ARTICLE 6

MISCELLANEOUS PROVISIONS

Section 1. [3.9224] MEDICAL CANNABIS; COMPACTS TO BE NEGOTIATED.

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given.

(b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or community of Indians located within the geographical boundaries of the state of Minnesota.

(c) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision 50.

(d) "Medical cannabis flower" has the meaning given in section 342.01, subdivision 52.

Subd. 2. Negotiations authorized. Following a public hearing, the governor or the governor's designated representatives are authorized to negotiate in good faith a compact with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.

The attorney general is the legal counsel for the governor or the governor's representatives in regard to negotiating a compact under this section. If the governor appoints designees to negotiate under this subdivision, the designees must include at least two members of the senate and two members of the house of representatives, two of whom must be the chairs of the senate and house of representatives standing committees with jurisdiction over health policy.

Subd. 3. Terms of compact; rights of parties. (a) A compact agreed to under this section may address any issues related to medical cannabis flower and medical cannabinoid products that affect the interests of both the state and Indian Tribe or otherwise have an impact on Tribal-state relations.

At a minimum, a compact agreed to on behalf of the state under this section must address:

1. The enforcement of criminal and civil laws;
2. The regulation of the commercial production, processing, sale or distribution, and possession of medical cannabis flower and medical cannabinoid products;
3. Medical and pharmaceutical research involving medical cannabis flower and medical cannabinoid products;
4. The taxation of medical cannabis flower and medical cannabinoid products, including establishing an appropriate amount and method of revenue sharing;
5. The immunities of an Indian Tribe or preemption of state law regarding the production, processing, or sale or distribution of medical cannabis flower and medical cannabinoid products; and
6. "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or community of Indians located within the geographical boundaries of the state of Minnesota.

(c) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision 51.

(d) "Medical cannabis flower" has the meaning given in section 342.01, subdivision 53.

Subd. 4. Negotiations authorized. Following a public hearing, the governor or the governor's designated representatives are authorized to negotiate in good faith a compact with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.

The attorney general is the legal counsel for the governor or the governor's representatives in regard to negotiating a compact under this section. If the governor appoints designees to negotiate under this subdivision, the designees must include at least two members of the senate and two members of the house of representatives, two of whom must be the chairs of the senate and house of representatives standing committees with jurisdiction over health policy.

Subd. 5. Terms of compact; rights of parties. (a) A compact agreed to under this section may address any issues related to medical cannabis flower and medical cannabinoid products that affect the interests of both the state and Indian Tribe or otherwise have an impact on Tribal-state relations.

At a minimum, a compact agreed to on behalf of the state under this section must address:

1. The enforcement of criminal and civil laws;
2. The regulation of the commercial production, processing, sale or distribution, and possession of medical cannabis flower and medical cannabinoid products;
3. Medical and pharmaceutical research involving medical cannabis flower and medical cannabinoid products;
4. The taxation of medical cannabis flower and medical cannabinoid products, including establishing an appropriate amount and method of revenue sharing;
5. The immunities of an Indian Tribe or preemption of state law regarding the production, processing, or sale or distribution of medical cannabis flower and medical cannabinoid products; and
(6) the method of resolution for disputes involving the compact, including the use of
mediation or other alternative dispute resolution processes and procedures.

(b) In addressing the issues identified under paragraph (a), the governor or the governor's
designated representatives shall only enter into agreements that:

(1) provide for the preservation of public health and safety;
(2) ensure the security of production, processing, retail, and research facilities on Tribal
land; and
(3) establish provisions regulating business involving medical cannabis flower and
medical cannabinoid products that pass between Tribal land and non-Tribal land in the state;

Subd. 6. Assessments and charges. Notwithstanding any law to the contrary, any
compact agreed to under this section shall establish all taxes, fees, assessments, and other
charges related to the production, processing, sale or distribution, and possession of medical
cannabis flower and medical cannabinoid products.

Subd. 5. Civil and criminal immunities. The following acts, when performed by a
validly licensed medical cannabis retailer or an employee of a medical cannabis retailer
operated by an Indian Tribe pursuant to a compact entered into under this section, do not
constitute a criminal or civil offense under state law:

(1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;
(2) the possession, purchase, and receipt of medical cannabis flower and medical
cannabinoid products that are properly packaged and labeled as authorized under a compact
entered into pursuant to this section; and
(3) the delivery, distribution, and sale of medical cannabis flower and medical cannabinoid
products as authorized under a compact entered into pursuant to this section and that takes
place on the premises of a medical cannabis retailer on Tribal land to any person 21 years
of age or older.

Subd. 6. Publication; report. (a) The governor shall post any compact entered into
under this section on a publicly accessible website;

(b) The governor, the attorney general, and the governor's designated representatives
shall report to the legislative committees having jurisdiction over health, taxation, and
commerce annually. This report shall contain information on compacts negotiated and an
outline of prospective negotiations.

Sec. 2. [3.9228] ADULT-USE CANNABIS; COMPACTS TO BE NEGOTIATED.

Subdivision 1. Definitions. (a) As used in this section, the following terms have the
meanings given:

SEC. 2. [3.9228] ADULT-USE CANNABIS; COMPACTS TO BE NEGOTIATED.

Subdivision 1. Definitions. (a) As used in this section, the following terms have the
meanings given:
(b) "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision 213.4.

(c) "Adult-use cannabinoid product" has the meaning given in section 342.01, subdivision 215.14.

(d) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, microbusiness, event organizer, delivery service, or lower potency edible retailer.

(e) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.215.16.

(f) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, microbusiness, event organizer, delivery service, or lower potency edible retailer.

(g) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.215.17.

(h) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, microbusiness, event organizer, delivery service, or lower potency edible retailer.

(i) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.215.18.

(j) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, microbusiness, event organizer, delivery service, or lower potency edible retailer.

(k) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.215.19.

(l) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, microbusiness, event organizer, delivery service, or lower potency edible retailer.

