling requirements for cannabis and hemp seed;

(3) mandatory minimum good agricultural and manufacturing practices for cannabis cultivation and preparation; and

(4) the establishment and administration of a Minnesota certified organic cannabis program comparable to the National Organic Program administered by the United States Department of Agriculture.

ARTICLE 4
BUSINESS DEVELOPMENT

Section 1. **[17.1175] CANNABIS GROWER GRANTS.**

Subdivision 1. **Establishment.** The commissioner of agriculture shall establish CanGrow, a program to award grants to (1) eligible organizations to help farmers navigate the regulatory structure of the legal cannabis industry, and (2) nonprofit corporations to fund loans to farmers for expansion into the legal cannabis industry.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Eligible organization" means any organization capable of helping farmers navigate the regulatory structure of the legal cannabis industry, particularly individuals facing barriers to education or employment, and may include educational institutions, nonprofit organizations, private businesses, community groups, units of local government, or partnerships between different types of organizations.

(d) "Industry" means the legal cannabis industry in the state of Minnesota.

(e) "Program" means the CanGrow grant program.

(f) "Social equity applicant" has the meaning defined in section 342.70.

Subd. 3. **Technical assistance grants.** (a) Grant funds awarded to eligible organizations may be used for both developing technical assistance resources relevant to the regulatory structure of the legal cannabis industry and for providing such technical assistance or navigation services to farmers.

(b) The commissioner must award grants to eligible organizations through a competitive grant process.

(c) To receive grant funds, an eligible organization must submit a written application to the commissioner, using a form developed by the commissioner, explaining the organization's ability to assist farmers in navigating the regulatory structure of the legal cannabis industry, particularly individuals facing barriers to education or employment.

(d) An eligible organization's grant application must also include:

(1) a description of the proposed technical assistance or navigation services, including the types of individuals targeted for assistance;

(2) any evidence of the organization's past success in providing technical assistance or navigation services to individuals, particularly individuals who live in areas where long-term residents are eligible to be social equity applicants;

(3) an estimate of the cost of providing the technical assistance;

(4) the sources and amounts of any nonstate funds or in-kind contributions that will supplement grant funds, including any amounts individuals will be charged to receive assistance; and

(5) any additional information requested by the commissioner.

(e) In awarding grants under this subdivision, the commissioner shall give weight to applications from organizations that demonstrate a history of successful technical assistance or navigation services, particularly for individuals facing barriers to education or employment. The commissioner shall also give weight to applications where the proposed technical assistance will serve areas where long-term residents are eligible to be social equity applicants. The commissioner shall fund technical assistance to farmers throughout the state.

Subd. 4. **Loan financing grants.** (a) The commissioner shall establish a revolving loan account to make loan financing grants under the CanGrow program.

(b) The commissioner must award grants to nonprofit corporations through a competitive grant process.

(c) To receive grant funds, a nonprofit corporation must submit a written application to the commissioner, using a form developed by the commissioner.

(d) In awarding grants under this subdivision, the commissioner shall give weight to whether the nonprofit corporation:

(1) has a board of directors that includes citizens experienced in agricultural business development;

(2) has the technical skills to analyze projects;

(3) is familiar with other available public and private funding sources and economic development programs;

(4) can initiate and implement economic development projects;

(5) can establish and administer a revolving loan account; and

(6) has established relationships with communities where long-term residents are eligible to be social equity applicants.

The commissioner shall make grants that will help farmers enter the legal cannabis industry throughout the state.

(e) Nonprofit corporations that receive grants under the program must:

(1) establish a commissioner-certified revolving loan account for the purpose of making eligible loans; and

(2) enter into an agreement with the commissioner that the commissioner shall fund loans the nonprofit corporation makes to farmers entering the legal cannabis industry. The commissioner shall review existing agreements with nonprofit corporations every five years and may renew or terminate the agreement based on that review. In making this review, the commissioner shall consider, among other criteria, the criteria in paragraph (d).

Subd. 5. **Loans to farmers.** (a) The criteria in this subdivision apply to loans made by nonprofit corporations under the program.

(b) Loans must be used to support a farmer in entering the legal cannabis industry. Priority must be given to loans to businesses owned by individuals who are eligible to be social equity applicants and businesses located in communities where long-term residents are eligible to be social equity applicants.

(c) Loans must be made to businesses that are not likely to undertake the project for which loans are sought without assistance from the program.

(d) The minimum state contribution to a loan is $2,500 and the maximum is either:

(1) $50,000; or

(2) $150,000, if state contributions are matched by an equal or greater amount of new private investment.

(e) Loan applications given preliminary approval by the nonprofit corporation must be forwarded to the commissioner for approval. The commissioner must give final approval for each loan made by the nonprofit corporation under the program.

(f) If the borrower has met lender criteria, including being current with all payments for a minimum of three years, the commissioner may approve either full or partial forgiveness of interest or principal amounts.

Subd. 6. **Revolving loan account administration.** (a) The commissioner shall establish a minimum interest rate for loans or guarantees to ensure that necessary loan administration costs are covered. The interest rate charged by a nonprofit corporation for a loan under this section must not exceed the Wall Street Journal prime rate plus four percent. For a loan under this section, the nonprofit corporation may charge a loan origination fee equal to or less than one percent of the loan value. The nonprofit corporation may retain the amount of the origination fee.

(b) Loan repayment of principal must be paid to the commissioner for deposit in the revolving loan account. Loan interest payments must be deposited in a revolving loan account created by the nonprofit corporation originating the loan being repaid for further distribution or use, consistent with the criteria of this section.

(c) Administrative expenses of the nonprofit corporations with whom the commissioner enters into agreements, including expenses incurred by a nonprofit corporation in providing financial, technical, managerial, and marketing assistance to a business receiving a loan under this section, may be paid out of the interest earned on loans.

Subd. 7. **Program outreach.** The commissioner shall make extensive efforts to publicize these grants, including through partnerships with community organizations, particularly those located in areas where long-term residents are eligible to be social equity applicants.

Subd. 8. **Reporting requirements.** (a) A nonprofit corporation that receives a grant under subdivision 4 shall:

(1) submit an annual report to the commissioner by January 15 of each year it participates in the program that includes a description of agricultural businesses supported by the grant program, an account of loans made during the calendar year, the program's impact on farmers' ability to expand into the legal cannabis industry, the source and amount of money collected and distributed by the program, the program's assets and liabilities, and an explanation of administrative expenses; and

(2) provide for an independent annual audit to be performed in accordance with generally accepted accounting practices and auditing standards and submit a copy of each annual audit report to the commissioner.

(b) By February 15, 2023, and each February 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over agriculture that details awards given through the CanGrow program and the use of grant funds, including any measures of success toward helping farmers enter the legal cannabis industry.

Sec. 2. **[116J.659] CANNABIS INDUSTRY STARTUP FINANCING GRANTS.**

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall establish CanStartup, a program to award grants to nonprofit corporations to fund loans to new businesses in the legal cannabis industry and to support job creation in communities where long-term residents are eligible to be social equity applicants.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Industry" means the legal cannabis industry in the state of Minnesota.

(d) "New business" means a legal cannabis business that has been in existence for three years or less.

(e) "Program" means the CanStartup grant program.

(f) "Social equity applicant" has the meaning defined in Minnesota Statutes, section 342.70.

Subd. 3. **Grants.** (a) The commissioner shall establish a revolving loan account to make grants under the CanStartup program.

(b) The commissioner must award grants to nonprofit corporations through a competitive grant process.

(c) To receive grant funds, a nonprofit corporation must submit a written application to the commissioner, using a form developed by the commissioner.

(d) In awarding grants under this subdivision, the commissioner shall give weight to whether the nonprofit corporation:

(1) has a board of directors that includes citizens experienced in business and community development, new business enterprises, and creating jobs for people facing barriers to education or employment;

(2) has the technical skills to analyze projects;

(3) is familiar with other available public and private funding sources and economic development programs;

(4) can initiate and implement economic development projects;

(5) can establish and administer a revolving loan account;

(6) can work with job referral networks which assist people facing barriers to education or employment; and

(7) has established relationships with communities where long-term residents are eligible to be social equity applicants.

The commissioner shall make grants that will assist a broad range of businesses in the legal cannabis industry, including the processing and retail sectors.

(e) Nonprofit corporations that receive grants under the program must:

(1) establish a commissioner-certified revolving loan account for the purpose of making eligible loans; and

(2) enter into an agreement with the commissioner that the commissioner shall fund loans the nonprofit corporation makes to new businesses in the legal cannabis industry. The commissioner shall review existing agreements with nonprofit corporations every five years and may renew or terminate the agreement based on that review. In making this review, the commissioner shall consider, among other criteria, the criteria in paragraph (d).

Subd. 4. **Loans to businesses.** (a) The criteria in this subdivision apply to loans made by nonprofit corporations under the program.

(b) Loans must be used to support a new business in the legal cannabis industry. Priority must be given to loans to businesses owned by individuals who are eligible to be social equity applicants and businesses located in communities where long-term residents are eligible to be social equity applicants.

(c) Loans must be made to businesses that are not likely to undertake the project for which loans are sought without assistance from the program.

(d) The minimum state contribution to a loan is $2,500 and the maximum is either:

(1) $50,000; or

(2) $150,000, if state contributions are matched by an equal or greater amount of new private investment.

(e) Loan applications given preliminary approval by the nonprofit corporation must be forwarded to the commissioner for approval. The commissioner must give final approval for each loan made by the nonprofit corporation under the program.

(f) If the borrower has met lender criteria, including being current with all payments for a minimum of three years, the commissioner may approve either full or partial forgiveness of interest or principal amounts.

Subd. 5. **Revolving loan account administration.** (a) The commissioner shall establish a minimum interest rate for loans or guarantees to ensure that necessary loan administration costs are covered. The interest rate charged by a nonprofit corporation for a loan under this section must not exceed the Wall Street Journal prime rate plus four percent. For a loan under this section, the nonprofit corporation may charge a loan origination fee equal to or less than one percent of the loan value. The nonprofit corporation may retain the amount of the origination fee.

(b) Loan repayment of principal must be paid to the commissioner for deposit in the revolving loan account. Loan interest payments must be deposited in a revolving loan account created by the nonprofit corporation originating the loan being repaid for further distribution or use, consistent with the criteria of this section.

(c) Administrative expenses of the nonprofit corporations with whom the commissioner enters into agreements, including expenses incurred by a nonprofit corporation in providing financial, technical, managerial, and marketing assistance to a business receiving a loan under this section, may be paid out of the interest earned on loans.

Subd. 6. **Program outreach.** The commissioner shall make extensive efforts to publicize this program, including through partnerships with community organizations, particularly those located in areas where long-term residents are eligible to be social equity applicants.

Subd. 7. **Reporting requirements.** (a) A nonprofit corporation that receives a grant shall:

(1) submit an annual report to the commissioner by January 15 of each year it participates in the program that includes a description of businesses supported by the grant program, an account of loans made during the calendar year, the program's impact on business creation and job creation, particularly in communities where long-term residents are eligible to be

social equity applicants, the source and amount of money collected and distributed by the program, the program's assets and liabilities, and an explanation of administrative expenses; and

(2) provide for an independent annual audit to be performed in accordance with generally accepted accounting practices and auditing standards and submit a copy of each annual audit report to the commissioner.

(b) By February 15, 2023, and each February 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over economic development that details awards given through the CanStartup program and the use of grant funds, including any measures of success toward financing new businesses in the legal cannabis industry and creating jobs in communities where long-term residents are eligible to be social equity applicants.

Sec. 3. **[116J.6595] CANNABIS INDUSTRY NAVIGATION GRANTS.**

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall establish CanNavigate, a program to award grants to eligible organizations to help individuals navigate the regulatory structure of the legal cannabis industry.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Eligible organization" means any organization capable of helping individuals navigate the regulatory structure of the legal cannabis industry, particularly individuals facing barriers to education or employment, and may include educational institutions, nonprofit organizations, private businesses, community groups, units of local government, or partnerships between different types of organizations.

(d) "Industry" means the legal cannabis industry in the state of Minnesota.

(e) "Program" means the CanNavigate grant program.

(f) "Social equity applicant" has the meaning defined in section 342.70.

Subd. 3. **Grants to organizations.** (a) Grant funds awarded to eligible organizations may be used for both developing technical assistance resources relevant to the regulatory structure of the legal cannabis industry and for providing such technical assistance or navigation services to individuals.

(b) The commissioner must award grants to eligible organizations through a competitive grant process.

(c) To receive grant funds, an eligible organization must submit a written application to the commissioner, using a form developed by the commissioner, explaining the organization's ability to assist individuals in navigating the regulatory structure of the legal cannabis industry, particularly individuals facing barriers to education or employment.

(d) An eligible organization's grant application must also include:

(1) a description of the proposed technical assistance or navigation services, including the types of individuals targeted for assistance;

(2) any evidence of the organization's past success in providing technical assistance or navigation services to individuals, particularly individuals who live in areas where long-term residents are eligible to be social equity applicants;

(3) an estimate of the cost of providing the technical assistance;

(4) the sources and amounts of any nonstate funds or in-kind contributions that will supplement grant funds, including any amounts individuals will be charged to receive assistance; and

(5) any additional information requested by the commissioner.

(e) In awarding grants under this subdivision, the commissioner shall give weight to applications from organizations that demonstrate a history of successful technical assistance or navigation services, particularly for individuals facing barriers to education or employment. The commissioner shall also give weight to applications where the proposed technical assistance will serve areas where long-term residents are eligible to be social equity applicants. Finally, to the extent practical, the commissioner shall fund technical assistance for a variety of sectors in the legal cannabis industry, including both processing and retail.

Subd. 4. **Program outreach.** The commissioner shall make extensive efforts to publicize these grants, including through partnerships with community organizations, particularly those located in areas where long-term residents are eligible to be social equity applicants.

Subd. 5. **Reports to the legislature.** By January 15, 2023, and each January 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over economic development that details awards given through the CanNavigate program and the use of grant funds, including any measures of success toward helping individuals navigate the regulatory structure of the legal cannabis industry.

