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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3766

02/13/2024 Authored by Hanson, J., and Smith
03/07/2024 The bill was read for the first time and referred to the Committee on Health Finance and Policy
By motion, recalled and re-referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to cannabis; authorizing patients enrolled in the registry program to
1.3 cultivate up to 16 cannabis plants without a license; authorizing patients enrolled
1.4 in the registry program to obtain cannabis flower from registered designated
1.5 caregivers; authorizing registered designated caregivers to cultivate cannabis plants
1.6 on behalf of patients enrolled in the registry program; making technical and
1.7 conforming changes; amending Minnesota Statutes 2023 Supplement, sections
1.8 342.01, subdivisions 52, 54; 342.09, subdivision 2; 342.52, subdivision 9; 342.57,
1.9 subdivision 2.

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

1.11 Section 1. Minnesota Statutes 2023 Supplement, section 342.01, subdivision 52, is amended
1.12 to read:

1.13 Subd. 52. Medical cannabinoid product. (a) "Medical cannabinoid product" means a
1.14 product that:

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

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

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

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

1.23 (2) pill;

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

- 2.1 (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;
- 2.2 (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and
- 2.3 sublingual tablets;
- 2.4 (6) edible products in the form of gummies and chews;
- 2.5 (7) topical formulation; or
- 2.6 (8) any allowable form or delivery method approved by the office.

2.7 (c) Medical cannabinoid product does not include adult-use cannabis products or

2.8 hemp-derived consumer products.

2.9 Sec. 2. Minnesota Statutes 2023 Supplement, section 342.01, subdivision 54, is amended

2.10 to read:

2.11 Subd. 54. **Medical cannabis flower.** "Medical cannabis flower" means cannabis flower

2.12 provided to a patient enrolled in the registry program or a visiting patient; a registered

2.13 designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a

2.14 registered designated caregiver, cannabis retailer, or medical cannabis business to treat or

2.15 alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does

2.16 not include adult-use cannabis flower.

2.17 Sec. 3. Minnesota Statutes 2023 Supplement, section 342.09, subdivision 2, is amended

2.18 to read:

2.19 Subd. 2. **Home cultivation of cannabis for personal adult use.** (a) Except as provided

2.20 in paragraph (b), up to eight cannabis plants, with no more than four being mature, flowering

2.21 plants may be grown at a single residence, including the curtilage or yard, without a license

2.22 to cultivate cannabis issued under this chapter ~~provided that.~~

2.23 (b) A patient enrolled in the registry program may grow up to 16 cannabis plants at a

2.24 single residence, including the curtilage or yard, without a license to cultivate cannabis

2.25 issued under this chapter.

2.26 (c) Cultivation ~~takes~~ of cannabis for personal use must take place at the primary residence

2.27 of an individual 21 years of age or older and in an enclosed, locked space that is not open

2.28 to public view.

3.1 Sec. 4. Minnesota Statutes 2023 Supplement, section 342.52, subdivision 9, is amended
3.2 to read:

3.3 Subd. 9. **Registered designated caregiver.** (a) The Division of Medical Cannabis must
3.4 register a designated caregiver for a patient if the patient requires assistance in administering
3.5 medical cannabis flower or medical cannabinoid products ~~or in~~ obtaining medical cannabis
3.6 flower, medical cannabinoid products, or medical cannabis paraphernalia from a medical
3.7 cannabis retailer; or cultivating cannabis plants as permitted by section 342.09, subdivision
3.8 2, paragraph (b).

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

3.10 (1) be at least 18 years of age;

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

3.13 (3) agree that if the application is approved, the person will not serve as a registered
3.14 designated caregiver for more than six registered patients at one time. Patients who reside
3.15 in the same residence count as one patient.

3.16 (c) The office shall conduct a criminal background check on the designated caregiver
3.17 prior to registration to ensure that the person does not have a conviction for a disqualifying
3.18 felony offense. Any cost of the background check shall be paid by the person seeking
3.19 registration as a designated caregiver. A designated caregiver must have the criminal
3.20 background check renewed every two years.

3.21 (d) Nothing in this section shall be construed to prevent a registered designated caregiver
3.22 from being enrolled in the registry program as a patient and possessing and administering
3.23 medical cannabis flower or medical cannabinoid products as a patient.