(m) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.215.20.

(1) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or community of Indians located within the geographical boundaries of the state of Minnesota.

(2) "Minnesota Tribal governments" means the federally recognized Indian Tribes located in Minnesota including:

(1) Bois Forte Band;
(2) Fond Du Lac Band;
(3) Grand Portage Band;
(4) Leech Lake Band;
(5) Mille Lacs Band;
(6) White Earth Band;
(7) Red Lake Nation;
(8) Lower Sioux Indian Community;
(9) Prairie Island Indian Community;
(10) Shakopee Mdewakanton Sioux Community; and
(11) Upper Sioux Indian Community.

(3) "Tribal cannabis business" means a cannabis business licensed by a Tribal government, including the business categories identified in paragraph (d) as well as any others that may be provided under the law of a Tribal government.

(4) "Tribally regulated land" means:

(1) all land held in trust by the United States for the benefit of a Tribal government;
(2) all land held by a Tribal government in restricted fee status; and
(3) all land within the exterior boundaries of the reservation of a Tribal government that is subject to the civil regulatory jurisdiction of the Tribal government.
the purposes of this section; land that is subject to the civil regulatory jurisdiction of the
Tribal government includes:

(i) fee land held by the Tribe, entities organized under Tribal law, or individual Indians;

and

(ii) land held by non-Indian entities or individuals who consent to the civil regulation
of the Tribal government or are otherwise subject to such regulation under federal law;

Subd. 2. Acknowledgment and purpose; negotiations authorized.
(a) The state of Minnesota acknowledges the sovereign right of Minnesota Tribal governments to regulate Tribal cannabis businesses and address other matters of cannabis regulation related to the internal affairs of Minnesota Tribal governments without regard to whether such Tribal government has entered a compact authorized by this section. The purpose of this section is to provide for the negotiation of compacts to proactively address jurisdictional issues related to the regulation of adult-use cannabis. The legislature finds that these agreements will facilitate and promote a cooperative and mutually beneficial relationship between the state and the Tribes regarding the legalization of cannabis. Such cooperative agreements will enhance public health and safety, ensure a lawful and well-regulated cannabis market, encourage economic development, and provide fiscal benefits to both Indian Tribes and the state.

(b) The governor shall negotiate in good faith, and has the authority to execute and bind the state to, a compact with any Minnesota Tribal government wishing to enter into such compact regulating adult-use cannabis flower and adult-use cannabinoid products.

c) This subdivision shall be effective upon enactment.

Subd. 3. Terms of compact; rights of parties.
(a) A compact agreed to under this section may address any issues related to adult-use cannabis flower, adult-use cannabinoid products, extracts, concentrates, and artificially derived cannabinoids that affect the interest of both the state and Minnesota Tribal government or otherwise have an impact on Tribal-state relations. Indian Tribes are not required to enter into compacts pursuant to this section in order to regulate or engage in cannabis businesses or activities on reservation lands or participate as a licensee in the state's legal cannabis market.

(b) The state shall not, as a condition for entering into a compact under this section:
(1) require any Minnesota Tribal government to waive any right, privilege, or immunity based on their status as independent sovereigns;

(2) require that any revenue generated by cannabis businesses licensed by a Minnesota Tribal government be subject to any state cannabis gross receipt taxes imposed under section 295.81 or state and local sales or use taxes on sales of cannabis;

(3) require any taxes collected by Minnesota Tribal governments to be shared in any manner with the state or any subdivisions thereof;

(4) require a Minnesota Tribal government to consent to state licensing of cannabis businesses on the Tribally regulated land of the Minnesota Tribal government; or

(5) require any cannabis business licensed by a Minnesota Tribal government pursuant to a compact agreed to under this section to comply with specific state regulations on Tribally regulated land.

(c) Notwithstanding any law to the contrary, the state shall not impose, attempt to impose, and shall not require or attempt to require any Indian Tribe to impose, any taxes, fees, assessments, and other charges related to the production, processing, sale, purchase, distribution, or possession of adult-use cannabis flower and adult-use cannabinoid products on Minnesota Tribal governments, or their members, on a reservation or Tribally regulated land.

(d) Compacts agreed to under this section may allow an exemption from any otherwise applicable tax for sales to a Minnesota Tribal government, a Tribal cannabis business, or Tribal members, of cannabis flower and adult use cannabinoid products grown, produced, or processed as provided for in said compacts, or for activities, to the extent they are not already exempt under state or federal law from the state cannabis gross receipt tax under section 295.81 or state and local sales or use taxes on sales of cannabis.

(e) This subdivision shall be effective upon enactment.
subsection 5. **Civil and criminal immunities.** The following acts, when performed by a
validly licensed cannabis retailer or an employee of a cannabis retailer operated by an Indian
Tribe pursuant to a compact entered into under this section, do not constitute a criminal or
civil offense under state law:

1. The cultivation of cannabis flower, as defined in section 342.01, subdivision 15;
2. The possession, purchase, and receipt of adult-use cannabis products that are properly packaged and labeled as authorized under a compact entered into pursuant to this section, and the sale, delivery, transport, or distribution of such products to a licensed cannabis business and that takes place on, or originates from, the premises of a Tribal cannabis business and that takes place on the premises of a medical cannabis retailer on Tribal land to any person 21 years of age or older.
3. The delivery, distribution, and sale of adult-use cannabis products as authorized under a compact entered into pursuant to this section and that takes place on the premises of a medical cannabis retailer on Tribal land to any person 21 years of age or older.
4. The delivery, distribution, and sale of adult-use cannabis flower and adult-use cannabis products as authorized under a compact entered into pursuant to this section and that takes place on the premises of a medical cannabis retailer on Tribal land to any person 21 years of age or older.
receipt of adult-use cannabis seed, flower, and adult-use cannabinoid products as authorized under a compact entered into pursuant to this section.

