

9810.4100 MEDICAL CANNABIS CONSULTANT PROGRAM.

Subpart 1. **Medical cannabis consultant certificate application.** An applicant for a medical cannabis consultant certificate must submit to the office:

- A. a complete initial application on forms provided by the office;
- B. a certificate of successful completion from a training program approved under subpart 11; and
- C. pursuant to Minnesota Statutes, section 342.27, subdivision 4, paragraph (b), a copy of the applicant's valid driver's license or other government-issued identification card, a valid Tribal identification card as defined in Minnesota Statutes, section 171.072, paragraph (b), a valid passport issued by the United States or another country, or a valid instructional permit issued under Minnesota Statutes, section 171.05.

Subp. 2. **Consultation limitations.** A medical cannabis consultant certificate holder may only provide services when acting as an employee on behalf of a licensed cannabis business that holds a valid medical cannabis retail endorsement under Minnesota Statutes, section 342.51.

Subp. 3. **Certified medical cannabis consultant; authorized actions.** A medical cannabis consultant certificate holder may assist an enrolled patient, a registered designated caregiver, or an enrolled patient's parent, legal guardian, or spouse acting as a caregiver with:

- A. selecting medical cannabis flower, medical cannabinoid products, and associated paraphernalia sold at the cannabis business that may treat or alleviate the enrolled patient's qualifying medical condition or associated symptoms;
- B. understanding the risks and benefits of medical cannabis flower, medical cannabinoid products, and associated paraphernalia sold at the cannabis business;
- C. understanding the potential pharmacological impacts and risks associated with cannabis use and its interactions with other common pharmacological drugs;
- D. understanding the risks and benefits of methods of administration of medical cannabis flower and medical cannabinoid products;
- E. providing advice about the safe handling and storage of medical cannabis flower and medical cannabinoid products, including strategies to prevent access to the flower and products by minors; and
- F. instructing and demonstrating proper use and administration or application of medical cannabis flower and medical cannabinoid products.

Subp. 4. **Certified medical cannabis consultant; responsibilities.** When discussing a cannabis product with an enrolled patient, a registered designated caregiver, or an enrolled patient's parent, legal guardian, or spouse acting as a caregiver, a medical cannabis consultant certificate holder must refer to the medical cannabis flower and medical cannabinoid products by using the cannabinoid

profile labeling required by Minnesota Statutes, section 342.63, in addition to the represented strain name, if applicable.

Subp. 5. **Certified medical cannabis consultant; prohibited actions.** A certificate holder must not:

A. offer or undertake to diagnose or cure any physical or mental disease, ailment, injury, infirmity, deformity, pain, or other condition by using medical cannabis flower or medical cannabinoid products or by any other means;

B. recommend or suggest modifying or eliminating any course of treatment that does not involve the therapeutic use of medical cannabis flower or medical cannabinoid products;

C. solicit or accept any form of remuneration directly or indirectly in exchange for recommending a certain product, manufacturer, retailer, designated caregiver, or health care practitioner;

D. provide free samples of medical cannabis flower or medical cannabinoid products to a patient; or

E. allow a patient to consume medical cannabis flower or medical cannabinoid products on the premises unless the cannabis business also holds a valid on-site consumption endorsement.

Subp. 6. **Display of certificate.** A cannabis business must display a copy of the certificate of the medical cannabis consultant employed by the cannabis business in a place and manner visible to customers at each retail location where the consultant provides services for the business.

Subp. 7. **Denial, suspension, and revocation of certificate.** The office must deny, suspend, or revoke a medical cannabis consultant certificate if:

A. the certificate was obtained through fraud, misrepresentation, or deceit; or

B. the applicant or certificate holder has violated any part of this chapter or Minnesota Statutes, chapter 342.

Subp. 8. **Denial, suspension, and revocation of certificate; procedure.** The office must provide an applicant or a medical cannabis consultant certificate holder with written notice of the office's denial, suspension, or revocation of a certificate. If the applicant or certificate holder believes the information in the office's written notice of a denial, suspension, or revocation of the certificate is in error, the applicant or certificate holder may ask the office to reconsider the parts of the order that are alleged to be in error. The request for reconsideration must be in writing, must be delivered to the office by certified mail within seven business days after receipt of the order, and must provide documentation to support the allegation of error. The office must respond to a request for reconsideration within 15 business days after receiving the request. The office's disposition of a request for reconsideration is final.

Subp. 9. **Certificate renewal** A medical cannabis consultant certificate holder must renew a medical cannabis consultant certificate every three years. If a medical cannabis consultant certificate holder does not receive a courtesy renewal notice from the office, the certificate holder is not

relieved or exempted from the requirement to renew the certificate every three years. To renew a medical cannabis consultant certificate, a certificate holder must submit to the office:

- A. a complete renewal application on forms provided by the office; and
- B. proof that the certificate holder completed an office-approved training program within the last three years before renewal.

Subp. 10. **Name and address changes.** A medical cannabis consultant certificate holder must provide the office with the certificate holder's correct name and address and must update the office with any change to the certificate holder's name or address. A medical cannabis consultant certificate holder must submit a written notice of a name or address change to the office. A medical cannabis consultant certificate holder requesting a name change must provide the office with documentation showing that the certificate holder's name was legally changed in addition to the written request for a name change.

Subp. 11. **Approval of training program.** The office must approve any training program that meets the requirements of this subpart. The authorized representative of the training program must request approval on an application provided by the office. An application requesting approval of a training program must include:

- A. a detailed syllabus that includes training topics on drug interactions;
- B. the identities and qualifications of instructors;
- C. training locations and facilities;
- D. an outline of a curriculum plan that includes all training topics and the length in hours that each subject will be taught;
- E. a duration of at least 30 hours of class time;
- F. training objectives;
- G. whether the training will be provided in person or virtually;
- H. methods of evaluating the course and instructors by the training program and by training participants;
- I. policies and procedures for maintaining training and testing records; and
- J. a sample of the training program's certificate of successful completion that will be issued to training participants who complete the training program. At a minimum, the certificate must contain:
 - (1) the name and contact information of the training program;
 - (2) the name of the training participant; and
 - (3) the date that the student successfully completed the program.

Subp. 12. **Notice of change.** The authorized representative of a training program must notify the office in writing of all changes to information provided in the application, including instructor changes or changes to an instructor's credential status within 30 days of the change.

Subp. 13. **Renewal of training program.** A training program approved by the office under this part must:

A. reapply for approval from the office every three years using the same process for initial approval described in subpart 11; and

B. comply with any changes to this part to maintain the program's approved status.

Subp. 14. **Closure of an approved training program.** When a training program approved under this part closes, the training program must notify the office in writing, stating the reason for the closure and the date of the closing.

Statutory Authority: *MS s 342.02*

History: *49 SR 1143*

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