Sec. 4. **[116L.90] CANNABIS INDUSTRY TRAINING GRANTS.**

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall establish CanTrain, a program to award grants to (1) eligible organizations to train people for work in the legal cannabis industry, and (2) eligible individuals to acquire such training.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Eligible organization" means any organization capable of providing training relevant to the legal cannabis industry, particularly for individuals facing barriers to education or employment, and may include educational institutions, nonprofit organizations, private businesses, community groups, units of local government, or partnerships between different types of organizations.

(d) "Eligible individual" means a Minnesota resident who is 21 years old or older.

(e) "Industry" means the legal cannabis industry in Minnesota.

(f) "Program" means the CanTrain grant program.

(g) "Social equity applicant" has the meaning defined in section 342.70.

Subd. 3. **Grants to organizations.** (a) Grant funds awarded to eligible organizations may be used for both developing a training program relevant to the legal cannabis industry and for providing such training to individuals.

(b) The commissioner must award grants to eligible organizations through a competitive grant process.

(c) To receive grant funds, an eligible organization must submit a written application to the commissioner, using a form developed by the commissioner, explaining the organization's ability to train individuals for successful careers in the legal cannabis industry, particularly individuals facing barriers to education or employment.

(d) An eligible organization's grant application must also include:

(1) a description of the proposed training;

(2) an analysis of the degree of demand in the legal cannabis industry for the skills gained through the proposed training;

(3) any evidence of the organization's past success in training individuals for successful careers, particularly in new or emerging industries;

(4) an estimate of the cost of providing the training;

(5) the sources and amounts of any nonstate funds or in-kind contributions that will supplement grant funds, including any amounts individuals will be charged to participate in the training; and

(6) any additional information requested by the commissioner.

(e) In awarding grants under this subdivision, the commissioner shall give weight to applications from organizations that demonstrate a history of successful career training, particularly for individuals facing barriers to education or employment. The commissioner shall also give weight to applications where the proposed training will:

(1) result in an industry-relevant credential; or

(2) include opportunities for hands-on or on-site experience in the industry.

The commissioner shall fund training for a broad range of careers in the legal cannabis industry, including both potential business owners and employees and for work in the growing, processing, and retail sectors.

Subd. 4. **Grants to individuals.** (a) The commissioner shall award grants of $..... to eligible individuals to pursue a training program relevant to a career in the legal cannabis industry.

(b) To receive grant funds, an eligible individual must submit a written application to the commissioner, using a form developed by the commissioner, identifying a training program relevant to the legal cannabis industry and the estimated cost of completing that training. The application must also indicate whether:

(1) the applicant is eligible to be a social equity applicant;

(2) the proposed training program results in an industry-relevant credential; and

(3) the proposed training program includes opportunities for hands-on or on-site experience in the industry.

The commissioner shall attempt to make the application process simple for individuals to complete, such as by publishing lists of industry-relevant training programs along with their estimated cost of completion and whether they result in an industry-relevant credential or include opportunities for hands-on or on-site experience in the industry.

(c) The commissioner must award grants to eligible individuals through a lottery process. Applicants who have filed complete applications by the deadline set by the commissioner shall receive one entry in the lottery, plus one additional entry for each of the following:

(1) being eligible to be a social equity applicant;

(2) seeking to enroll in a training program that results in an industry-relevant credential; and

(3) seeking to enroll in a training program that includes opportunities for hands-on or on-site experience in the industry.

(d) Grant funds awarded to eligible individuals shall be used to pay the costs of enrolling in a training program relevant to the legal cannabis industry, including tuition, fees, and materials costs. Funds may also be used to remove external barriers to attending such a training program, such as the cost of child care, transportation, or other expenses approved by the commissioner.

Subd. 5. **Program outreach.** The commissioner shall make extensive efforts to publicize these grants, including through partnerships with community organizations, particularly those located in areas where long-term residents are eligible to be social equity applicants.

Subd. 6. **Reports to the legislature.** By January 15, 2023, and each January 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over workforce development that details awards given through the CanTrain program and the use of grant funds, including any measures of success toward training people for successful careers in the legal cannabis industry.

Sec. 5. **[175.47] CANNABIS INDUSTRY LEARNER GRANTS.**

Subdivision 1. **Establishment.** The commissioner of labor and industry shall establish CanLearn, a program to award grants to eligible organizations to train new workers for careers in the legal cannabis industry.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of labor and industry.

(c) "Eligible organization" means any organization capable of providing new workers with training relevant to the legal cannabis industry, particularly for individuals facing barriers to education or employment, and may include educational institutions, nonprofit

organizations, private businesses, community groups, units of local government, or partnerships between different types of organizations.

(d) "Industry" means the legal cannabis industry in Minnesota.

(e) "New worker" means a potential employee with less than three years of prior work experience.

(f) "Program" means the CanLearn grant program.

(g) "Social equity applicant" has the meaning defined in section 342.70.

Subd. 3. **Grants to organizations.** (a) Grant funds awarded to eligible organizations may be used for both developing a training program relevant to the legal cannabis industry and for providing such training to new workers. To be eligible for grant funds, the proposed training program must include both classroom and on-the-job or hands-on training components.

(b) The commissioner must award grants to eligible organizations through a competitive grant process.

(c) To receive grant funds, an eligible organization must submit a written application to the commissioner, using a form developed by the commissioner, explaining the organization's ability to train new workers for successful careers in the legal cannabis industry, particularly individuals facing barriers to education or employment.

(d) An eligible organization's grant application must also include:

(1) a description of the proposed training, including both the classroom and on-the-job or hands-on components;

(2) an analysis of the degree of demand in the legal cannabis industry for the skills gained through the proposed trainings;

(3) any evidence of the organization's past success in training individuals for successful careers, particularly in new or emerging industries;

(4) an estimate of the cost of providing the training, including any payments to trainees during on-the-job training;

(5) the sources and amounts of any nonstate funds or in-kind contributions that will supplement grant funds, including any amounts that individuals will be charged to participate in the training; and

(6) any additional information requested by the commissioner.

(e) In awarding grants under this subdivision, the commissioner shall give weight to applications from organizations that demonstrate a history of successful career training, particularly for individuals facing barriers to education or employment, including new workers. The commissioner shall also give weight to applications where the proposed training will:

(1) result in an industry-relevant credential; or

(2) provide a direct link to permanent employment in the industry.

The commissioner shall fund training for a broad range of careers in the legal cannabis industry, including training for work in the growing, processing, and retail sectors.

Subd. 4. **Program outreach.** The commissioner shall make extensive efforts to publicize these grants, including through partnerships with community organizations, particularly those located in areas where long-term residents are eligible to be social equity applicants.

Subd. 5. **Reports to the legislature.** By January 15, 2023, and each January 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over workforce development that details awards given through the CanLearn program and the use of grant funds, including any measures of success toward training new workers for successful careers in the legal cannabis industry.

ARTICLE 5
CRIMINAL PENALTIES

Section 1. Minnesota Statutes 2020, section 152.022, subdivision 1, is amended to read:

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

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

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

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

(ii) the offense involves three aggravating factors;

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

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

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

~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:

(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

(ii) one or more mixtures containing methamphetamine or amphetamine~~; or~~.

~~(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.~~

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

Sec. 2. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine;

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

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

(ii) the offense involves three aggravating factors;

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

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

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

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

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2020, section 152.023, subdivision 1, is amended to read:

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

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

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

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

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

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

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

Sec. 4. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the third degree if:

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

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

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses ~~one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols~~:

(i) more than ten kilograms of cannabis in any place other than the person's residence;

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

(iii) products infused with more than 200 grams of tetrahydrocannabinol; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2020, section 152.024, subdivision 1, is amended to read:

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

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

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or

(3) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V~~; or~~.

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

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

Sec. 6. Minnesota Statutes 2020, section 152.025, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if~~:~~

~~(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

~~(2)~~ the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.

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

Sec. 7. Minnesota Statutes 2020, section 152.025, subdivision 2, is amended to read:

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

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

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

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

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

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 8. **[152.0263] CANNABIS POSSESSION CRIMES.**

Subdivision 1. **Possession of cannabis in the first degree.** A person is guilty of cannabis possession in the first degree and may be sentenced to imprisonment of not more than five years or to payment of a fine of not more than $10,000, or both, if the person unlawfully possesses any of the following which were not obtained from a business licensed to sell cannabis and cannabis products:

(1) more than 500 grams but not more than ten kilograms of cannabis in any place other than the person's residence;

(2) more than 4.5 kilograms but not more than ten kilograms of cannabis in the person's residence;

(3) more than 80 grams but not more than two kilograms of cannabis concentrate; or

(4) edible cannabis products infused with more than eight grams but not more than 200 grams of tetrahydrocannabinol.

Subd. 2. **Possession of cannabis in the second degree.** A person is guilty of cannabis possession in the second degree and may be sentenced to imprisonment of not more than one year or to payment of a fine of not more than $3,000, or both, if the person unlawfully possesses any of the following which were obtained from a business licensed to sell cannabis and cannabis products:

(1) more than 500 grams but not more than ten kilograms of cannabis in any place other than the person's residence;

(2) more than 4.5 kilograms but not more than ten kilograms of cannabis in the person's residence;

(3) more than 80 grams but not more than two kilograms of cannabis concentrate; or

(4) edible cannabis products infused with more than eight grams but not more than 200 grams of tetrahydrocannabinol.

Subd. 3. **Possession of cannabis in the third degree.** A person is guilty of cannabis possession in the third degree and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than $1,000, or both, if the person unlawfully possesses any of the following which were not obtained from a business licensed to sell cannabis and cannabis products:

(1) more than three ounces but not more than one pound of cannabis in any place other than the person's residence;

(2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

(3) edible cannabis products infused with more than 1,600 milligrams but not more than eight grams of tetrahydrocannabinol.

Subd. 4. **Possession of cannabis in the fourth degree.** A person is guilty of a petty misdemeanor if the person unlawfully possesses any of the following:

(1) if the cannabis or cannabis products were not obtained from a business licensed to sell cannabis and cannabis products:

(i) more than 1.5 ounces but not more than three ounces of cannabis;

(ii) more than eight grams but not more than 16 grams of cannabis concentrate; or

(iii) edible cannabis products infused with more than 800 milligrams but not more than 1,600 milligrams of tetrahydrocannabinol; or

(2) if the cannabis or cannabis products were obtained from a business licensed to sell cannabis and cannabis products:

(i) more than 1.5 ounces but not more than one pound of cannabis;

(ii) more than eight grams but not more than 80 grams of cannabis concentrate; or

(iii) edible cannabis products infused with more than 800 milligrams but not more than eight grams of tetrahydrocannabinol.

Subd. 5. **Use of cannabis in a motor vehicle.** A person is guilty of a crime and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than $1,000, or both, if the person unlawfully uses cannabis or cannabis products while driving, operating, or being in physical control of any motor vehicle, as defined in section 169A.03, subdivision 15.

Subd. 6. **Possession of cannabis in a motor vehicle.** (a) A person is guilty of a petty misdemeanor if the person, while in a private motor vehicle upon a street or highway, unlawfully possesses not more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or products infused with 800 milligrams of tetrahydrocannabinol in any container that has been opened, or the seal broken, or the contents of which have been partially removed.

(b) Paragraph (a) does not apply to a container that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk. However, a utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(c) A person who violates paragraph (a) a second or subsequent time must pay a fine of $275.

Subd. 7. **Use of cannabis in public.** A person is guilty of a petty misdemeanor if the person unlawfully uses cannabis or cannabis products in a public place. For purposes of this subdivision, "public place" does not include the following:

(1) a private residence, including the person's curtilage or yard;

(2) private property, not generally accessible by the public, when the person is explicitly permitted to consume cannabis or cannabis products on the property by the owner of the property; or

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

Subd. 8. **Definitions.** As used in this section, the following terms have the meanings given:

(1) "cannabis" has the meaning given in section 342.01, subdivision 10;

(2) "cannabis concentrate" has the meaning given in section 342.01, subdivision 12;

(3) "cannabis product" has the meaning given in section 342.01, subdivision 15; and

(4) "edible cannabis product" has the meaning given in section 342.01, subdivision 20.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 9. **[152.0264] CANNABIS SALE CRIMES.**

Subdivision 1. **Sale of cannabis in the first degree.** A person is guilty of sale of cannabis in the first degree and may be sentenced to imprisonment of not more than five years or to payment of a fine of not more than $10,000, or both, if the person unlawfully sells more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol:

(1) within ten years of a previous conviction for the unlawful sale of more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol to a minor;

(2) within ten years of a conviction for the unlawful sale of more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol if the current offense involves a sale to a minor and the defendant is more than 36 months older than the minor;

(3) to a minor, the defendant is more than 36 months older than the minor, and the sale takes place in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(4) within ten years of three or more convictions for the unlawful sale of more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol;

(5) within ten years of two or more convictions for the unlawful sale of more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol and either a prior conviction or the current offense took place in a school zone, a park zone, a public housing zone, or a drug treatment facility; or

(6) within ten years of a conviction under this subdivision.

Subd. 2. **Sale of cannabis in the second degree.** A person is guilty of sale of cannabis in the second degree and may be sentenced to imprisonment of not more than one year or to payment of a fine of not more than $3,000, or both, if the person unlawfully sells more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol:

(1) to a minor and the defendant is more than 36 months older than the minor;

(2) within ten years of two convictions for the unlawful sale of more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol; or

(3) within ten years of a conviction for the unlawful sale of more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol and either a prior conviction or the current offense took place in a school zone, a park zone, a public housing zone, or a drug treatment facility.

Subd. 3. **Sale of cannabis in the third degree.** A person is guilty of sale of cannabis in the third degree and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than $1,000, or both, if the person unlawfully sells more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol.

Subd. 4. **Sale of cannabis in the fourth degree.** A person is guilty of a petty misdemeanor if the person unlawfully sells not more than 1.5 ounces of cannabis, eight grams of cannabis concentrate, or edible cannabis products infused with 800 milligrams of tetrahydrocannabinol.

Subd. 5. **Sale of cannabis by a minor.** (a) A minor is guilty of a petty misdemeanor if the minor unlawfully sells cannabis or cannabis products.

(b) A minor sentenced under this subdivision 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.