(d) Actions by a Tribal cannabis business, a Tribal member, employee, or agent of a Minnesota Tribal government or Tribal cannabis business on Tribally regulated land pursuant to Tribal laws governing cannabis, or a compact entered into under this section, do not constitute a criminal or civil offense under state law.

(e) The following acts, when performed by a state-licensed cannabis business, or an employee of such business, and which would be permitted under the terms of the applicable cannabis business license if undertaken with another state-licensed cannabis business, are permitted under the state license conditions when undertaken with a Tribal cannabis business and do not constitute a criminal or civil offense under state law: the possession, purchase, wholesale and retail sale, delivery, transport, distribution, and receipt of adult-use cannabis seed, flower, and adult-use cannabinoid products that are properly packaged and labeled as authorized under a compact entered into pursuant to this section.

(f) The following acts, when performed by a Minnesota Tribal government, a Tribal cannabis business licensed by such Tribal government, or an employee of such Tribal government or Tribal cannabis business, regardless of whether the Minnesota Tribal government issuing such license has compacted with the state under this section, do not constitute a criminal or civil offense under state law: purchase, sale, receipt, or delivery (including delivery that involves transit through the state, outside a reservation), from or to another Minnesota Tribal government or cannabis business licensed by such government.

(g) Notwithstanding any other provision of law, a state-licensed cannabis testing facility may provide cannabis testing services to a Tribal cannabis business, and the possession or transport of cannabis flower or cannabinoid products for such purpose by a Tribal cannabis business shall not constitute a criminal or civil offense under state law.

(h) This subdivision shall be effective upon enactment.

Subd. 6. Publication. The governor shall post any compact entered into under this section on a publicly accessible website.

Subd. 12. Cannabis businesses. Data submitted to the Office of Cannabis Management for a cannabis business license or a hemp business license and data relating to investigations

Sec. 3. Minnesota Statutes 2022, section 13.411, is amended by adding a subdivision to read:

Subd. 12. Cannabis businesses. Data submitted to the Office of Cannabis Management for a cannabis business license and data relating to investigations and disciplinary proceedings

Subd. 6. Publication; report. (a) The governor shall post any compact entered into under this section on a publicly accessible website.

(b) The governor, the attorney general, and the governor’s designee shall report to the legislative committees having jurisdiction over health, taxation, and commerce annually. This report shall contain information on compacts negotiated and an outline of prospective negotiations.

Sec. 3. Minnesota Statutes 2022, section 13.411, is amended by adding a subdivision to read:
and disciplinary proceedings involving cannabis businesses and hemp businesses licensed by the Office of Cannabis Management are classified under section 342.20.

Sec. 4. Minnesota Statutes 2022, 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. 5. Minnesota Statutes 2022, section 16B.2975, subdivision 8, is amended to read:

Subd. 8. Canine management. (a) The commissioner may give and convey to a canine's handler the state's entirety of the right, title, interest, and estate in and to a canine who is retired from service, with whom the handler trained and worked while the canine was in service to the state. The handler is solely responsible for all future expenses related to the retired canine. The commissioner must allow the handler an opportunity to accept the canine before any other placement options are considered.

(b) If the canine's handler does not accept the canine, the agency with ownership of the canine must determine a home where the canine will be safe and well cared for and inform the commissioner. The commissioner may give and convey the state's entirety of the right, title, interest, and estate in and to a canine who is retired from service to the new owner. The new owner is solely responsible for all future expenses related to the retired canine.

Sec. 6. Minnesota Statutes 2022, section 18K.02, subdivision 3, is amended to read:

Subd. 3. Industrial hemp. "Industrial 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. Industrial hemp is not a cannabis plant as defined in section 342.01, subdivision 18, or marijuana as defined in section 152.01, subdivision 9.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 7. Minnesota Statutes 2022, section 18K.02, subdivision 5, is amended to read:

Subd. 5. Processing. "Processing" means rendering by refinement hemp plants or hemp plant parts from their natural or original state after harvest. Processing includes but is not limited to decortication, devitalization, chopping, crushing, extraction, and packaging. Processing does not include typical farm operations such as sorting, grading, baling, and harvesting. Processing does not include the production of synthetically derived cannabinoids as defined in section 342.01, subdivision 67.

EFFECTIVE DATE. This section is effective July 1, 2024.
Sec. 8. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

Subd. 4. Food. "Food" means every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients, except that edible cannabis products, as defined in section 342.01, subdivision 29, lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived consumer products, as defined in section 342.01, subdivision 33, that are intended to be eaten or consumed as a beverage are not food.

EFFECTIVE DATE. This section is effective July 1, 2024,

Sec. 9. Minnesota Statutes 2022, section 34A.01, is amended to read:

(1) the 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

EFFECTIVE DATE. This section is effective July 1, 2024,
(5) healthy coping strategies for children and adolescents.

Subd. 2. School programs. (a) Starting in the 2026-2027 school year, a school district or charter school must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, 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, including but not limited to the use of fentanyl or mixtures containing fentanyl; and

(2) refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

(b) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.

Subd. 3. Parental review. Notwithstanding any law to the contrary, each school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this section. 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 and must inform parents and adult students of this right to opt out.

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, including but not limited to the use of fentanyl or mixtures containing fentanyl, and provide peer-to-peer education on these topics.

Sec. 7. [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 flower use and the use of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products in the state by persons under 21 years of age and by persons 21 years of age 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 flower use and the use of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products in the state broken out by:

(1) the current age of the customer;
the age at which the customer began consuming cannabis flower, hemp-derived consumer products, lower-potency hemp edibles, or cannabis products, and by type of product that the customer consumes, if applicable;
(3) whether the customer consumes cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, and by type of product that the customer typically consumed at one time;
(4) the amount of cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer 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, 2024. The commissioner shall collect updated data under this subdivision at least every two years thereafter.

Subd. 2.
Sec. 8. [144.197] CANNABIS EDUCATION PROGRAMS.

