

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 1540**

(SENATE AUTHORS: KORAN)

DATE  
02/13/2023

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Introduction and first reading  
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to health; requiring the commissioner of health to apply for a federal  
1.3 Schedule I exemption for the medical use of cannabis; amending Minnesota Statutes  
1.4 2022, section 152.32, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 152.32, subdivision 1, is amended to read:

1.7 Subdivision 1. **Presumption Presumptions.** (a) There is a presumption that a patient  
1.8 enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized  
1.9 use of medical cannabis.

1.10 (b) The presumption in paragraph (a) may be rebutted by evidence that conduct related  
1.11 to use of medical cannabis was not for the purpose of treating or alleviating the patient's  
1.12 qualifying medical condition or symptoms associated with the patient's qualifying medical  
1.13 condition.

1.14 (c) Sections 152.22 to 152.37 do not create any positive conflict with federal drug laws  
1.15 or regulations and are consistent with United States Code, title 21, section 903.

1.16 Sec. 2. **FEDERAL SCHEDULE I EXEMPTION APPLICATION FOR MEDICAL**  
1.17 **USE OF CANNABIS.**

1.18 By September 1, 2023, the commissioner of health shall apply to the Drug Enforcement  
1.19 Administration's Office of Diversion Control for an exception under Code of Federal  
1.20 Regulations, title 21, section 1307.03, and request formal written acknowledgment that the  
1.21 listing of marijuana, marijuana extract, and tetrahydrocannabinols as controlled substances  
1.22 in federal Schedule I does not apply to the protected activities in Minnesota Statutes, section

- 2.1 152.32, subdivision 2, pursuant to the medical cannabis program established under Minnesota
- 2.2 Statutes, sections 152.22 to 152.37. The application shall include the list of presumptions
- 2.3 in Minnesota Statutes, section 152.32, subdivision 1.