(c) A minor sentenced under this subdivision shall be required to perform community service.

Subd. 6. **Definitions.** As used in this section, the following terms have the meanings given:

(1) "cannabis" has the meaning given in section 342.01, subdivision 10;

(2) "cannabis concentrate" has the meaning given in section 342.01, subdivision 12;

(3) "cannabis product" has the meaning given in section 342.01, subdivision 15; and

(4) "edible cannabis product" has the meaning given in section 342.01, subdivision 20.

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

Sec. 10. **[152.0265] CANNABIS CULTIVATION CRIMES.**

Subdivision 1. **Cultivation of cannabis in the first degree.** A person is guilty of cultivation of cannabis in the first degree and may be sentenced to imprisonment of not more than five years or to payment of a fine of not more than $10,000, or both, if the person unlawfully cultivates more than 23 cannabis plants.

Subd. 2. **Cultivation of cannabis in the second degree.** A person is guilty of cultivation of cannabis in the second degree and may be sentenced to imprisonment of not more than one year or to payment of a fine of not more than $3,000, or both, if the person unlawfully cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 2, is amended to read:

Subd. 2. **Rules.** (a) The commissioner of corrections shall adopt by rule standards and procedures for the establishment of conditions of release and the revocation of supervised or conditional release, and shall specify the period of revocation for each violation of release. Procedures for the revocation of release shall provide due process of law for the inmate.

(b) The commissioner may prohibit an inmate placed on supervised release from using cannabis as defined in section 342.01, subdivision 10, or cannabis products as defined in

section 342.01, subdivision 15, if the inmate undergoes a chemical use assessment and abstinence is consistent with a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to supervised release granted on or after that date.

Sec. 12. Minnesota Statutes 2020, section 609.135, subdivision 1, is amended to read:

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

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

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

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

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

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

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

(e) The court may prohibit a defendant from using cannabis as defined in section 342.01, subdivision 10, or cannabis products as defined in section 342.01, subdivision 15, if the defendant undergoes a chemical use assessment and abstinence is consistent with a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3. The assessment must be conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An assessor providing a chemical use assessment may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider, except as authorized under section 254A.19, subdivision 3. If an independent assessor is not available, the probation officer may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to sentences ordered on or after that date.

Sec. 13. Minnesota Statutes 2020, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of

Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152 or 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 152.0263; 152.0264; 152.0265; 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(h) "Prosecuting authority" means the attorney who is responsible for prosecuting an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

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

Sec. 14. Minnesota Statutes 2020, section 609.5311, subdivision 1, is amended to read:

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

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

Sec. 15. Minnesota Statutes 2020, section 609.5314, subdivision 1, is amended to read:

Subdivision 1. **Property subject to administrative forfeiture; presumption.** (a) The following are presumed to be subject to administrative forfeiture under this section:

(1) all money, precious metals, and precious stones found in proximity to:

(i) controlled substances other than cannabis as defined in section 342.01, subdivision 10, or cannabis products as defined in section 342.01, subdivision 15;

(ii) forfeitable drug manufacturing or distributing equipment or devices other than equipment or devices used in the manufacturing or distribution of cannabis or cannabis products; or

(iii) forfeitable records of manufacture or distribution of controlled substances other than cannabis or cannabis products;

(2) all conveyance devices containing controlled substances other than cannabis or cannabis products with a retail value of $100 or more if possession or sale of the controlled substance would be a felony under chapter 152; and

(3) all firearms, ammunition, and firearm accessories found:

(i) in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance other than cannabis or cannabis products;

(ii) on or in proximity to a person from whom a felony amount of controlled substance other than cannabis or cannabis products is seized; or

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

(b) The Department of Corrections Fugitive Apprehension Unit shall not seize items listed in paragraph (a), clauses (2) and (3), for the purposes of forfeiture.

(c) A claimant of the property bears the burden to rebut this presumption.

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

Sec. 16. Minnesota Statutes 2020, section 609.5316, subdivision 2, is amended to read:

Subd. 2. **Controlled substances.** (a) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of chapter 152, are contraband and must be seized and summarily forfeited. Controlled substances listed in Schedule I that

are seized or come into the possession of peace officers, the owners of which are unknown, are contraband and must be summarily forfeited.

(b) Species of plants from which controlled substances in Schedules I and II may be derived that have been planted or cultivated in violation of chapter 152 or 342 or of which the owners or cultivators are unknown, or that are wild growths, may be seized and summarily forfeited to the state. The appropriate agency or its authorized agent may seize the plants if the person in occupancy or in control of land or premises where the plants are growing or being stored fails to produce an appropriate registration or proof that the person is the holder of appropriate registration.

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

Sec. 17. Minnesota Statutes 2020, section 609.5317, subdivision 1, is amended to read:

Subdivision 1. **Rental property.** (a) When contraband or a controlled substance manufactured, distributed, or acquired in violation of chapter 152 or 342 is seized on residential rental property incident to a lawful search or arrest, the prosecuting authority shall give the notice required by this subdivision to (1) the landlord of the property or the fee owner identified in the records of the county assessor, and (2) the agent authorized by the owner to accept service pursuant to section 504B.181. The notice is not required during an ongoing investigation. The notice shall state what has been seized and specify the applicable duties and penalties under this subdivision. The notice shall state that the landlord who chooses to assign the right to bring an eviction action retains all rights and duties, including removal of a tenant's personal property following issuance of the writ of recovery and delivery of the writ to the sheriff for execution. The notice shall also state that the landlord may contact the prosecuting authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in the manner provided by law for service of summons in a civil action.

(b) Within 15 days after notice of the first occurrence, the landlord shall bring, or assign to the prosecuting authority of the county in which the real property is located, the right to bring an eviction action against the tenant. The assignment must be in writing on a form prepared by the prosecuting authority. Should the landlord choose to assign the right to bring an eviction action, the assignment shall be limited to those rights and duties up to and including delivery of the writ of recovery to the sheriff for execution.

(c) Upon notice of a second occurrence on any residential rental property owned by the same landlord in the same county and involving the same tenant, and within one year after notice of the first occurrence, the property is subject to forfeiture under sections 609.531, 609.5311, 609.5313, and 609.5315, unless an eviction action has been commenced as provided in paragraph (b) or the right to bring an eviction action was assigned to the prosecuting authority as provided in paragraph (b). If the right has been assigned and not previously exercised, or if the prosecuting authority requests an assignment and the landlord makes an assignment, the prosecuting authority may bring an eviction action rather than an action for forfeiture.

(d) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture as described in paragraphs (a) to (c).

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

ARTICLE 6
EXPUNGEMENT

Section 1. Minnesota Statutes 2020, section 609A.01, is amended to read:

609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.

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

EFFECTIVE DATE. This section is effective August 1, 2021.

Sec. 2. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

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

(1) sealing the record; and

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

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

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

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

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

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

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

(5) aggravating or mitigating factors relating to the underlying crime, including the petitioner's level of participation and context and circumstances of the underlying crime;

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

(7) the petitioner's criminal record;

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

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

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

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

(12) other factors deemed relevant by the court.

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

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

EFFECTIVE DATE. This section is effective August 1, 2021.

Sec. 3. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

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

EFFECTIVE DATE. This section is effective August 1, 2021.

Sec. 4. **[609A.05] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS OFFENSES.**

Subdivision 1. **Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis offenses.** A person is eligible for an order of expungement:

(1) upon the dismissal and discharge of proceedings against a person under section 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession of marijuana or tetrahydrocannabinols;

(2) if the person was convicted of or received a stayed sentence for a violation of section 152.027, subdivision 3 or 4;

(3) the person was arrested for possession of marijuana or tetrahydrocannabinols and all charges were dismissed prior to a determination of probable cause; or

(4) all pending actions or proceedings involving the possession of marijuana or tetrahydrocannabinols were resolved in favor of the person. For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved in favor of the petitioner if the petitioner received an order under section 590.11 determining that the petitioner is eligible for compensation based on exoneration.

Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The Bureau of Criminal Apprehension shall identify convictions that qualify for an order of expungement pursuant to subdivision 1.

(b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

(1) the name and date of birth of an individual whose conviction is eligible for an order of expungement; and

(2) the case number of the eligible conviction.

(c) The Bureau of Criminal Apprehension shall make a reasonable and good faith effort to notify any person whose conviction qualifies for an order of expungement that the offense qualifies and notice is being sent to the judicial branch. Notice sent pursuant to this paragraph shall inform the person that, following the order of expungement, any records of an arrest, conviction, or incarceration should not appear on any background check or study.

Subd. 3. **Order of expungement.** (a) Upon receiving notice that an offense qualifies for expungement, or upon entering an order dismissing charges prior to a determination of probable cause, the court shall issue an order sealing all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for an offense described in subdivision 1.

(b) Section 609A.03, subdivision 6, applies to an order issued under this section sealing the record of proceedings under section 152.18.

(c) The limitations under section 609A.03, subdivision 7a, paragraph (b), do not apply to an order issued under this section. An order issued under this section shall be directed to the commissioner of human services, the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education.

(d) The court administrator shall send a copy of an expungement order issued under this section to each agency and jurisdiction whose records are affected by the terms of the order and send a letter to the last known address of the person whose offense has been expunged identifying each agency to which the order was sent.

(e) Data on the person whose offense has been expunged in a letter sent under this subdivision are private data on individuals as defined in section 13.02.

EFFECTIVE DATE. This section is effective August 1, 2021.

Sec. 5. **[609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY CANNABIS OFFENSES.**

Subdivision 1. **Cannabis Expungement Board.** (a) The Cannabis Expungement Board is created with the powers and duties established by law.

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

(1) the chief justice of the supreme court or a designee;

(2) the attorney general or a designee;

(3) one public defender, appointed by the governor upon recommendation of the state public defender;

(4) the commissioner of one department of the state government as defined in section 15.01, appointed by the governor; and

(5) one public member with experience as an advocate for victim's rights, appointed by the governor.

(c) The Cannabis Expungement Board shall have the following powers and duties:

(1) obtain and review the records, including but not limited to all matters, files, documents, and papers incident to the arrest, indictment, information, trial, appeal, or dismissal and discharge, which relate to a conviction for possession of a controlled substance;

(2) determine whether a person committed an act involving the possession of cannabis or cannabis products which would either be a lesser offense or no longer be a crime after August 1, 2021;

(3) determine whether a person's records should be expunged or the person should be resentenced to a lesser offense; and

(4) notify the judicial branch of individuals eligible for expungement or resentencing.

Subd. 2. **Eligibility; possession of cannabis.** (a) A person is eligible for expungement or resentencing if:

(1) the person was convicted of, or adjudication was stayed for a violation of section 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.024, subdivision 2; or 152.025, subdivision 2, for the possession of marijuana or tetrahydrocannabinols;

(2) the offense did not involve a dangerous weapon, the intentional infliction of bodily harm on another, an attempt to inflict bodily harm on another, or an act committed with the intent to cause fear in another of immediate bodily harm or death;

(3) the act would either be a lesser offense or no longer be a crime after August 1, 2021; and

(4) the person did not appeal the sentence, any appeal was denied, or the deadline to file an appeal has expired.

(b) For purposes of this subdivision, a lesser offense means a nonfelony offense if the person was convicted of a felony.

Subd. 3. **Bureau of Criminal Apprehension to identify eligible records.** (a) The Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication was stayed that qualify for review under subdivision 2, paragraph (a), clause (1).

(b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board of:

(1) the name and date of birth of a person whose conviction is eligible for review; and

(2) the case number of the eligible conviction or stay of adjudication.

Subd. 4. **Access to records.** The Cannabis Expungement Board shall have free access to records, including but not limited to all matters, files, documents, and papers incident to the arrest, indictment, information, trial, appeal, or dismissal and discharge, which relate to a conviction for possession of a controlled substance held by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis Expungement Board may issue subpoenas for and compel the production of books, records, accounts, documents, and papers. If any person shall fail or refuse to produce any books, records, accounts, documents, or papers material in the matter under consideration, after having been lawfully required by order or subpoena, any judge of the district court in any county of the state where the order or subpoena was made returnable, on application of the commissioner of management and budget or commissioner of administration, as the case may be, shall compel obedience or punish disobedience as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court.

Subd. 5. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall hold meetings at least monthly and shall hold a meeting whenever it takes formal action on a review of a conviction or stay of adjudication for an offense involving the possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the public and subject to chapter 13D.

(b) Any victim of a crime being reviewed and any law enforcement agency may submit an oral or written statement at the meeting, giving a recommendation on whether conviction

should be expunged or resentenced to a lesser offense. The board must consider the victim's and the law enforcement agency's statement when making its decision.

(c) Section 13D.05 governs the board's treatment of not public data, as defined by section 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim of a crime and person whose conviction or stay of adjudication it reviews. The identifier shall be used in any discussion in a meeting open to the public and on any records available to the public to protect the identity of the person whose records are being considered.

Subd. 6. **Review and determination.** (a) The Cannabis Expungement Board shall review all available records to determine whether the conviction or stay of adjudication is eligible for expungement or resentencing. Expungement under this section is presumed to be in the public interest unless there is clear and convincing evidence that expungement or resentencing would create a risk to public safety.

(b) If the Cannabis Expungement Board determines that expungement is in the public interest, the board shall determine whether the limitations under section 609A.03, subdivision 5a, apply.

(c) If the Cannabis Expungement Board determines that expungement is in the public interest, the board shall determine whether the limitations under section 609A.03, subdivision 7a, paragraph (b), clause (4) or (5), apply.

(d) If the Cannabis Expungement Board determines that expungement is not in the public interest, the board shall determine whether the person is eligible for resentencing to a lesser offense.