Subdivision 1. Youth education. The commissioner of health, in collaboration with local health departments, 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 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by persons under age 21, that would discourage personal use of cannabis flower or cannabis products, lower-potency hemp edibles, and by type of product that the customer consumes, if applicable; and the trends in hospital-treated cannabis poisoning and adverse events. The report may include recommendations from the commissioner for changes to this chapter that would discourage or prevent personal use of cannabis flower or cannabis products by persons under age 21, that would discourage personal use of cannabis flower or cannabis products by pregnant or breastfeeding individuals, that would prevent access to cannabis flower or cannabis products by young children, or that would otherwise promote public health.

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 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and on the adverse health effects experienced by infants and children who are exposed to cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in breast milk.
from secondhand smoke, or by ingesting cannabinoid 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 the safe and unsafe use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products; homes with infants and young children. Training, technical assistance, and education materials shall address substance use, the signs of a substance use disorder, treatment options for persons with a substance use disorder, the dangers of driving under the influence of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, how to safely consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in homes with infants and young children, and how to prevent infants and young children from being exposed to cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by ingesting cannabinoid products or through secondhand smoke.

Subd. 4. Local and Tribal health departments. The commissioner of health shall distribute grants to local health departments and Tribal health departments for these departmental to create and disseminate educational materials on cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products and to provide safe use and prevention training, education, technical assistance, and community engagement regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. This education program must also educate individuals on what constitutes a substance use disorder, signs of a substance use disorder, and treatment options for persons with a substance use disorder.

Subd. 7. 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 the safe and unsafe use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products; homes with infants and young children. Training, technical assistance, and education materials shall address substance use, the signs of a substance use disorder, treatment options for persons with a substance use disorder, the dangers of driving under the influence of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, how to safely consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in homes with infants and young children, and how to prevent infants and young children from being exposed to cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by ingesting cannabinoid products or through secondhand smoke.

Subd. 8. Subd. 4. Local and Tribal health departments. The commissioner of health shall distribute grants to local health departments and Tribal health departments for these departmental to create and disseminate educational materials on cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products and to provide safe use and prevention training, education, technical assistance, and community engagement regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.
Sec. 15. Minnesota Statutes 2022, section 152.01, subdivision 9, is amended to read:

Subd. 9. Marijuana. "Marijuana" means all parts of the plant of any species of the genus Cannabis, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, or shall not include the mature stalks of such plant; fiber from such stalks; oil or cake made from the seeds of such plant; any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom; fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana does not include hemp as defined in section 152.22, subdivision 5a.

SENATE ARTICLE 7, SECTION 3

Sec. 3. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to read:

Subd. 5d. Indian lands. "Indian lands" means all lands within the limits of any Indian reservation within the boundaries of Minnesota and any lands within the boundaries of Minnesota, title to which are either held in trust by the United States or over which an Indian Tribe exercises governmental power.

(b) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 5

Sec. 4. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to read:

Subd. 15. Tribal medical cannabis board. "Tribal medical cannabis board" means an agency established by each federally recognized Tribal government and duly authorized by that Tribe's governing body to perform regulatory oversight and monitor compliance with a Tribal medical cannabis program and applicable regulations.

(b) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 6

Sec. 5. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to read:

Subd. 16. Tribal medical cannabis program. "Tribal medical cannabis program" means a program established by a federally recognized Tribal government within the boundaries of Minnesota regarding the commercial production, processing, sale or distribution, and possession of medical cannabis and medical cannabis products.

(b) This subdivision expires January 1, 2024.
Sec. 6. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to read:

Subd. 17. Tribal medical cannabis program manufacturer. "Tribal medical cannabis program manufacturer" means an entity designated by a Tribal medical cannabis board within the boundaries of Minnesota or a federally recognized Tribal government within the boundaries of Minnesota to engage in production, processing, and sale or distribution of medical cannabis and medical cannabis products under that Tribe’s Tribal medical cannabis program.

Subd. 18. Tribal medical cannabis program patient. "Tribal medical cannabis program patient" means a person who possesses a valid registration verification card or equivalent document that is issued under the laws or regulations of a Tribal nation within the boundaries of Minnesota and that verifies that the person is enrolled in or authorized to participate in that Tribal nation’s Tribal medical cannabis program.

(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.

(b) For transactions involving Tribal medical cannabis program patients, each manufacturer shall report to the commissioner on a weekly basis the following information on each individual Tribal medical cannabis program patient for the week prior to the report:

(1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis program patient is enrolled;

(2) the amount and dosages of medical cannabis distributed;

(3) the chemical composition of the medical cannabis distributed; and

(4) the tracking number assigned to the medical cannabis distributed.

(4) the tracking number assigned to the medical cannabis distributed.

(b) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 7

Sec. 7. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to read:

Subd. 18. Tribal medical cannabis program patient. "Tribal medical cannabis program patient" means a person who possesses a valid registration verification card or equivalent document that is issued under the laws or regulations of a Tribal nation within the boundaries of Minnesota and that verifies that the person is enrolled in or authorized to participate in that Tribal nation’s Tribal medical cannabis program.

(b) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 8

Sec. 16. Minnesota Statutes 2022, section 152.29, subdivision 4, is amended to read:

(b) For transactions involving Tribal medical cannabis program patients, each manufacturer shall report to the commissioner on a weekly basis the following information on each individual Tribal medical cannabis program patient for the week prior to the report:

(1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis program patient is enrolled;

(2) the amount and dosages of medical cannabis distributed;

(3) the chemical composition of the medical cannabis distributed; and

(4) the tracking number assigned to the medical cannabis distributed.
Sec. 9. Minnesota Statutes 2022, section 152.29, is amended by adding a subdivision to read:

Subd. 5. Distribution to Tribal medical cannabis program patient. (a) A manufacturer may distribute medical cannabis in accordance with subdivisions 1 to 4 to a Tribal medical cannabis program patient.