3.24 (e) Notwithstanding any law to the contrary, a registered designated caregiver approved
3.25 to assist a patient enrolled in the registry program with obtaining medical cannabis flower
3.26 may cultivate cannabis plants on behalf of the patient. For each patient household that the
3.27 registered designated caregiver is approved to assist with obtaining medical cannabis flower,
3.28 the registered designated caregiver may grow up to 16 cannabis plants. If a patient enrolled
3.29 in the registry program directs the patient's registered designated caregiver to cultivate
3.30 cannabis plants on behalf of the patient, the patient must assign the patient's right to cultivate
3.31 cannabis plants as permitted by section 342.09, subdivision 2, paragraph (b), to the registered
3.32 designated caregiver and the patient is prohibited from cultivating cannabis plants for
3.33 personal use. Nothing in this paragraph limits the right of a registered designated caregiver

4.1 cultivating cannabis plants on behalf of a patient enrolled in the registry program to also
4.2 cultivate cannabis plants for personal use pursuant to section 342.09, subdivision 2.

4.3 Sec. 5. Minnesota Statutes 2023 Supplement, section 342.57, subdivision 2, is amended
4.4 to read:

4.5 Subd. 2. **Criminal and civil protections.** (a) Subject to section 342.56, the following
4.6 are not violations of this chapter or chapter 152:

4.7 (1) use or possession of medical cannabis flower, medical cannabinoid products, or
4.8 medical cannabis paraphernalia by a patient enrolled in the registry program or by a visiting
4.9 patient ~~to whom medical cannabis flower or medical cannabinoid products are distributed~~
4.10 ~~under section 342.51, subdivision 5;~~

4.11 (2) possession of medical cannabis flower, medical cannabinoid products, or medical
4.12 cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or
4.13 spouse of a patient enrolled in the registry program; or

4.14 (3) possession of medical cannabis flower, medical cannabinoid products, or medical
4.15 cannabis paraphernalia by any person while carrying out duties required under sections
4.16 342.47 to 342.60.

4.17 (b) The Office of Cannabis Management, members of the Cannabis Advisory Council,
4.18 Office of Cannabis Management employees, agents or contractors of the Office of Cannabis
4.19 Management, and health care practitioners participating in the registry program are not
4.20 subject to any civil penalties or disciplinary action by the Board of Medical Practice, the
4.21 Board of Nursing, or any business, occupational, or professional licensing board or entity
4.22 solely for participating in the registry program either in a professional capacity or as a
4.23 patient. A pharmacist licensed under chapter 151 is not subject to any civil penalties or
4.24 disciplinary action by the Board of Pharmacy when acting in accordance with sections
4.25 342.47 to 342.60 either in a professional capacity or as a patient. Nothing in this section
4.26 prohibits a professional licensing board from taking action in response to a violation of law.

4.27 (c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the
4.28 governor, or an employee of a state agency must not be held civilly or criminally liable for
4.29 any injury, loss of property, personal injury, or death caused by any act or omission while
4.30 acting within the scope of office or employment under sections 342.47 to 342.60.

4.31 (d) Federal, state, and local law enforcement authorities are prohibited from accessing
4.32 the registry except when acting pursuant to a valid search warrant. Notwithstanding section
4.33 13.09, a violation of this paragraph is a gross misdemeanor.

5.1 (e) Notwithstanding any law to the contrary, the office and employees of the office must
5.2 not release data or information about an individual contained in any report or document or
5.3 in the registry and must not release data or information obtained about a patient enrolled in
5.4 the registry program, except as provided in sections 342.47 to 342.60. Notwithstanding
5.5 section 13.09, a violation of this paragraph is a gross misdemeanor.

5.6 (f) No information contained in a report or document, contained in the registry, or
5.7 obtained from a patient under sections 342.47 to 342.60 may be admitted as evidence in a
5.8 criminal proceeding, unless:

5.9 (1) the information is independently obtained; or

5.10 (2) admission of the information is sought in a criminal proceeding involving a criminal
5.11 violation of sections 342.47 to 342.60.

5.12 (g) Possession of a registry verification or an application for enrollment in the registry
5.13 program:

5.14 (1) does not constitute probable cause or reasonable suspicion;

5.15 (2) must not be used to support a search of the person or property of the person with a
5.16 registry verification or application to enroll in the registry program; and

5.17 (3) must not subject the person or the property of the person to inspection by any
5.18 government agency.