(e) In making a determination under this subdivision, the Cannabis Expungement Board shall consider:

(1) the nature and severity of the underlying crime, including but not limited to the total amount of marijuana or tetrahydrocannabinols possessed by the person and whether the offense involved a dangerous weapon, the intentional infliction of bodily harm on another, an attempt to inflict bodily harm on another, or an act committed with the intent to cause fear in another of immediate bodily harm or death;

(2) whether expungement or conviction of a lesser offense would increase the risk, if any, the person poses to individuals or society;

(3) if the person is under sentence, whether expungement or resentencing would result in the release of the person and whether release prior to the time the person would be released

under the sentence currently being served presents a danger to the public and is compatible with the welfare of society;

(4) aggravating or mitigating factors relating to the underlying crime, including the person's level of participation and context and circumstances of the underlying crime;

(5) statements from victims and law enforcement, if any;

(6) if an expungement or reduction to a nonfelony offense is considered, whether there is good cause to restore the person's right to possess firearms and ammunition;

(7) if an expungement is considered, whether an expunged record of a conviction or stay of adjudication may be opened for purposes of a background study under section 245C.08;

(8) if an expungement is considered, whether an expunged record of a conviction or stay of adjudication may be opened for purposes of a background check required under section 122A.18, subdivision 8; and

(9) other factors deemed relevant by the Cannabis Expungement Board.

(f) The affirmative vote of three members is required for action taken at any meeting.

Subd. 7. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement Board shall identify any conviction or stay of adjudication that qualifies for an order of expungement or resentencing and notify the judicial branch of:

(1) the name and date of birth of a person whose conviction or stay of adjudication is eligible for an order of expungement or resentencing;

(2) the case number of the eligible conviction or stay of adjudication;

(3) whether the person is eligible for expungement;

(4) if the person is eligible for expungement, whether there is good cause to restore the offender's right to possess firearms and ammunition;

(5) if the person is eligible for expungement, whether the limitations under section 609A.03, subdivision 7a, clause (4) or (5), apply; and

(6) if the person is eligible for resentencing, the lesser sentence to be imposed.

(b) The Cannabis Expungement Board shall make a reasonable and good faith effort to notify any person whose conviction or stay of adjudication qualifies for an order of expungement that the offense qualifies and notice is being sent to the judicial branch. Notice sent pursuant to this paragraph shall inform the person that, following the order of

expungement, any records of an arrest, conviction, or incarceration should not appear on any background check or study.

Subd. 8. **Data classification.** All data collected, created, received, maintained, or disseminated by the Cannabis Expungement Board in which each victim of a crime and person whose conviction or stay of adjudication the Cannabis Expungement Board reviews is or can be identified as the subject of the data is classified as private data on individuals, as defined by section 13.02, subdivision 12.

Subd. 9. **Order of expungement.** (a) Upon receiving notice that an offense qualifies for expungement, the court shall issue an order sealing all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for an offense described in subdivision 1.

(b) If the Cannabis Expungement Board determined that there is good cause to restore the person's right to possess firearms and ammunition, the court shall issue an order pursuant to section 609.165, subdivision 1d.

(c) If the Cannabis Expungement Board determined that an expunged record of a conviction or stay of adjudication may not be opened for purposes of a background study under section 245C.08, the court shall direct the order specifically to the commissioner of human services.

(d) If the Cannabis Expungement Board determined that an expunged record of a conviction or stay of adjudication may not be opened for purposes of a background check required under section 122A.18, subdivision 8, the court shall direct the order specifically to the Professional Educator Licensing and Standards Board or the licensing division of the Department of Education.

(e) The court administrator shall send a copy of an expungement order issued under this section to each agency and jurisdiction whose records are affected by the terms of the order and send a letter to the last known address of the person whose offense has been expunged identifying each agency to which the order was sent.

(f) Data on the person whose offense has been expunged in a letter sent under this subdivision are private data on individuals as defined in section 13.02.

Subd. 10. **Resentencing.** (a) If the Cannabis Expungement Board determined that a person is eligible for resentencing to a lesser sentence and the person is currently under sentence, the court shall proceed as if the appellate court directed a reduction of the conviction

to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal Procedure.

(b) If the Cannabis Expungement Board determined that a person is eligible for resentencing to a lesser sentence and the person completed or has been discharged from the sentence, the court may issue an order amending the conviction to an offense of lesser degree without holding a hearing.

(c) If the Cannabis Expungement Board determined that there is good cause to restore the person's right to possess firearms and ammunition, the court shall, as necessary, issue an order pursuant to section 609.165, subdivision 1d.

EFFECTIVE DATE. This section is effective August 1, 2021.

ARTICLE 7
MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to read:

Subd. 11. **Cannabis businesses.** Data submitted to the Cannabis Management Board for a cannabis business license and data relating to investigations and disciplinary proceedings involving cannabis businesses licensed by the Cannabis Management Board are classified under section 324.17, subdivision 7.

Sec. 2. Minnesota Statutes 2020, section 13.871, is amended by adding a subdivision to read:

Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received, maintained, or disseminated by the Cannabis Expungement Board are classified under section 609A.06, subdivision 8.

Sec. 3. **[120B.215] EDUCATION ON CANNABIS USE AND SUBSTANCE USE.**

Subdivision 1. **Model program.** The commissioner of education, in consultation with the commissioners of health and human services, shall identify one or more model programs that may be used to educate middle school and high school students on the health effects on children and adolescents of cannabis use and substance use. The commissioner must identify all model programs in rule, and must provide school districts and charter schools with access to the model programs, including written materials, curriculum resources, and

training for instructors, by June 1, 2023. A model program identified by the commissioner must be medically accurate and age-appropriate and must address:

(1) physical and mental health effects of cannabis use and substance use by children and adolescents, including effects on the developing brains of children and adolescents;

(2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

(3) signs of substance use disorders;

(4) treatment options; and

(5) healthy coping strategies for children and adolescents.

Subd. 2. **School programs.** Starting in the 2023-2024 school year, a school district or charter school must implement a comprehensive education program on cannabis use and substance use for students in middle school and high school. The program must include instruction on the topics listed in subdivision 1 and must:

(1) respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use; and

(2) refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, and treatment for a substance use disorder.

Subd. 3. **Parental review.** A school district or charter school must provide instruction under this section consistent with the parental curriculum review requirements in section 120B.20, provide parents with access to the instructional materials used to provide instruction, and inform parents of the requirements of section 120B.20. The district or charter school must allow a parent or adult student to opt out of instruction under this section with no academic or other penalty for the student.

Subd. 4. **Youth council.** A school district or charter school may establish one or more youth councils, in which student members of the council receive education and training on cannabis use and substance use and provide peer-to-peer education on these topics.

Sec. 4. **[144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.**

Subdivision 1. **General.** The commissioner of health shall engage in research and data collection activities to measure the prevalence of cannabis use and the use of cannabis products in the state by persons under age 21 and by persons age 21 or older. In order to collect data, the commissioner may modify existing data collection tools used by the department or other state agencies, or may establish one or more new data collection tools.

Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall conduct a statewide assessment to establish a baseline for the prevalence of cannabis use and the use of cannabis products in the state, broken out by:

(1) the current age of the customer;

(2) the age at which the customer began consuming cannabis or cannabis products;

(3) whether the customer consumes cannabis or a cannabis product, and by type of cannabis product if applicable;

(4) the amount of cannabis or cannabis product typically consumed at one time;

(5) the typical frequency of consumption; and

(6) other criteria specified by the commissioner.

(b) The initial assessment must be completed by July 1, 2022. The commissioner shall collect updated data under this subdivision at least every two years thereafter.

Subd. 3. **Reports.** Beginning January 1, 2023, and every two years thereafter, the commissioner shall issue a public report on the prevalence of cannabis use and the use of cannabis products in the state by persons under age 21 and by persons age 21 or older. The report may include recommendations from the commissioner for changes to this chapter that would discourage or prevent personal use of cannabis or cannabis products by persons under age 21, that would discourage personal use of cannabis or cannabis products by pregnant or breastfeeding women, that would prevent access to cannabis or cannabis products by young children, or that would otherwise promote the public health.

Sec. 5. **[144.197] CANNABIS EDUCATION PROGRAMS.**

Subdivision 1. **Youth education.** The commissioner of health shall conduct a long-term, coordinated education program to raise public awareness about and address the top three adverse health effects, as determined by the commissioner, associated with the use of cannabis or cannabis products by persons under age 21. In conducting this education program, the commissioner shall engage and consult with youth around the state on program content and on methods to effectively disseminate program information to youth around the state.

Subd. 2. **Education for pregnant and breastfeeding women; women who may become pregnant.** The commissioner of health shall conduct a long-term, coordinated program to educate pregnant women, breastfeeding women, and women who may become pregnant on the adverse health effects of prenatal exposure to cannabis or cannabis products, and on the adverse health effects experienced by infants and children who are exposed to cannabis or

cannabis products in breast milk, from secondhand smoke, or by ingesting cannabis products. This education program must also educate women on what constitutes a substance use disorder, signs of a substance use disorder, and treatment options for persons with a substance use disorder.

Subd. 3. **Home visiting programs.** The commissioner of health shall provide training, technical assistance, and education materials to local public health home visiting programs and tribal home visiting programs regarding safe and unsafe use of cannabis and cannabis products in homes with infants and young children. The training, technical assistance, and education materials shall address substance use, signs of a substance use disorder, treatment options for persons with a substance use disorder, dangers of driving under the influence of cannabis or cannabis products, how to safely consume cannabis and cannabis products in homes with infants and young children, and how to prevent infants and young children from being exposed to cannabis by ingesting cannabis products or through secondhand smoke.

Subd. 4. **Education for substance use disorder treatment providers.** The commissioner of health shall issue grants to qualified agencies and programs to provide education and training to providers of substance use disorder treatment on the signs of cannabis use disorder and effective treatments for cannabis use disorder.

Sec. 6. Minnesota Statutes 2020, section 181.938, subdivision 2, is amended to read:

Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant or discipline or discharge an employee because the applicant or employee engages in or has engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment takes place off the premises of the employer during nonworking hours. For purposes of this section, "lawful consumable products" means products whose use or enjoyment is lawful and which are consumed during use or enjoyment, and includes food, alcoholic or nonalcoholic beverages, ~~and~~ tobacco, cannabis, as defined in section 342.01, subdivision 10, and cannabis products as defined in section 342.01, subdivision 15.

(b) Cannabis is a lawful consumable product for the purpose of Minnesota law, regardless of whether federal or other state law considers cannabis use, possession, impairment, sale, or transfer to be unlawful. Nothing in this section shall be construed to limit an employer's ability to discipline or discharge an employee for cannabis use, possession, impairment, sale, or transfer during working hours, on work premises, or while operating an employer's vehicle, machinery, or equipment.

Sec. 7. Minnesota Statutes 2020, section 181.950, subdivision 2, is amended to read:

Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test or cannabis test that uses a method of analysis allowed under one of the programs listed in section 181.953, subdivision 1.

Sec. 8. Minnesota Statutes 2020, section 181.950, subdivision 4, is amended to read:

Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis as defined in section 342.01, subdivision 10, or cannabis products as defined in section 342.01, subdivision 15.

Sec. 9. Minnesota Statutes 2020, section 181.950, subdivision 5, is amended to read:

Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. It does not include cannabis or cannabis testing, unless stated otherwise.

Sec. 10. Minnesota Statutes 2020, section 181.950, is amended by adding a subdivision to read:

Subd. 5a. **Cannabis testing.** "Cannabis testing" means analysis of a body component sample according to the standards established under one of the programs listed in section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis, as defined in section 342.01, subdivision 10, cannabis products as defined in section 342.01, subdivision 15, or cannabis metabolites in the sample tested. The definitions in this section shall apply to cannabis testing unless stated otherwise.

Sec. 11. Minnesota Statutes 2020, section 181.950, subdivision 8, is amended to read:

Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in section 181.953, subdivision 1.

Sec. 12. Minnesota Statutes 2020, section 181.950, subdivision 13, is amended to read:

Subd. 13. **Safety-sensitive position.** "Safety-sensitive position" means a job, including any supervisory or management position, in which an impairment caused by drug ~~or~~, alcohol, or cannabis usage would threaten the health or safety of any person.

Sec. 13. Minnesota Statutes 2020, section 181.951, is amended by adding a subdivision to read:

Subd. 8. **Limitations on cannabis testing.** (a) An employer must not request or require a job applicant to undergo cannabis testing or drug and alcohol testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.

(b) An employer must not refuse to hire a job applicant solely because the job applicant submits to a drug and alcohol test authorized by this section and the results of the drug and alcohol test indicate the presence of cannabis unless otherwise required by state or federal law.

(c) An employer must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis or on a random selection basis.

(d) An employer may request or require an employee to undergo cannabis testing conducted by a testing laboratory which participates in one of the programs listed in section 181.953, subdivision 1, if the employer has a reasonable suspicion that while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment, the employee:

(1) is under the influence of or impaired from cannabis;

(2) has violated the employer's written work rules prohibiting cannabis use, possession, impairment, sale, or transfer, provided that the work rules for cannabis and cannabis testing are in writing and contained in a written policy that contains the minimum information required in section 181.952; or

(3) has sustained a personal injury or has a caused a work-related accident as provided in subdivision 5, paragraphs (3) and (4).

(e) Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in sections 181.953 and 181.954.

Sec. 14. Minnesota Statutes 2020, section 181.951, is amended by adding a subdivision to read:

Subd. 9. **Cannabis testing exceptions.** For the following positions, cannabis and its metabolites are considered a drug and subject to the drug and alcohol test provisions in sections 181.950 to 181.957:

(1) a safety-sensitive position, as defined in section 181.950, subdivision 13;

(2) a peace officer position, as defined in section 626.84, subdivision 1;

(3) a firefighter position, as defined in section 299N.01, subdivision 3;

(4) a position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to:

(i) children;

(ii) vulnerable adults, as defined in section 626.5572, subdivision 21; or

(iii) patients who receive health care services from a provider for treatment, examination, or emergency care of a medical, psychiatric, or mental condition;

(5) a position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires testing of a job applicant or an employee;

(6) a position of employment funded by a federal grant; or

(7) any other position for which state or federal law requires testing of a job applicant or an employee for cannabis.

Sec. 15. Minnesota Statutes 2020, section 181.952, is amended by adding a subdivision to read:

Subd. 3. **Cannabis policy.** (a) Unless otherwise provided by state or federal law, an employer is not required to permit or accommodate cannabis use, possession, impairment, sale, or transfer while an employee is working or while an employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment.

(b) An employer may enact and enforce written work rules prohibiting cannabis use, possession, impairment, sale, or transfer while an employee is working or while an employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment in a written policy that contains the minimum information required by this section.