(b) Prior to distribution, the Tribal medical cannabis program patient must provide to the manufacturer:

1. a valid medical cannabis registration verification card or equivalent document issued by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program patient is authorized to use medical cannabis on Indian lands over which the Tribe has jurisdiction; and

2. a valid photographic identification card issued by the Tribal medical cannabis program, a valid driver's license, or a valid state identification card.

(c) A manufacturer shall distribute medical cannabis to a Tribal medical cannabis program patient only in a form allowed under section 152.22, subdivision 6.

(d) This subdivision expires January 1, 2024.

Sec. 10. [152.291] TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER TRANSPORTATION.

(a) A Tribal medical cannabis program manufacturer may transport medical cannabis to testing laboratories in the state and to other Indian lands.

(b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to transport medical cannabis with at least two employees of the manufacturer. Each employee in the transport vehicle must carry identification specifying that the employee is an employee of the manufacturer, and one employee in the transport vehicle must carry a detailed transportation manifest that includes the place and time of departure, the address of the destination, and a description and count of the medical cannabis being transported.

(c) This section expires January 1, 2024.
Sec. 11. Minnesota Statutes 2022, section 152.30, is amended to read:

Criminal and civil protections.

(b) As a condition of continued enrollment, patients shall agree to:

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis
condition from their health care practitioner; and

152.30 PATIENT DUTIES.

(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 or
Tribal medical cannabis program from only a registered manufacturer or Tribal medical cannabis program.

Sec. 12. Minnesota Statutes 2022, section 152.32, is amended to read:

152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL
CANNABIS PROGRAM PARTICIPATION.

Subd. 1. Presumption. (a) There is a presumption that a patient enrolled in the
registry program under sections 152.22 to 152.37 or a Tribal medical cannabis program
patient is engaged in the authorized use of medical cannabis.

(b) The presumption may be rebutted by evidence that:

(1) a patient's 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; or

(2) a Tribal medical cannabis program patient's use of medical cannabis was not for a
purpose authorized by the Tribal medical cannabis program.

Sub. 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, possession by a registered designated caregiver or the
parent, legal guardian, or spouse of a patient, or possession of medical cannabis or medical cannabis
products by a Tribal medical cannabis program patient;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis
products by a medical cannabis manufacturer, employees of a manufacturer, a Tribal medical

Sec. 19. Minnesota Statutes 2022, section 152.30, is amended to read:

(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, possession by a registered designated caregiver or the
parent, legal guardian, or spouse of a patient, or possession of medical cannabis or medical cannabis
products by a Tribal medical cannabis program patient;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis
products by a medical cannabis manufacturer, employees of a manufacturer, a Tribal medical
cannabis program manufacturer, employees of a Tribal medical cannabis program

manufacturers, 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, members of a Tribal medical cannabis board, the commissioner's

or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis

board'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 or in a Tribal medical cannabis
program. 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 or from a Tribal medical cannabis program patient may be
released 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, a Tribal court, or the 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; or for

(h) 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, members of a Tribal medical cannabis board, the commissioner's
or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis
board'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 or in a Tribal medical cannabis
program. 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 or from a Tribal medical cannabis program patient may be
released 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, a Tribal court, or the 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; or for

Page 17: Cannabis - Article 6
providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis program manufacturer.

(i) 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 not be used to support a search of the person or property of the person possessing or applying for the registry verification or equivalent, or otherwise subject the person or property of the person to inspection by any governmental agency.

(1) possession of a registry verification or application for enrollment in the registry program by a person entitled to possess a registry verification or apply for enrollment in the registry program; or

(2) possession of a verification or equivalent issued by a Tribal medical cannabis program or application for enrollment in a Tribal medical cannabis program by a person entitled to possess such a verification or application.

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 or for the person's status as a Tribal medical cannabis program patient, 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 enrollees' use of medical cannabis under sections 152.22 to 152.37, or a Tribal medical cannabis program patient's use of medical cannabis as authorized by the Tribal medical cannabis program, is considered the equivalent of the authorized use of any other medication 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 any 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) the person's status as a Tribal medical cannabis program patient; or

(3) 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.
An employee who is required to undergo employer drug testing pursuant to section 181.953 may present verification of enrollment in the patient registry or of enrollment in a Tribal medical cannabis program as part of the employee's explanation under section 181.953, subdivision 6.

(c) 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, or on the person's status as a Tribal medical cannabis program patient. There shall be no presumption of neglect or child endangerment for conduct allowed under sections 152.22 to 152.37 or under a Tribal medical cannabis program, 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.

Sec. 21. Minnesota Statutes 2022, section 152.33, subdivision 1, is amended to read:

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 Tribal medical cannabis program 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.

Sec. 22. Minnesota Statutes 2022, section 175.45, subdivision 1, is amended to read:

Subdivision 1. Duties; goal. The commissioner of labor and industry shall convene industry representatives, identify occupational competency standards, and provide technical assistance to develop dual-training programs. The competency standards shall be identified for employment in occupations in advanced manufacturing, health care services, information technology, and agriculture, and the legal cannabis industry. Competency standards are not rules and are exempt from the rulemaking provisions of chapter 14, and the provisions in section 14.386 concerning exempt rules do not apply.

Sec. 23. Minnesota Statutes 2022, 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 flower, as defined in section 342.01, subdivision 15, and cannabis products, as defined in section 342.01, subdivision 19.
lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived consumer products as defined in section 342.01, subdivision 35.

(b) Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products are lawful consumable products 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 flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer during working hours, on work premises, or while operating an employer's vehicle, machinery, or equipment, or if 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.

Sec. 22. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision to read:

Subd. 2. "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. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

Sec. 25. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

Subd. 4. "Drug" means a controlled substance as defined in section 152.01, subdivision 4, but does not include marihuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 19, cannabis products as defined in section 342.01, subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived consumer products as defined in section 342.01, subdivision 35.

