4770.1750 MEDICAL CANNABIS DISTRIBUTION.

Subpart 1. **Distribution; identity verification.** A registered patient, designated caregiver, or the registered patient's parent or legal guardian, if the parent or legal guardian will be acting as a caregiver, must present a government-issued photo identification at the distribution site. Distribution site staff must verify the identity of the person and the patient's enrollment in the registry. In the case of a distribution that includes dried raw cannabis, the manufacturer must verify the age of the person and the age of the patient if someone other than the patient is making the transaction according to part 4770.1760.

Subp. 2. **Distribution; consultation.**

A. If required under Minnesota Statutes, section 152.29, subdivision 3, paragraph (c), clause (4), a pharmacist employed by a manufacturer to distribute medical cannabis must consult with the registered patient, designated caregiver, or the registered patient's parent or legal guardian, if the parent or legal guardian will be acting as a caregiver, before distributing medical cannabis to the recipient. The consultation must include:

(1) a review of patient information in the medical cannabis registry;

(2) an assessment of the perceived effectiveness of medical cannabis in treating the condition or symptoms of the condition;

(3) a review of current medications the patient is taking, including the formulation and current dosage of medical cannabis; and

(4) a review of any changes in the patient's medical condition.

B. To determine whether a consultation must be held under Minnesota Statutes, section 152.29, subdivision 3, paragraph (c), clause (4), dried raw cannabis finished goods listed in a chemical composition range may be treated as other dried raw cannabis finished goods listed in that range.

C. A dried raw cannabis finished good is classified into one of three chemical composition ranges as follows:

(1) "high THC" if it has a total THC percentage greater than 15 percent;

(2) "mixed THC" if it has a total THC percentage between five percent and 15 percent; or

(3) "low THC" if it has a total THC percentage less than five percent.

D. A pharmacist may consult with a patient or caregiver regardless of whether a consultation is required under Minnesota Statutes, section 152.29, subdivision 3, paragraph (c), clause (4).

Subp. 3. **Distribution; dosage calculation.** After completing the consultation, the pharmacist will determine a recommended daily dosage and calculate an amount equal to a 90-day supply at maximum recommended dosage. If a 90-day supply of dried raw cannabis exceeds 450 grams, the approving pharmacist must file a written justification of the calculation with the commissioner.

Subp. 4. **Purchasing limits.** A registered qualifying patient, registered designated caregiver, or a patient's registered parent or registered legal guardian may purchase medical cannabis in quantities less than or equal to the patient's 30-day supply determined under subpart 3 from any Minnesota distribution site at any time. The total quantity of medical cannabis purchased for a patient in a 23-day period must not exceed the patient's 30-day supply. A manufacturer must not distribute more than 450 grams of dried raw cannabis per visit to any person.

Subp. 5. **Dried raw cannabis display sample jars.**

A. In a distribution facility, a manufacturer may have dried raw cannabis packaged in a sample jar protected by a plastic or metal mesh screen to allow a patient or the patient's registered caregiver age 21 and older to see and smell the product before purchase. A display sample jar must:

(1) not contain more than two grams of dried raw cannabis;

(2) be locked or sealed and tamper proof to prevent any person at the distribution facility from touching the dried raw cannabis; and

(3) have a plastic or metal mesh screen that is sealed onto the container and is free of rips, tears, or holes greater than two millimeters in diameter.

B. The display sample jar and the dried raw cannabis within may not be distributed to a patient and must be returned to the manufacturer's production facility where the cannabis must be disposed of as plant waste.

C. A jar used to contain display samples must be cleaned and disinfected before reuse.

D. All display sample jars must be labeled with:

(1) the manufacturer's name and logo;

(2) the medical cannabis brand name, including strain name if applicable;

(3) the unique identifier number generated by the track and trace system; and

(4) the weight of the product in ounces and grams or volume as applicable.

E. Outgoing and return samples and display sample jars are subject to the transportation requirements in part 4770.1100.

F. Dried raw cannabis used in sample jars must be accounted for in the manufacturer's inventory tracing under part 4770.1800. Dried raw cannabis used in sample jars must not be distributed for patients and must be disposed of as medical cannabis waste under part 4770.1200, subpart 2, item A.

Statutory Authority: *MS s 14.389; 152.26; 152.261*

History: *39 SR 1760; 40 SR 1599; 46 SR 1011*

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