Sec. 16. Minnesota Statutes 2020, section 181.953, is amended by adding a subdivision to read:

Subd. 10a. **Additional limitations for cannabis.** An employer may discipline, discharge, or take other adverse personnel action against an employee for cannabis use, possession, impairment, sale, or transfer while an employee is working or while an employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment as follows:

(1) if an employee is under the influence of or impaired from cannabis;

(2) if cannabis testing requested or required pursuant to section 181.951, subdivision 8, paragraphs (d) and (e), verifies the presence of cannabis following a confirmatory test;

(3) as provided in the employer's written work rules for cannabis and cannabis testing, provided that the rules are in writing and contained in a written policy that contains the minimum information required by section 181.952; or

(4) as otherwise authorized under state or federal law.

Sec. 17. Minnesota Statutes 2020, section 181.955, is amended to read:

181.955 CONSTRUCTION.

Subdivision 1. **Freedom to collectively bargain.** Sections 181.950 to 181.954 shall not be construed to limit the parties to a collective bargaining agreement from bargaining and agreeing with respect to a drug and alcohol testing or a cannabis testing policy that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements for employee protection provided in those sections.

Subd. 2. **Employee protections under existing collective bargaining agreements.** Sections 181.950 to 181.954 shall not be construed to interfere with or diminish any employee protections relating to drug and alcohol testing or cannabis testing already provided under collective bargaining agreements in effect on the effective date of those sections that exceed the minimum standards and requirements for employee protection provided in those sections.

Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to interfere with the operation of a drug and alcohol testing or cannabis testing program if:

(1) the drug and alcohol testing or cannabis testing program is permitted under a contract between the employer and employees; and

(2) the covered employees are employed as professional athletes.

Upon request of the commissioner of labor and industry, the exclusive representative of the employees and the employer shall certify to the commissioner of labor and industry that the drug and alcohol testing or cannabis testing program permitted under the contract should operate without interference from the sections specified in this subdivision. This subdivision must not be construed to create an exemption from controlled substance crimes in chapter 152.

Sec. 18. Minnesota Statutes 2020, section 181.957, subdivision 1, is amended to read:

Subdivision 1. **Excluded employees and job applicants.** Except as provided under subdivision 2, the employee and job applicant protections provided under sections 181.950 to 181.956 do not apply to employees and job applicants where the specific work performed requires those employees and job applicants to be subject to drug and alcohol testing or cannabis testing pursuant to:

(1) federal regulations that specifically preempt state regulation of drug and alcohol testing or cannabis testing with respect to those employees and job applicants;

(2) federal regulations or requirements necessary to operate federally regulated facilities;

(3) federal contracts where the drug and alcohol testing or cannabis testing is conducted for security, safety, or protection of sensitive or proprietary data; or

(4) state agency rules that adopt federal regulations applicable to the interstate component of a federally regulated industry, and the adoption of those rules is for the purpose of conforming the nonfederally regulated intrastate component of the industry to identical regulation.

Sec. 19. Minnesota Statutes 2020, section 256.01, subdivision 18c, is amended to read:

Subd. 18c. **Drug convictions.** (a) The state court administrator shall provide a report every six months by electronic means to the commissioner of human services, including the name, address, date of birth, and, if available, driver's license or state identification card number, date of the sentence, effective date of the sentence, and county in which the conviction occurred, of each person convicted of a felony under chapter 152, except for convictions under section 152.0263 or 152.0264, during the previous six months.

(b) The commissioner shall determine whether the individuals who are the subject of the data reported under paragraph (a) are receiving public assistance under chapter 256D or 256J, and if ~~the~~ an individual is receiving assistance under chapter 256D or 256J, the

commissioner shall instruct the county to proceed under section 256D.024 or 256J.26, whichever is applicable, for this individual.

(c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that does not relate to an individual receiving publicly funded assistance under chapter 256D or 256J.

~~(d) In addition to the routine data transfer under paragraph (a), the state court administrator shall provide a onetime report of the data fields under paragraph (a) for individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until the date of the data transfer. The commissioner shall perform the tasks identified under paragraph (b) related to this data and shall retain the data according to paragraph (c).~~

Sec. 20. Minnesota Statutes 2020, section 256D.024, subdivision 1, is amended to read:

Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this chapter until five years after the applicant has completed terms of the court-ordered sentence, unless the person is participating in a drug treatment program, has successfully completed a drug treatment program, or has been assessed by the county and determined not to be in need of a drug treatment program. Persons subject to the limitations of this subdivision who become eligible for assistance under this chapter shall be subject to random drug testing as a condition of continued eligibility and shall lose eligibility for benefits for five years beginning the month following:

(1) any positive test result for an illegal controlled substance under chapter 152; or

(2) discharge of sentence after conviction for another drug felony.

(b) For the purposes of this subdivision, "drug offense" means a conviction that occurred after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug offense also means a conviction in another jurisdiction of the possession, use, or distribution of a controlled substance, or conspiracy to commit any of these offenses, if the offense occurred after July 1, 1997, and the conviction is ~~a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor~~ for a violation that would be a felony if committed in Minnesota.

Sec. 21. Minnesota Statutes 2020, section 256J.26, subdivision 1, is amended to read:

Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been convicted of a felony level drug offense committed during the previous ten years from the date of application or recertification, except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, is subject to the following:

(1) Benefits for the entire assistance unit must be paid in vendor form for shelter and utilities during any time the applicant is part of the assistance unit.

(2) The convicted applicant or participant shall be subject to random drug testing as a condition of continued eligibility and following any positive test for an illegal controlled substance under chapter 152 is subject to the following sanctions:

(i) for failing a drug test the first time, the residual amount of the participant's grant after making vendor payments for shelter and utility costs, if any, must be reduced by an amount equal to 30 percent of the MFIP standard of need for an assistance unit of the same size. When a sanction under this subdivision is in effect, the job counselor must attempt to meet with the person face-to-face. During the face-to-face meeting, the job counselor must explain the consequences of a subsequent drug test failure and inform the participant of the right to appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face meeting; or

(ii) for failing a drug test two times, the participant is permanently disqualified from receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP grant must be reduced by the amount which would have otherwise been made available to the disqualified participant. Disqualification under this item does not make a participant ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a disqualification under this provision is imposed, the job counselor must attempt to meet with the participant face-to-face. During the face-to-face meeting, the job counselor must identify other resources that may be available to the participant to meet the needs of the family and inform the participant of the right to appeal the disqualification under section 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

(3) A participant who fails a drug test the first time and is under a sanction due to other MFIP program requirements is considered to have more than one occurrence of

noncompliance and is subject to the applicable level of sanction as specified under section 256J.46, subdivision 1, paragraph (d).

(b) Applicants requesting only SNAP benefits or participants receiving only SNAP benefits, who have been convicted of a drug offense that occurred after July 1, 1997, may, if otherwise eligible, receive SNAP benefits if the convicted applicant or participant is subject to random drug testing as a condition of continued eligibility. Following a positive test for an illegal controlled substance under chapter 152, the applicant is subject to the following sanctions:

(1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this clause is in effect, a job counselor must attempt to meet with the person face-to-face. During the face-to-face meeting, a job counselor must explain the consequences of a subsequent drug test failure and inform the participant of the right to appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face meeting; and

(2) for failing a drug test two times, the participant is permanently disqualified from receiving SNAP benefits. Before a disqualification under this provision is imposed, a job counselor must attempt to meet with the participant face-to-face. During the face-to-face meeting, the job counselor must identify other resources that may be available to the participant to meet the needs of the family and inform the participant of the right to appeal the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

(c) For the purposes of this subdivision, "drug offense" means an offense that occurred during the previous ten years from the date of application or recertification of sections 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a conviction in another jurisdiction of the possession, use, or distribution of a controlled substance, or conspiracy to commit any of these offenses, if the offense occurred during the previous ten years from the date of application or recertification and the conviction is ~~a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor~~ for a violation that would be a felony if committed in Minnesota.

Sec. 22. **[604.135] CIVIL LIABILITY FOR CANNABIS NUISANCE.**

Subdivision 1. **Cannabis nuisance.** Any use of cannabis which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance.

Subd. 2. **Civil cause of action.** A person whose is injuriously affected or whose personal enjoyment is lessened by the nuisance described in subdivision 1 may bring an action for injunctive relief and the greater of the person's actual damages or a civil penalty of $100.

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

Sec. 23. **TRANSFER OF OFFICE AND AUTHORITY.**

(a) Minnesota Statutes, section 15.039, applies to the transfers of duties and authority required by this section and Minnesota Statutes, sections 342.50 to 342.59. The commissioner of administration, with the approval of the governor, may issue reorganization orders as necessary to carry out the transfers of duties required by this section and Minnesota Statutes, sections 342.50 to 342.59. The provision of Minnesota Statutes, section 16B.37, subdivision 1, which states that transfers under that section may be made only to an agency that has been in existence for at least one year, does not apply to transfers to the Cannabis Management Board created under Minnesota Statutes, chapter 342.

(b) The Office of Medical Cannabis shall be transferred from the Department of Health to the Cannabis Management Board. The authority to administer the medical cannabis registry program under Minnesota Statutes, sections 152.22 to 152.37, shall be transferred from the commissioner of health to the Cannabis Management Board and the Office of Medical Cannabis according to Minnesota Statutes, chapter 342. The authority to adopt rules regarding the medical cannabis registry program shall be transferred from the commissioner of health to the Cannabis Management Board.

Sec. 24. **TASK FORCE ON MEDICAL CANNABIS THERAPEUTIC RESEARCH.**

The task force on medical cannabis therapeutic research established under Minnesota Statutes, section 342.55, is a continuation of the task force previously established under Minnesota Statutes, section 152.36. Upon the effective date of Minnesota Statutes, section 342.55, the cochairs of the task force established under Minnesota Statutes, section 152.36, shall continue to serve as cochairs on the new task force until their terms expire, and members serving on the task force established under Minnesota Statutes, section 152.36, shall continue to serve on the new task force until their terms expire.

Sec. 25. **REPEALER.**

(a) Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008; 4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; and 4770.4030, are repealed.

(b) Minnesota Statutes 2020, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and 3; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.30; 152.31; 152.32, subdivisions 1, 2, and 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, and 5; and 152.37, are repealed.

(c) Minnesota Statutes 2020, section 152.027, subdivisions 3 and 4, are repealed.

EFFECTIVE DATE. Paragraph (c) is effective August 1, 2021.

ARTICLE 8
SCHEDULING OF MARIJUANA

Section 1. Minnesota Statutes 2020, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following substances, including their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers, and salts is possible:

(1) acetylmethadol;

(2) allylprodine;

(3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);

(4) alphameprodine;

(5) alphamethadol;

(6) alpha-methylfentanyl benzethidine;

(7) betacetylmethadol;

(8) betameprodine;

(9) betamethadol;

(10) betaprodine;

(11) clonitazene;

(12) dextromoramide;

(13) diampromide;

(14) diethyliambutene;

(15) difenoxin;

(16) dimenoxadol;

(17) dimepheptanol;

(18) dimethyliambutene;

(19) dioxaphetyl butyrate;

(20) dipipanone;

(21) ethylmethylthiambutene;

(22) etonitazene;

(23) etoxeridine;

(24) furethidine;

(25) hydroxypethidine;

(26) ketobemidone;

(27) levomoramide;

(28) levophenacylmorphan;

(29) 3-methylfentanyl;

(30) acetyl-alpha-methylfentanyl;

(31) alpha-methylthiofentanyl;

(32) benzylfentanyl beta-hydroxyfentanyl;

(33) beta-hydroxy-3-methylfentanyl;

(34) 3-methylthiofentanyl;

(35) thenylfentanyl;

(36) thiofentanyl;

(37) para-fluorofentanyl;

(38) morpheridine;

(39) 1-methyl-4-phenyl-4-propionoxypiperidine;

(40) noracymethadol;

(41) norlevorphanol;

(42) normethadone;

(43) norpipanone;

(44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);

(45) phenadoxone;

(46) phenampromide;

(47) phenomorphan;

(48) phenoperidine;

(49) piritramide;

(50) proheptazine;

(51) properidine;

(52) propiram;

(53) racemoramide;

(54) tilidine;

(55) trimeperidine;

(56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

(57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700);

(58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);

(59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);

(60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropryl fentanyl);

(61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);

(62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);

(63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl fentanyl);

(64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);

(65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);

(66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-chloroisobutyryl fentanyl);

(67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl fentanyl);

(68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-methoxybutyryl fentanyl);

(69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);

(70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl);

(71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or acryloylfentanyl);

(72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl);

(73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl or 2-fluorofentanyl);

(74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl); and

(75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers, meaning any substance not otherwise listed under another federal Administration Controlled Substance Code Number or not otherwise listed in this section, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related to fentanyl by one or more of the following modifications:

(i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(iv) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or

(v) replacement of the N-propionyl group by another acyl group.

(c) Opium derivatives. Any of the following substances, their analogs, salts, isomers, and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) acetorphine;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(4) codeine methylbromide;

(5) codeine-n-oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) drotebanol;

(10) etorphine;

(11) heroin;

(12) hydromorphinol;

(13) methyldesorphine;

(14) methyldihydromorphine;

(15) morphine methylbromide;

(16) morphine methylsulfonate;

(17) morphine-n-oxide;

(18) myrophine;

(19) nicocodeine;

(20) nicomorphine;

(21) normorphine;

(22) pholcodine; and

(23) thebacon.