Sec. 26. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

Subd. 5. "Drug and alcohol testing," "drug and alcohol testing," and "drug or alcohol testing" 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. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

Sec. 27. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision to read:

Subd. 5a. Cannabis testing, "Cannabis testing" means the 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 flower, as defined in section 342.01, subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived consumer products as defined in section 342.01, subdivision 35, or cannabis.
metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.

Sec. 23. Minnesota Statutes 2022, 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. 29. Minnesota Statutes 2022, 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. 30. Minnesota Statutes 2022, section 181.951, subdivision 4, is amended to read:

Subd. 4. Random testing. An employer may request or require employees to undergo cannabis testing or drug and alcohol testing on a random selection basis only if (1) they are employed in safety-sensitive positions, or (2) they are employed as professional athletes if the professional athlete is subject to a collective bargaining agreement permitting random testing but only to the extent consistent with the collective bargaining agreement.

Sec. 31. Minnesota Statutes 2022, section 181.951, subdivision 5, is amended to read:

Subd. 5. Reasonable suspicion testing. An employer may request or require an employee to undergo cannabis testing and drug and alcohol testing if the employer has a reasonable suspicion that the employee:

(1) is under the influence of drugs or alcohol;

(2) has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment; provided the work rules are in writing and the employer has a reasonable suspicion that the employee:

(3) has sustained a personal injury, as that term is defined in section 176.011, subdivision 16, or has caused another employee to sustain a personal injury; or

(4) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Sec. 32. Minnesota Statutes 2022, section 181.951, subdivision 6, is amended to read:

Subd. 6. Treatment program testing. An employer may request or require an employee to undergo cannabis testing and drug and alcohol testing if the employee has been referred by the employer for substance use disorder treatment or evaluation or is participating in a

REVISOR FULL-TEXT SIDE-BY-SIDE
substance use disorder treatment program under an employee benefit plan, in which case
the employee may be requested or required to undergo cannabis testing and drug or alcohol
testing without prior notice during the evaluation or treatment period and for a period of up
to two years following completion of any prescribed substance use disorder treatment
program.

Sec. 33. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
to read:

Sec. 33. Minnesota Statutes 2022, 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 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) Unless otherwise required by state or federal law, an employer must not refuse to
hire a job applicant solely because the job applicant submits to a cannabis test or a drug and
alcohol test authorized by this section and the results of the test indicate the presence of

(c) An employer must not request or require an employee or job applicant to undergo

(c) An employer must not request or require an employee or job applicant to undergo
cannabis testing on an arbitrary or capricious basis.

(d) An employer may request or require an employee to undergo cannabis testing
conducted by a testing laboratory that 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) as the result of consuming cannabis flower or a cannabis product, does not possess
that clearness of intellect and control of self that the employee otherwise would have;

(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 in a written policy that contains the minimum information required in
section 181.952; or

(3) has sustained a personal injury or has caused a work-related accident as provided
in subdivision 5, clauses (3) and (4).

(g) Cannabis testing authorized under paragraph (d) must comply with the safeguards
for testing employees provided in sections 181.953 and 181.954.
Sec. 27. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
or an employee for cannabis.

use, possession, impairment, sale, or transfer while an employee is working or while an
applicant or an employee; to read:

Sec. 28. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision
(7) any other position for which state or federal law requires testing of a job applicant

(i) children; (ii) vulnerable adults, as defined in section 626.5572, subdivision 21; or

Subd. 9. Cannabis testing exceptions. For the following positions, cannabis and its
metabolites are considered a drug and subject to the drug and alcohol testing 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 the 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 drug or alcohol 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. 34. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
in a written policy that contains the minimum information required by this section.

Cannabis testing exceptions.
For the following positions, cannabis and its
metabolites are considered a drug and subject to the drug and alcohol testing 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 the 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 drug or alcohol 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. 35. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision
in a written policy that contains the minimum information required by this section.
Sec. 29. Minnesota Statutes 2022, section 181.953, is amended to read:

Subdivision 1. Use of licensed, accredited, or certified laboratory required. (a) An employer who requests or requires an employee or job applicant to undergo drug or alcohol testing or cannabis testing shall use the services of a testing laboratory that meets one of the following criteria for drug testing:

1. is certified by the National Institute on Drug Abuse as meeting the mandatory guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;
2. is accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;
3. is licensed to test for drugs by the state of New York, Department of Health, under Public Health Law, article 5, title V, and rules adopted under that law.

(b) For alcohol testing, the laboratory must either be:

1. licensed to test for drugs and alcohol by the state of New York, Department of Health, under Public Health Law, article 5, title V, and the rules adopted under that law; or
2. accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, in the laboratory accreditation program.

Subdivision 2. Laboratory testing, reporting, and sample retention requirements. A testing laboratory that is not certified by the National Institute on Drug Abuse according to subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that produced a positive test result on an initial screening test. A laboratory shall disclose to the employer a written test result report for each sample tested within three working days after a negative test result on an initial screening test or, when the initial screening test produced a positive test result, within three working days after a confirmatory test. A test report must indicate the drugs, alcohol, or drug or alcohol metabolites, or cannabis or cannabis metabolites tested for and whether the test produced negative or positive test results. A laboratory shall retain and properly store for at least six months all samples that produced a positive test result.

Subdivision 3. Prohibitions on employers. An employer may not conduct drug or alcohol testing or cannabis testing of its own employees and job applicants using a testing laboratory owned and operated by the employer; except that, one agency of the state may test the employees of another agency of the state. Except as provided in subdivision 9, an employer may not request or require an employee or job applicant to contribute to, or pay the cost of, drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.
Subd. 5. Employer chain-of-custody procedures. An employer shall establish its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures must require the following:

(1) possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;

(2) the sample must always be in the possession of, must always be in view of, or must be placed in a secured area by a person authorized to handle the sample;

(3) a sample must be accompanied by a written chain-of-custody record; and

(4) individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

Subd. 6. Rights of employees and job applicants. (a) Before requesting an employee or job applicant to undergo drug or alcohol testing or requesting cannabis testing, an employer shall provide the employee or job applicant with a form, developed by the employer, on which to acknowledge that the employee or job applicant has seen the employer's drug and alcohol testing or cannabis testing policy.