(d) Hallucinogens. Any material, compound, mixture or preparation which contains any quantity of the following substances, their analogs, salts, isomers (whether optical, positional, or geometric), and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) methylenedioxy amphetamine;

(2) methylenedioxymethamphetamine;

(3) methylenedioxy-N-ethylamphetamine (MDEA);

(4) n-hydroxy-methylenedioxyamphetamine;

(5) 4-bromo-2,5-dimethoxyamphetamine (DOB);

(6) 2,5-dimethoxyamphetamine (2,5-DMA);

(7) 4-methoxyamphetamine;

(8) 5-methoxy-3, 4-methylenedioxyamphetamine;

(9) alpha-ethyltryptamine;

(10) bufotenine;

(11) diethyltryptamine;

(12) dimethyltryptamine;

(13) 3,4,5-trimethoxyamphetamine;

(14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);

(15) ibogaine;

(16) lysergic acid diethylamide (LSD);

(17) mescaline;

(18) parahexyl;

(19) N-ethyl-3-piperidyl benzilate;

(20) N-methyl-3-piperidyl benzilate;

(21) psilocybin;

(22) psilocyn;

(23) tenocyclidine (TPCP or TCP);

(24) N-ethyl-1-phenyl-cyclohexylamine (PCE);

(25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);

(26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);

(27) 4-chloro-2,5-dimethoxyamphetamine (DOC);

(28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);

(29) 4-iodo-2,5-dimethoxyamphetamine (DOI);

(30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);

(31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);

(32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);

(33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);

(34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);

(35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);

(36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);

(37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);

(38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2-CB-FLY);

(39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);

(40) alpha-methyltryptamine (AMT);

(41) N,N-diisopropyltryptamine (DiPT);

(42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);

(43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);

(44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);

(45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);

(46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);

(47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

(48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);

(49) 5-methoxy-α-methyltryptamine (5-MeO-AMT);

(50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);

(52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);

(53) 5-methoxy-α-ethyltryptamine (5-MeO-AET);

(54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);

(55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);

(56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);

(57) methoxetamine (MXE);

(58) 5-iodo-2-aminoindane (5-IAI);

(59) 5,6-methylenedioxy-2-aminoindane (MDAI);

(60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);

(61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);

(62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);

(63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);

(65) N,N-Dipropyltryptamine (DPT);

(66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);

(67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);

(68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);

(69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);

(70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylnorketamine, ethketamine, NENK);

(71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);

(72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and

(73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

(e) Peyote. All parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(f) Central nervous system depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) mecloqualone;

(2) methaqualone;

(3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

(4) flunitrazepam;

(5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine, methoxyketamine);

(6) tianeptine;

(7) clonazolam;

(8) etizolam;

(9) flubromazolam; and

(10) flubromazepam.

(g) Stimulants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following

substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) aminorex;

(2) cathinone;

(3) fenethylline;

(4) methcathinone;

(5) methylaminorex;

(6) N,N-dimethylamphetamine;

(7) N-benzylpiperazine (BZP);

(8) methylmethcathinone (mephedrone);

(9) 3,4-methylenedioxy-N-methylcathinone (methylone);

(10) methoxymethcathinone (methedrone);

(11) methylenedioxypyrovalerone (MDPV);

(12) 3-fluoro-N-methylcathinone (3-FMC);

(13) methylethcathinone (MEC);

(14) 1-benzofuran-6-ylpropan-2-amine (6-APB);

(15) dimethylmethcathinone (DMMC);

(16) fluoroamphetamine;

(17) fluoromethamphetamine;

(18) α-methylaminobutyrophenone (MABP or buphedrone);

(19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

(20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);

(21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or naphyrone);

(22) (alpha-pyrrolidinopentiophenone (alpha-PVP);

(23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);

(24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);

(25) 4-methyl-N-ethylcathinone (4-MEC);

(26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

(27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

(28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);

(29) 4-fluoro-N-methylcathinone (4-FMC);

(30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);

(31) alpha-pyrrolidinobutiophenone (α-PBP);

(32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

(33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);

(34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

(35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);

(36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);

(37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);

(38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);

(39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone); and

(40) any other substance, except bupropion or compounds listed under a different schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(ii) by substitution at the 3-position with an acyclic alkyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

~~(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of the following substances, their analogs,~~

~~isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible:~~

~~(1) marijuana;~~

~~(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of the plant, or synthetic substances with similar chemical structure and pharmacological activity to those substances contained in the plant or resinous extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;~~

~~(3)~~ (h) Synthetic cannabinoids, including the following substances:

~~(i)~~ (1) Naphthoylindoles, which are any compounds containing a 3-(1-napthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthoylindoles include, but are not limited to:

~~(A)~~ (i) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

~~(B)~~ (ii) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

~~(C)~~ (iii) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

~~(D)~~ (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

~~(E)~~ (v) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

~~(F)~~ (vi) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

~~(G)~~ (vii) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

~~(H)~~ (viii) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

~~(I)~~ (ix) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398); and

~~(J)~~ (x) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

~~(ii)~~ (2) Napthylmethylindoles, which are any compounds containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further

substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

~~(A)~~ (i) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175); and

~~(B)~~ (ii) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

~~(iii)~~ (3) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthoylpyrroles include, but are not limited to, (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

~~(iv)~~ (4) Naphthylmethylindenes, which are any compounds containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthylemethylindenes include, but are not limited to, E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

~~(v)~~ (5) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Examples of phenylacetylindoles include, but are not limited to:

~~(A)~~ (i) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

~~(B)~~ (ii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

~~(C)~~ (iii) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251); and

~~(D)~~ (iv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

~~(vi)~~ (6) Cyclohexylphenols, which are compounds containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted

in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not limited to:

~~(A)~~ (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

~~(B)~~ (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP 47,497 C8 homologue); and

~~(C)~~ (iii) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl] -phenol (CP 55,940).

~~(vii)~~ (7) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of benzoylindoles include, but are not limited to:

~~(A)~~ (i) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

~~(B)~~ (ii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); and

~~(C)~~ (iii) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN 48,098 or Pravadoline).

~~(viii)~~ (8) Others specifically named:

~~(A)~~ (i) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

~~(B)~~ (ii) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

~~(C)~~ (iii) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de] -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

~~(D)~~ (iv) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

~~(E)~~ (v) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11);

~~(F)~~ (vi) 1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3-carboxamide (AKB-48(APINACA));

~~(G)~~ (vii) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5-Fluoro-AKB-48);

~~(H)~~ (viii) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

~~(I)~~ (ix) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

~~(J)~~ (x) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole- 3-carboxamide (AB-PINACA);

~~(K)~~ (xi) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (AB-FUBINACA);

~~(L)~~ (xii) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide(AB-CHMINACA);

~~(M)~~ (xiii) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5-fluoro-AMB);

~~(N)~~ (xiv) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);

~~(O)~~ (xv) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone) (FUBIMINA);

~~(P)~~ (xvi) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);

~~(Q)~~ (xvii) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide (5-fluoro-ABICA);

~~(R)~~ (xviii) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide;

~~(S)~~ (xix) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indazole-3-carboxamide;

~~(T)~~ (xx) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;

~~(U)~~ (xxi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1 H-indazole-3-carboxamide (MAB-CHMINACA);

~~(V)~~ (xxii) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);

~~(W)~~ (xxiii) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);

~~(X)~~ (xxiv) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-3-carboxamide. (APP-CHMINACA);

~~(Y)~~ (xxv) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and

~~(Z)~~ (xxvi) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).

~~(ix)~~ (9) Additional substances specifically named:

~~(A)~~ (i) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);

~~(B)~~ (ii) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide (4-CN-Cumyl-Butinaca);

~~(C)~~ (iii) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);

~~(D)~~ (iv) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1 H-indazole-3-carboxamide (5F-ABPINACA);

~~(E)~~ (v) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB CHMICA);

~~(F)~~ (vi) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB; 5F-MDMB-PINACA); and

~~(G)~~ (vii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl) 1H-indazole-3-carboxamide (ADB-FUBINACA).

(i) A controlled substance analog, to the extent that it is implicitly or explicitly intended for human consumption.

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

Sec. 2. Minnesota Statutes 2020, section 152.02, subdivision 4, is amended to read:

Subd. 4. **Schedule III.** (a) Schedule III consists of the substances listed in this subdivision.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers, and salts of such isomers whenever the existence

of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) benzphetamine;

(2) chlorphentermine;

(3) clortermine;

(4) phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;

(3) any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;

(4) any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug, and Cosmetic Act;

(5) any of the following substances:

(i) chlorhexadol;

(ii) ketamine, its salts, isomers and salts of isomers;

(iii) lysergic acid;

(iv) lysergic acid amide;

(v) methyprylon;

(vi) sulfondiethylmethane;

(vii) sulfonenthylmethane;

(viii) sulfonmethane;

(ix) tiletamine and zolazepam and any salt thereof;

(x) embutramide;

(xi) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-Dihydropyridin-3-yl) benzonitrile].

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows:

(1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(4) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Anabolic steroids, human growth hormone, and chorionic gonadotropin.

(1) Anabolic steroids, for purposes of this subdivision, means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone, and includes:

(i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;

(ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;

(iii) androstanedione (5[alpha]-androstan-3,17-dione);

(iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-l-ene;

(v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);

(vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);

(vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);

(viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);

(ix) 4-androstenedione (androst-4-en-3,17-dione);

(x) 5-androstenedione (androst-5-en-3,17-dione);

(xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

(xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);

(xiii) boldione (androsta-1,4-diene-3,17-dione);

(xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

(xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);

(xvi) dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);

(xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);

(xviii) [delta]1-dihydrotestosterone- (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);

(xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);

(xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);

(xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);

(xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);

(xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);

(xxiv) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta] -hydroxygon-4-en-3-one;

(xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);

(xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);

(xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);

(xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);

(xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);

(xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);

(xxxi) methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one);

(xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);

(xxxiii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;

(xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;

(xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;

(xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);

(xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);

(xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);

(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);

(xl) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);

(xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);

(xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one);

(xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene;

(xliv) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol (3[beta],17[beta]-dihydroxyestr-5-ene;

(xlv) 3[alpha],17[beta]-dihydroxyestr-5-ene);

(xlvi) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

(xlvii) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

(xlviii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);

(xlix) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);

(l) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);

(li) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);

(lii) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);

(liii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);

(liv) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);

(lv) prostanozol (17 beta-hydroxy-5 alpha-androstano[3,2-C]pryazole;

(lvi) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);

(lvii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);

(lviii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(lix) testosterone (17[beta]-hydroxyandrost-4-en-3-one);

(lx) tetrahydrogestrinone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);

(lxi) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);

(lxii) any salt, ester, or ether of a drug or substance described in this paragraph.

Anabolic steroids are not included if they are: (A) expressly intended for administration through implants to cattle or other nonhuman species; and (B) approved by the United States Food and Drug Administration for that use;

(2) Human growth hormones.

(3) Chorionic gonadotropin, except that a product containing chorionic gonadotropin is not included if it is:

(i) expressly intended for administration to cattle or other nonhuman species; and

(ii) approved by the United States Food and Drug Administration for that use.

(g) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved product.

(h) Any material, compound, mixture, or preparation containing the following narcotic drug or its salt: buprenorphine.

(i) Marijuana and tetrahydrocannabinols. Unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of the following substances, their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible:

(1) marijuana; and

(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of the plant, or synthetic substances with similar chemical structure and pharmacological activity to those substances contained in the plant or resinous extract, including but not limited to 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol.

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

ARTICLE 9
APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

Subdivision 1. **Cannabis Management Board.** $15,000,000 in fiscal year 2022 is appropriated from the general fund to the Cannabis Management Board for purposes of this act.

Subd. 2. **Department of Agriculture.** $75,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of agriculture for the establishment and administration of a Minnesota certified organic cannabis program comparable to the National Organic Program administered by the United States Department of Agriculture.

Subd. 3. **Department of Public Safety.** $500,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of public safety for use by the Bureau of Criminal Apprehension in identifying, reviewing, and transmitting records that are, or may be, eligible for expungement under this act.

Subd. 4. **Department of Health.** $75,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of health for a baseline assessment of cannabis use in the state.

Subd. 5. **Department of Human Services.** $150,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of human services to implement the Adult-Use Cannabis Substance Use Disorder Advisory Council.

Subd. 6. **Supreme court.** $500,000 in fiscal year 2022 is appropriated from the general fund to the supreme court for reviewing records and issuing orders expunging certain cannabis offenses.

Subd. 7. **Department of Commerce.** $125,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of commerce for purposes of this act.

Subd. 8. **Department of Natural Resources.** $125,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of natural resources for enforcement of environmental standards adopted by the Cannabis Management Board.

152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

152.22 DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of sections 152.22 to 152.37, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 3. **Disqualifying felony offense.** "Disqualifying felony offense" means a violation of a state or federal controlled substance law that is a felony under Minnesota law, or would be a felony if committed in Minnesota, regardless of the sentence imposed, unless the commissioner determines that the person's conviction was for the medical use of cannabis or assisting with the medical use of cannabis.

Subd. 4. **Health care practitioner.** "Health care practitioner" means a Minnesota licensed doctor of medicine, a Minnesota licensed physician assistant acting within the scope of authorized practice, 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 but which does not require the use of dried leaves or plant form; or

(4) any other method, excluding smoking, 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 has been identified by a health care practitioner as developmentally or physically disabled and therefore requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility due to the disability; and

(4) is authorized by the commissioner to assist the patient with the use of medical cannabis.

Subd. 12. **Registry program.** "Registry program" means the patient registry established in sections 152.22 to 152.37.

Subd. 13. **Registry verification.** "Registry verification" means the verification provided by the commissioner that a patient is enrolled in the registry program and that includes the patient's name, registry number, and, if applicable, the name of the patient's registered designated caregiver or parent, legal guardian, or spouse.

Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

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

(i) severe or chronic pain;

(ii) nausea or severe vomiting; or

(iii) cachexia or severe wasting;

(2) glaucoma;

(3) human immunodeficiency virus or acquired immune deficiency syndrome;

(4) Tourette's syndrome;

(5) amyotrophic lateral sclerosis;

(6) seizures, including those characteristic of epilepsy;

(7) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;

(8) inflammatory bowel disease, including Crohn's disease;

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

(i) severe or chronic pain;

(ii) nausea or severe vomiting; or

(iii) cachexia or severe wasting; or

(10) any other medical condition or its treatment approved by the commissioner.

152.23 LIMITATIONS.

(a) Nothing in sections 152.22 to 152.37 permits any person to engage in and does not prevent the imposition of any civil, criminal, or other penalties for:

(1) undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice;

(2) possessing or engaging in the use of medical cannabis:

(i) on a school bus or van;

(ii) on the grounds of any preschool or primary or secondary school;

(iii) in any correctional facility; or

(iv) on the grounds of any child care facility or home day care;

(3) vaporizing 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

(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 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.