(b) If an employee or job applicant tests positive for drug use, the employer must, at the time of the positive test result, inform the employee or job applicant, in writing, of the right to explain that result and the employer may request that the employee or job applicant provide information already submitted under paragraph (b), to explain that result, or may request a confirmatory retest of the original sample at the employee's or job applicant's own expense as provided under subdivision 9.

Subd. 7. Notice of test results. Within three working days after receipt of a test result report from the testing laboratory, an employer shall inform in writing an employee or job applicant who has undergone drug or alcohol testing or cannabis testing of (1) a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test and (2) the right provided in subdivision 8. In the case of a positive test result on a confirmatory test, the employer shall also, at the time of this notice, inform the employee or job applicant in writing of the rights provided in subdivisions 6, paragraph (b), 9, and either subdivision 10 or 11, whichever applies.

Subd. 8. Right to test result report. An employee or job applicant has the right to request and receive from the employer a copy of the test result report on any drug or alcohol test or cannabis test.
Subd. 9. Confirmatory retests. An employee or job applicant may request a confirmatory retest of the original sample at the employee's or job applicant's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the employee or job applicant shall notify the employer in writing of the employee's or job applicant's intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the employer shall notify the original testing laboratory and any other laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or transfer the sample to another laboratory licensed under subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, alcohol, or cannabis test requested by the employer unless the employee's or job applicant's intention to obtain a confirmatory retest was the first such result for the employee on a drug or alcohol test or cannabis test requested by the employer unless the following conditions have been met:

1. The employer has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug, alcohol, or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the employer after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of substance use disorder; and

2. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

(c) Notwithstanding paragraph (a), an employer may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the employer believes that it is reasonably necessary to protect the health or safety of the employee, coemployees, or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

Subd. 10. Limitations on employee discharge, discipline, or discrimination. (a) An employer may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

(b) In addition to the limitation under paragraph (a), an employer may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test or cannabis test requested by the employer unless the following conditions have been met:

1. The employer has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug, alcohol, or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the employer after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of substance use disorder; and

2. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

(c) Notwithstanding paragraph (a), an employer may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the employer believes that it is reasonably necessary to protect the health or safety of the employee, coemployees, or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
An employer may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of medical history information revealed to the employer pursuant to subdivision 6 unless the employee was under an affirmative duty to provide the information before, upon, or after hire.

An employee must be given access to information in the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

A laboratory may only disclose to the employer test result reports and other information acquired in the drug or alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

Subd. 2. An employer may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis products, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on the employer's premises, or operating the employer's vehicle, machinery, or equipment as follows:

(1) if the employee is under the influence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product;

(2) if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;

(3) as provided in the employer's written work rules for cannabis flower, cannabis products, lower-potency hemp edible, or hemp-derived consumer product and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by section 181.952; or

(4) as otherwise authorized under federal law or regulations, or if a failure to do so would cause an employer to lose a monetary or licensing-related benefit under federal law or regulations.

Subd. 11. Limitation on withdrawal of job offer. If a job applicant has received a job offer made contingent on the applicant passing drug and alcohol testing, the employer may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

Sec. 37. Minnesota Statutes 2022, section 181.954, is amended to read:

181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.

Subdivision 1. Privacy limitations. A laboratory may only disclose to the employer test result data regarding the presence or absence of drugs, alcohol, or their metabolites in a sample tested.

Subd. 2. Confidentiality limitations. Test result reports and other information acquired in the drug or alcohol testing or cannabis testing process are, with respect to private sector

(repeat)
employees and job applicants, private and confidential information, and, with respect to
public sector employees and job applicants, private data on individuals as that phrase is
defined in chapter 13, and may not be disclosed by an employer or laboratory to another
employer or to a third-party individual, governmental agency, or private organization without
the written consent of the employee or job applicant tested.

Subd. 3. Exceptions to privacy and confidentiality disclosure

limitations. Notwithstanding subdivisions 1 and 2, evidence of a positive test result on a
confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective
bargaining agreement, an administrative hearing under chapter 43A or other applicable state
or local law, or a judicial proceeding, provided that information is relevant to the hearing
or proceeding; (2) disclosed to any federal agency or other unit of the United States
government as required under federal law, regulation, or order, or in accordance with
compliance requirements of a federal government contract; and (3) disclosed to a substance
abuse treatment facility for the purpose of evaluation or treatment of the employee.

Subd. 4. Privilege. Positive test results from an employer drug or alcohol testing or
cannabis testing program may not be used as evidence in a criminal action against the
employee or job applicant tested.

Sec. 38. Minnesota Statutes 2022, section 181.955, is amended to read:

181.955 CONSTRUCTION.

Subd. 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 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
employees and job applicants, private and confidential information, and, with respect to
public sector employees and job applicants, private data on individuals as that phrase is
defined in chapter 13, and may not be disclosed by an employer or laboratory to another
employer or to a third-party individual, governmental agency, or private organization without
the written consent of the employee or job applicant tested.

Subd. 3. Exceptions to privacy and confidentiality disclosure

limitations. Notwithstanding subdivisions 1 and 2, evidence of a positive test result on a
confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective
bargaining agreement, an administrative hearing under chapter 43A or other applicable state
or local law, or a judicial proceeding, provided that information is relevant to the hearing
or proceeding; (2) disclosed to any federal agency or other unit of the United States
government as required under federal law, regulation, or order, or in accordance with
compliance requirements of a federal government contract; and (3) disclosed to a substance
abuse treatment facility for the purpose of evaluation or treatment of the employee.

Subd. 4. Privilege. Positive test results from an employer drug or alcohol testing or
cannabis testing program may not be used as evidence in a criminal action against the
employee or job applicant tested.