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.

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 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 modify an existing qualifying medical condition submitted by the task force on medical cannabis therapeutic research or as directed by law and shall make the addition or modification if the commissioner determines the addition 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 a qualifying medical condition under section 152.22, subdivision 14, the commissioner must notify the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety of the addition and the reasons for its addition, 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 which certifies that the patient has been diagnosed with a qualifying medical condition and, if applicable, that, in the health care practitioner's medical opinion, the patient 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; 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's health care practitioner has certified that 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 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 one patient, unless the patients reside in the same residence.

(b) The commissioner shall conduct a criminal background check on the designated caregiver prior to registration to ensure that the person does not have a conviction for a disqualifying felony offense. Any cost of the background check shall be paid by the person seeking registration as a designated caregiver. A designated caregiver must have the criminal background check renewed every two years.

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

Subd. 5. **Parents, legal guardians, and spouses.** A parent, legal guardian, or spouse of a patient may act as the caregiver to the patient without having to register as a designated caregiver. The parent, legal guardian, or spouse shall follow all of the requirements of parents, legal guardians, and spouses listed in sections 152.22 to 152.37. Nothing in sections 152.22 to 152.37 limits any legal authority a parent, legal guardian, or spouse may have for the patient under any other law.

Subd. 6. **Patient enrollment.** (a) After receipt of a patient's application, application fees, and signed disclosure, the commissioner shall enroll the patient in the registry program and issue the patient and patient's registered designated caregiver or parent, legal guardian, or spouse, if applicable, a registry verification. The commissioner shall approve or deny a patient's application for participation in the registry program within 30 days after the commissioner receives the patient's application and application fee. The commissioner may approve applications up to 60 days after the receipt of a patient's application and application fees until January 1, 2016. A patient's enrollment in the registry program shall only be denied if the patient:

(1) does not have certification from a health care practitioner that the patient has been diagnosed with a qualifying medical condition;

(2) has not signed and returned the disclosure form required under subdivision 3, paragraph (c), to the commissioner;

(3) does not provide the information required;

(4) has previously been removed from the registry program for violations of section 152.30 or 152.33; or

(5) provides false information.

(b) The commissioner shall give written notice to a patient of the reason for denying enrollment in the registry program.

(c) Denial of enrollment into the registry program is considered a final decision of the commissioner and is subject to judicial review under the Administrative Procedure Act pursuant to chapter 14.

(d) A patient's enrollment in the registry program may only be revoked upon the death of the patient or if a patient violates a requirement under section 152.30 or 152.33.

(e) The commissioner shall develop a registry verification to provide to the patient, the health care practitioner identified in the patient's application, and to the manufacturer. The registry verification shall include:

(1) the patient's name and date of birth;

(2) the patient registry number assigned to the patient; and

(3) the name and date of birth of the patient's registered designated caregiver, if any, or the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver.

Subd. 7. **Notice requirements.** Patients and registered designated caregivers shall notify the commissioner of any address or name change within 30 days of the change having occurred. A patient or registered designated caregiver is subject to a $100 fine for failure to notify the commissioner of the change.

152.28 HEALTH CARE PRACTITIONER DUTIES.

Subdivision 1. **Health care practitioner duties.** (a) Prior to a patient's enrollment in the registry program, a health care practitioner shall:

(1) determine, in the health care practitioner's medical judgment, whether a patient suffers from a qualifying medical condition, and, if so determined, provide the patient with a certification of that diagnosis;

(2) determine whether a patient 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, and, if so determined, include that determination on the patient's certification of diagnosis;

(3) 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;

(4) provide explanatory information from the commissioner to patients with qualifying medical conditions, including disclosure to all patients about the experimental nature of therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the proposed treatment; the application and other materials from the commissioner; and provide patients with the Tennessen warning as required by section 13.04, subdivision 2; and

(5) 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 telemedicine as defined under section 62A.671, subdivision 9.

(d) Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 2. **Data.** Data collected on patients by a health care practitioner and reported to the patient registry are health records under section 144.291, and are private data on individuals under section 13.02, but may be used or reported in an aggregated, nonidentifiable form as part of a scientific, peer-reviewed publication of research conducted under section 152.25 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Subd. 3. **Advertising restrictions.** (a) A health care practitioner shall not publish or cause to be published any advertisement that:

(1) contains false or misleading statements about medical cannabis or about the medical cannabis registry program;

(2) uses colloquial terms to refer to medical cannabis, such as pot, weed, or grass;

(3) states or implies the health care practitioner is endorsed by the Department of Health or by the medical cannabis registry program;

(4) includes images of cannabis in its plant or leaf form or of cannabis-smoking paraphernalia; or

(5) contains medical symbols that could reasonably be confused with symbols of established medical associations or groups.

(b) A health care practitioner found by the commissioner to have violated this subdivision is prohibited from certifying that patients have a qualifying medical condition for purposes of patient participation in the registry program. The commissioner's decision that a health care practitioner has violated this subdivision is a final decision of the commissioner and is not subject to the contested case procedures in chapter 14.

152.29 MANUFACTURER OF MEDICAL CANNABIS DUTIES.

Subdivision 1. **Manufacturer; requirements.** (a) A manufacturer may operate eight distribution facilities, which may include the manufacturer's single location for cultivation, harvesting, manufacturing, packaging, and processing but is not required to include that location. The commissioner shall designate the geographical service areas to be served by each manufacturer based on geographical need throughout the state to improve patient access. A manufacturer shall not have more than two distribution facilities in each geographical service area assigned to the manufacturer by the commissioner. A manufacturer shall operate only one location where all cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis shall be conducted. This location may be one of the manufacturer's distribution facility sites. The additional distribution facilities may dispense medical cannabis and medical cannabis products but may not contain any medical cannabis in a form other than those forms allowed under section 152.22, subdivision 6, and the manufacturer shall not conduct any cultivation, harvesting, manufacturing, packaging, or processing at the other distribution facility sites. Any distribution facility operated by the manufacturer is subject to all of the requirements applying to the manufacturer under sections 152.22 to 152.37, including, but not limited to, security and distribution requirements.

(b) A manufacturer may acquire hemp grown in this state from a hemp grower. A manufacturer may manufacture or process hemp into an allowable form of medical cannabis under section 152.22, subdivision 6. Hemp acquired by a manufacturer under this paragraph is 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 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.

(e) A manufacturer shall implement security requirements, including requirements for the delivery and transportation of hemp, 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, the manufacturer must verify that the hemp grower has a valid license issued by the commissioner of agriculture under chapter 18K.

(n) Until a state-centralized, seed-to-sale system is implemented that can track a specific medical cannabis plant from cultivation through testing and point of sale, the commissioner shall conduct at least one unannounced inspection per year of each manufacturer that includes inspection of:

(1) business operations;

(2) physical locations of the manufacturer's manufacturing facility and distribution facilities;

(3) financial information and inventory documentation, including laboratory testing results; and

(4) physical and electronic security alarm systems.

Subd. 2. **Manufacturer; production.** (a) A manufacturer of medical cannabis shall provide a reliable and ongoing supply of all medical cannabis needed for the registry program through cultivation by the manufacturer and through the purchase of hemp from hemp growers.

(b) All cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis must take place in an enclosed, locked facility at a physical address provided to the commissioner during the registration process.

(c) A manufacturer must process and prepare any medical cannabis plant material or hemp plant material into a form allowable under section 152.22, subdivision 6, prior to distribution of any medical cannabis.

Subd. 3. **Manufacturer; distribution.** (a) A manufacturer shall require that employees licensed as pharmacists pursuant to chapter 151 be the only employees to give final approval for the distribution of medical cannabis to a patient. A manufacturer may transport medical cannabis or medical cannabis products that have been cultivated, harvested, manufactured, packaged, and processed by that manufacturer to another registered manufacturer for the other manufacturer to distribute.

(b) A manufacturer may distribute medical cannabis products, whether or not the products have been manufactured by that manufacturer.

(c) Prior to distribution of any medical cannabis, the manufacturer shall:

(1) verify that the manufacturer has received the registry verification from the commissioner for that individual patient;

(2) verify that the person requesting the distribution of medical cannabis is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse listed in the registry verification using the procedures described in section 152.11, subdivision 2d;

(3) assign a tracking number to any medical cannabis distributed from the manufacturer;

(4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to chapter 151 has consulted with the patient to determine the proper dosage for the individual patient after

reviewing the ranges of chemical compositions of the medical cannabis and the ranges of proper dosages reported by the commissioner. For purposes of this clause, a consultation may be conducted remotely using a videoconference, so long as the employee providing the consultation is able to confirm the identity of the patient, the consultation occurs while the patient is at a distribution facility, and the consultation adheres to patient privacy requirements that apply to health care services delivered through telemedicine;

(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.

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 under chapter 18K.

152.32 PROTECTIONS FOR REGISTRY PROGRAM PARTICIPATION.

Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized use of medical cannabis.

(b) The presumption may be rebutted by evidence that conduct related to use of medical cannabis was not for the purpose of treating or alleviating the patient's qualifying medical condition or symptoms associated with the patient's qualifying medical condition.

Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following are not violations under this chapter:

(1) use or possession of medical cannabis or medical cannabis products by a patient enrolled in the registry program, or possession by a registered designated caregiver or the parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed on the registry verification;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

(3) possession of medical cannabis or medical cannabis products by any person while carrying out the duties required under sections 152.22 to 152.37.

(b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and associated property is not subject to forfeiture under sections 609.531 to 609.5316.

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of Minnesota, or an employee of any state agency may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may release data or information about an individual contained in any report, document, or registry created under sections 152.22 to 152.37 or any information obtained about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty of a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or registered

manufacturers or others related to activity that is no longer subject to criminal penalties under state law pursuant to sections 152.22 to 152.37.

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registry program enrollee's use of medical cannabis under sections 152.22 to 152.37 is considered the equivalent of the authorized use of any other medication used at the discretion of a physician or advanced practice registered nurse and does not constitute the use of an illicit substance or otherwise disqualify a patient from needed medical care.

(c) Unless a failure to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following:

(1) the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37; or

(2) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during the hours of employment.

(d) An employee who is required to undergo employer drug testing pursuant to section 181.953 may present verification of enrollment in the patient registry as part of the employee's explanation under section 181.953, subdivision 6.

(e) A person shall not be denied custody of a minor child or visitation rights or parenting time with a minor child solely based on the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37. There shall be no presumption of neglect or child endangerment for conduct allowed under sections 152.22 to 152.37, unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

152.33 VIOLATIONS.

Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally transfers medical cannabis to a person other than another registered manufacturer, a patient, a registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than $3,000, or both. A person convicted under this subdivision may not continue to be affiliated with the manufacturer and is disqualified from further participation under sections 152.22 to 152.37.

Subd. 1a. **Intentional diversion outside the state; penalties.** (a) In addition to any other applicable penalty in law, the commissioner may levy a fine of $250,000 against a manufacturer and may immediately initiate proceedings to revoke the manufacturer's registration, using the procedure in section 152.25, if:

(1) an officer, director, or controlling person of the manufacturer pleads or is found guilty under subdivision 1 of intentionally transferring medical cannabis, while the person was an officer, director, or controlling person of the manufacturer, to a person other than allowed by law; and

(2) in intentionally transferring medical cannabis to a person other than allowed by law, the officer, director, or controlling person transported or directed the transport of medical cannabis outside of Minnesota.

(b) All fines collected under this subdivision shall be deposited in the state government special revenue fund.

Subd. 2. **Diversion by patient, registered designated caregiver, parent, legal guardian, or patient's spouse; criminal penalty.** In addition to any other applicable penalty in law, a patient, registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient who intentionally sells or otherwise transfers medical cannabis to a person other than a patient, designated registered caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than $3,000, or both.

Subd. 3. **False statement; criminal penalty.** A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by payment of a fine of not more than $1,000, or both. The penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by sections 152.22 to 152.37. If a person convicted of violating this subdivision is a patient or a registered designated caregiver, the person is disqualified from further participation under sections 152.22 to 152.37.

Subd. 4. **Submission of false records; criminal penalty.** A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis under sections 152.22 to 152.37 is guilty of a felony and may be sentenced to imprisonment for not more than two years or by payment of a fine of not more than $3,000, or both.

Subd. 5. **Violation by health care practitioner; criminal penalty.** A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or by payment of a fine of not more than $1,000, or both.

Subd. 6. **Other violations; civil penalty.** A manufacturer shall be fined up to $1,000 for any violation of sections 152.22 to 152.37, or the regulations issued pursuant to them, where no penalty has been specified. This penalty is in addition to any other applicable penalties in law.

152.34 HEALTH CARE FACILITIES.

(a) Health care facilities licensed under chapter 144A, hospice providers licensed under chapter 144A, boarding care homes or supervised living facilities licensed under section 144.50, assisted living facilities, facilities owned, controlled, managed, or under common control with hospitals licensed under chapter 144, and other health facilities licensed by the commissioner of health, may adopt reasonable restrictions on the use of medical cannabis by a patient enrolled in the registry program who resides at or is actively receiving treatment or care at the facility. The restrictions may include a provision that the facility will not store or maintain the patient's supply of medical cannabis, that the facility is not responsible for providing the medical cannabis for patients, and that medical cannabis be used only in a place specified by the facility.

(b) Any employee or agent of a facility listed in this section or a person licensed under chapter 144E is not subject to violations under this chapter for possession of medical cannabis while carrying out employment duties, including providing or supervising care to a registered patient, or distribution of medical cannabis to a registered patient who resides at or is actively receiving treatment or care at the facility with which the employee or agent is affiliated. Nothing in this section shall require the facilities to adopt such restrictions and no facility shall unreasonably limit a patient's access to or use of medical cannabis to the extent that use is authorized by the patient under sections 152.22 to 152.37.

152.35 FEES; DEPOSIT OF REVENUE.

(a) The commissioner shall collect an enrollment fee of $200 from patients enrolled under this section. If the patient provides evidence of receiving Social Security disability insurance (SSDI), Supplemental Security Income (SSI), veterans disability, or railroad disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee shall be $50. For purposes of this section:

(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time the patient was transitioned to retirement benefits by the United States Social Security Administration; and

(2) veterans disability payments include VA dependency and indemnity compensation.

Unless a patient provides evidence of receiving payments from or participating in one of the programs specifically listed in this paragraph, the commissioner of health must collect the $200 enrollment fee from a patient to enroll the patient in the registry program. The fees shall be payable annually and are due on the anniversary date of the patient's enrollment. The fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(b) The commissioner shall collect an application fee of $20,000 from each entity submitting an application for registration as a medical cannabis manufacturer. Revenue from the fee shall be deposited in the state treasury and credited to the state government special revenue fund.

(c) The commissioner shall establish and collect an annual fee from a medical cannabis manufacturer equal to the cost of regulating and inspecting the manufacturer in that year. Revenue from the fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(d) A medical cannabis manufacturer may charge patients enrolled in the registry program a reasonable fee for costs associated with the operations of the manufacturer. The manufacturer may establish a sliding scale of patient fees based upon a patient's household income and may accept private donations to reduce patient fees.

152.36 IMPACT ASSESSMENT OF MEDICAL CANNABIS THERAPEUTIC RESEARCH.

Subdivision 1. **Task force on medical cannabis therapeutic research.** (a) A 23-member task force on medical cannabis therapeutic research is created to conduct an impact assessment of medical cannabis therapeutic research. The task force shall consist of the following members:

(1) two members of the house of representatives, one selected by the speaker of the house, the other selected by the minority leader;

(2) two members of the senate, one selected by the majority leader, the other selected by the minority leader;

(3) four members representing consumers or patients enrolled in the registry program, including at least two parents of patients under age 18;

(4) four members representing health care providers, including one licensed pharmacist;

(5) four members representing law enforcement, one from the Minnesota Chiefs of Police Association, one from the Minnesota Sheriff's Association, one from the Minnesota Police and Peace Officers Association, and one from the Minnesota County Attorneys Association;

(6) four members representing substance use disorder treatment providers; and

(7) the commissioners of health, human services, and public safety.

(b) Task force members listed under paragraph (a), clauses (3), (4), (5), and (6), shall be appointed by the governor under the appointment process in section 15.0597. Members shall serve on the task force at the pleasure of the appointing authority. All members must be appointed by July 15, 2014, and the commissioner of health shall convene the first meeting of the task force by August 1, 2014.

(c) There shall be two cochairs of the task force chosen from the members listed under paragraph (a). One cochair shall be selected by the speaker of the house and the other cochair shall be selected by the majority leader of the senate. The authority to convene meetings shall alternate between the cochairs.

(d) Members of the task force other than those in paragraph (a), clauses (1), (2), and (7), shall receive expenses as provided in section 15.059, subdivision 6.

Subd. 1a. **Administration.** The commissioner of health shall provide administrative and technical support to the task force.

Subd. 2. **Impact assessment.** The task force shall hold hearings to evaluate the impact of the use of medical cannabis and hemp and Minnesota's activities involving medical cannabis and hemp, including, but not limited to:

(1) program design and implementation;

(2) the impact on the health care provider community;

(3) patient experiences;

(4) the impact on the incidence of substance abuse;

(5) access to and quality of medical cannabis, hemp, and medical cannabis products;

(6) the impact on law enforcement and prosecutions;

(7) public awareness and perception; and

(8) any unintended consequences.

Subd. 3. **Cost assessment.** By January 15 of each year, beginning January 15, 2015, and ending January 15, 2019, the commissioners of state departments impacted by the medical cannabis therapeutic research study shall report to the cochairs of the task force on the costs incurred by each department on implementing sections 152.22 to 152.37. The reports must compare actual costs to the estimated costs of implementing these sections and must be submitted to the task force on medical cannabis therapeutic research.

Subd. 4. **Reports to the legislature.** (a) The cochairs of the task force shall submit the following reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services, public safety, judiciary, and civil law:

(1) by February 1, 2015, a report on the design and implementation of the registry program; and every two years thereafter, a complete impact assessment report; and

(2) upon receipt of a cost assessment from a commissioner of a state agency, the completed cost assessment.

(b) The task force may make recommendations to the legislature on whether to add or remove conditions from the list of qualifying medical conditions.

Subd. 5. **No expiration.** The task force on medical cannabis therapeutic research does not expire.

152.37 FINANCIAL EXAMINATIONS; PRICING REVIEWS.

Subdivision 1. **Financial records.** A medical cannabis manufacturer shall maintain detailed financial records in a manner and format approved by the commissioner, and shall keep all records updated and accessible to the commissioner when requested.

Subd. 2. **Certified annual audit.** A medical cannabis manufacturer shall submit the results of an annual certified financial audit to the commissioner no later than May 1 of each year for the calendar year beginning January 2015. The annual audit shall be conducted by an independent certified public accountant and the costs of the audit are the responsibility of the medical cannabis manufacturer. Results of the audit shall be provided to the medical cannabis manufacturer and the commissioner. 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. 6. **Batch.** "Batch" means a specific quantity of medical cannabis that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling batch record.

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. 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. 9. **Certified financial audit.** "Certified financial audit" means the annual financial audit required under Minnesota Statutes, section 152.37, subdivision 2.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or the commissioner's designee.

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. 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. 17. **Health care practitioner.** "Health care practitioner" has the meaning given in Minnesota Statutes, section 152.22, subdivision 4.

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. 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 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. 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. 34. **Production or produce.** "Production" or "produce" means:

(1) cultivating or harvesting plant material;

(2) processing or manufacturing; or

(3) 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. 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. 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. 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.

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) produce or manufacture medical cannabis in any location except in those areas designated in the registration agreement;

(2) sell, deliver, transport, or distribute medical cannabis or medical cannabis products from any location except its manufacturing facility or its distribution facility;

(3) produce or manufacture medical cannabis for use outside of Minnesota;

(4) sell or distribute medical cannabis to any person other than a:

(a) patient;

(b) parent or legal guardian; or

(c) designated registered caregiver;

(5) deliver or transport medical cannabis to any location except its distribution facilities and a laboratory approved by the commissioner;

(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) from its manufacturing facility to a laboratory for testing; and

(3) from its manufacturing facility or distribution facility to a waste-to-energy facility.

B. A medical cannabis manufacturer is authorized to transport plant material:

(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 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; and

(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.

B. Manufacturer employees who are transporting medical cannabis on public roadways must:

(1) travel directly to the distribution facility; and

(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.

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.**

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 crop input that was applied;

(4) the section, including the square footage, that received the application by batch number;

(5) the amount of crop input that was applied; and

(6) a copy of the label of the crop input applied.

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. 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 refrigerate perishable forms of medical cannabis.

D. A manufacturer must ensure that the cannabinoid content of the medical cannabis it produces is homogenous.

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. **Initial 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;

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 record of its inventory of all medical cannabis waste and plant material waste for disposal.

Subp. 5. **Reconciliation.** At the close of business each day, a medical cannabis manufacturer must reconcile all:

A. plant material at the manufacturing facility and in transit; and

B. medical cannabis at the manufacturing facility, 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.

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, but not dried leaves or plant form; and

D. any other method, excluding smoking, approved by the commissioner.

Subp. 5. **Commissioner's analyte list.**

A. The commissioner must maintain a list of analytes that laboratories must be able to test for. The analyte categories include:

(1) cannabinoid profile;

(2) metals;

(3) pesticide residues and plant growth regulators;

(4) microbiological contaminants and mycotoxins; and

(5) residual solvents.

B. The commissioner must publish the analyte list in the State Register and on the department's medical cannabis program website.

C. The commissioner must review the analyte list and publish a notice of any analyte updates in the State Register and on the department's medical cannabis program website at least every six months.

4770.2000 MEDICAL CANNABIS LABORATORY APPROVAL; APPLICATION AND APPROVAL.

Subpart 1. **Application requirements.**

A. A laboratory must apply for the commissioner's approval on a form provided by the commissioner.

B. A laboratory must also submit the following items:

(1) a signed and notarized attestation:

(a) declaring any conflict of interest, actual or perceived, relating to its direct or indirect financial interests in any medical cannabis manufacturer form; and

(b) stating that the laboratory is independent from the medical cannabis manufacturers;

(2) the fields of testing it is applying for approval to test;

(3) its quality assurance manual;

(4) its standard operating procedures;

(5) sample handling, receipt, and acceptance procedures and policies;

(6) demonstration of laboratory capability and acceptable performance through a combination of:

(a) existing certificates and approvals;

(b) documented demonstrations of analytical capabilities; and

(c) documented and acceptable proficiency testing samples from an approved provider, where available;

(7) method validation procedures for testing methods; and

(8) the name and educational qualifications of at least one technical manager responsible for the laboratory achieving and maintaining the quality and analytical standards of practice.

C. A mobile laboratory is considered a separate laboratory and is subject to all requirements of parts 4770.1900 to 4770.2300. In addition to the requirements of subpart 1, a mobile laboratory must:

(1) submit a vehicle identification number, license plate number, or other uniquely identifying information to the commissioner when applying for approval; and

(2) designate which fields of testing, equipment, and personnel are associated with the mobile laboratory.

D. The following items are required and must be submitted to the commissioner before December 31, 2016:

(1) a copy of the lab's ISO/IEC 17025:2005 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 or www.iso.org.

4770.4000 APPLICABILITY AND PURPOSE.

Parts 4770.4000 to 4770.4018 establish the criteria and procedures to be used by the commissioner for establishing and overseeing the medical cannabis registry for enrolled patients and their designated caregivers.

4770.4002 DEFINITIONS.

Subpart 1. **Applicability.** The terms used in this chapter have the meanings given them in this part and in Minnesota Statutes, sections 152.22 to 152.37.

Subp. 1a. **Adverse incident.** "Adverse incident" means any negative medical occurrence in a person after using medical cannabis, either physical or psychological, including any harmful reaction, symptom, or disease.

Subp. 2. **DEA Registration Certificate.** "DEA Registration Certificate" means a certificate to prescribe controlled substances issued by the United States Department of Justice's Drug Enforcement Administration.

Subp. 3. **Disqualifying felony offense.** "Disqualifying felony offense" has the meaning given in Minnesota Statutes, section 152.22, subdivision 3.

Subp. 4. **Diversion or diverting.** "Diversion" or "diverting" means the intentional transferring of medical cannabis to a person other than a patient, designated registered caregiver, or a parent or legal guardian of a patient if the parent or legal guardian of a patient is listed on the registry verification.

Subp. 4a. **Diversion involving adverse incidents.** "Diversion involving adverse incidents" means any suspected incident of diversion that results in an adverse incident.

Subp. 5. **Evidence-based medicine.** "Evidence-based medicine" means documentation of published, peer-reviewed best evidence on research related to the use of medical cannabis, which includes up-to-date information from relevant, valid research about the effects of medical cannabis on different forms of diseases and conditions, its use in health care, the

potential for harm from exposure, a clinical assessment of the effectiveness of medical cannabis in an ongoing treatment paradigm, and any other relevant medical information.

Subp. 6. **Financial interest.** "Financial interest" means any actual or future right to ownership, investment, or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent, or child in a medical cannabis manufacturer. Financial interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person, the person's spouse, parent, or child, in the aggregate, do not exceed one percent ownership in the medical cannabis manufacturer.

Subp. 7. **Good standing.** "Good standing" means a person has a license or registration with a licensing board and is not subject to any restriction or oversight by the licensing board beyond others in the same class.

Subp. 8. **Health care practitioner.** "Health care practitioner" has the meaning given in Minnesota Statutes, section 152.22, subdivision 4.

Subp. 9. **Health record.** "Health record" has the meaning given in Minnesota Statutes, section 144.291, subdivision 2, paragraph (c).

Subp. 10. **Medical cannabis.** "Medical cannabis" has the meaning given in Minnesota Statutes, section 152.22, subdivision 6.

Subp. 11. **Medical cannabis manufacturer or manufacturer.** "Medical cannabis manufacturer" or "manufacturer" has the meaning given in Minnesota Statutes, section 152.22, subdivision 7.

Subp. 12. **Medical relationship.** "Medical relationship" means a treatment or counseling relationship, in the course of which the health care practitioner has completed a full assessment of the patient's medical history and current medical condition.

Subp. 13. **Minor.** "Minor" means an applicant who is under 18 years of age.

Subp. 14. **Parent or legal guardian.** "Parent or legal guardian" has the meaning given in Minnesota Statutes, section 152.27, subdivision 5.

Subp. 15. **Patient.** "Patient" has the meaning given in Minnesota Statutes, section 152.22, subdivision 9.

Subp. 15a. **Patient advocate.** "Patient advocate" means an individual with a knowledge of medical cannabis who promotes patient interests in safety, privacy, access, and affordability.

Subp. 15b. **Peace officer.** "Peace officer" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

Subp. 16. **Person.** "Person" means an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, state or political subdivision of a state, or a legal successor, representative, agent, or agency of the person. Person does not include federal government agencies.

Subp. 17. **Qualifying medical condition.** "Qualifying medical condition" has the meaning given in Minnesota Statutes, section 152.22, subdivision 14.

Subp. 18. **Qualifying patent.** "Qualifying patient" means a resident of Minnesota who has been diagnosed by a health care practitioner as having a qualifying medical condition.

Subp. 19. **Registered.** "Registered" means licensed, permitted, or otherwise certified by the commissioner.

Subp. 20. **Registered designated caregiver.** "Registered designated caregiver" has the meaning given in Minnesota Statutes, section 152.22, subdivision 11.

Subp. 21. **Registry program.** "Registry program" has the meaning given in Minnesota Statutes, section 152.22, subdivision 12.

Subp. 22. **Registry verification.** "Registry verification" has the meaning given in Minnesota Statutes, section 152.22, subdivision 13.

Subp. 22a. **Serious adverse incident.** "Serious adverse incident" means any adverse incident that results in or would lead to one of these outcomes without medical intervention:

A. in-patient hospitalization or additional hospital time for a patient who is already hospitalized;

B. persistent or significant disability or incapacity;

C. a life-threatening situation; or

D. death.

Subp. 23. **Telemedicine.** "Telemedicine" 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 telemedicine 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.