Sec. 38. Minnesota Statutes 2022, section 181.955, is amended to read:

181.955 CONSTRUCTION.

Subd. 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 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. 39. Minnesota Statutes 2022, 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. 40. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

Subdivision 1. Background studies conducted by Department of Human Services. (a)
For a background study conducted by the Department of Human Services, the commissioner
shall review:

(1) information related to names of substantiated perpetrators of maltreatment of
vulnerable adults that has been received by the commissioner as required under section
626.557, subdivision 9c, paragraph (j);
(2) the commissioner's records relating to the maltreatment of minors in licensed
programs, and from findings of maltreatment of minors as indicated through the social
service information system;
(3) information from juvenile courts as required in subdivision 4 for individuals listed
in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;
(4) information from the Bureau of Criminal Apprehension, including information
regarding a background study subject's registration in Minnesota as a predatory offender
under section 243.166;
(5) except as provided in clause (6), information received as a result of submission of
fingerprint records for a national criminal history record check, as defined in section 245C.02,
subdivision 13c, when the commissioner has reasonable cause for a national criminal history

Subdivision 13c, when the commissioner has reasonable cause for a national criminal history

Sec. 32. Minnesota Statutes 2022, 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. 34. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

Subdivision 1. Background studies conducted by Department of Human Services. (a)
For a background study conducted by the Department of Human Services, the commissioner
shall review:

(1) information related to names of substantiated perpetrators of maltreatment of
vulnerable adults that has been received by the commissioner as required under section
626.557, subdivision 9c, paragraph (j);
(2) the commissioner's records relating to the maltreatment of minors in licensed
programs, and from findings of maltreatment of minors as indicated through the social
service information system;
(3) information from juvenile courts as required in subdivision 4 for individuals listed
in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;
(4) information from the Bureau of Criminal Apprehension, including information
regarding a background study subject's registration in Minnesota as a predatory offender
under section 243.166;
(5) except as provided in clause (6), information received as a result of submission of
fingerprint records for a national criminal history record check, as defined in section 245C.02,
subdivision 13c, when the commissioner has reasonable cause for a national criminal history

Subdivision 13c, when the commissioner has reasonable cause for a national criminal history
6 for a background study related to a child foster family setting application for licensure, foster residence settings, children's residential facilities, a transfer of permanent legal and physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a background study required for family child care, certified license-exempt child care, child care centers, and legal nonlicensed child care authorized under chapter 119B, the commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the background study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older or a minor under section 245C.05, subdivision 5a, paragraph (c), information received following submission of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older or a minor under section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified license-exempt child care, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, information obtained using non-fingerprint-based data including information from the criminal and sex offender registries for any state in which the background study subject resided for the past five years and information from the national crime information database and the national sex offender registry; and

(7) for a background study required for family child care, certified license-exempt child care centers, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, the background study shall also include, to the extent practicable, a name and date-of-birth search of the National Sex Offender Public website.

(b) Except as otherwise provided in this paragraph, notwithstanding expungement by a court, the commissioner may consider information obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner. The commissioner may not consider information obtained under paragraph (a), clauses (3) and (4), or from any other source that identifies a violation of chapter 152 without determining if the offense involved the possession of marijuana or tetrahydrocannabinol and, if so, whether the person received a grant of expungement or order of expungement, or the person was resentenced to a lesser offense. If the person received a grant of expungement or order of expungement, the commissioner may not consider information related to that violation but may consider any other relevant information arising out of the same incident.

(c) The commissioner shall also review criminal case information received according to section 245C.04, subdivision 4a, from the Minnesota court information system that relates to individuals who have already been studied under this chapter and who remain affiliated with the agency that initiated the background study.

record check as defined under section 245C.02, subdivision 15a, or as required under section 245C.05, subdivision 1, clause (2);
When the commissioner has reasonable cause to believe that the identity of a background study subject is uncertain, the commissioner may require the subject to provide a set of classifiable fingerprints for purposes of completing a fingerprint-based record check with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph shall not be saved by the commissioner after they have been used to verify the identity of the background study subject against the particular criminal record in question.

The commissioner may inform the entity that initiated a background study under NETStudy 2.0 of the status of processing of the subject's fingerprints.

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

Sec. 256.01, subdivision 18c, is amended to read:

(c) The commissioner shall not retain any data received under paragraph (a) 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 one-time 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).

Subd. 18d. Drug formulary. (a) The commissioner shall establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the Formulary Committee shall review and comment on the formulary contents.

(b) The formulary shall not include:

(1) drugs, active pharmaceutical ingredients, or products for which there is no federal funding.

(iii) no funding;
244.18 (2) over-the-counter drugs, except as provided in subdivision 13;
244.19 (3) drugs or active pharmaceutical ingredients when used for the treatment of impotence or erectile dysfunction;
244.20 (4) drugs or active pharmaceutical ingredients for which medical value has not been established;
244.21 (5) drugs from manufacturers who have not signed a rebate agreement with the Department of Health and Human Services pursuant to section 1927 of title XIX of the Social Security Act; and
244.22 (6) medical cannabis flower as defined in section 245.22, subdivision 4, 342.01, subdivision 52, or medical cannabinoid products as defined in section 342.01, subdivision 53.
244.23 (c) If a single-source drug used by at least two percent of the fee-for-service medical assistance recipients is removed from the formulary due to the failure of the manufacturer to sign a rebate agreement with the Department of Health and Human Services, the commissioner shall notify prescribing practitioners within 30 days of receiving notification from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was not signed.
245.3 Sec. 43. Minnesota Statutes 2022, 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:
245.14 (1) any positive test result for an illegal controlled substance under chapter 152, or
245.15 (2) discharge of sentence after conviction for another drug felony.
245.16 (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, 152.061, 152.062, 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 crime that would be a felony if committed in Minnesota.

PAGE R32

REVISOR FULL-TEXT SIDE-BY-SIDE
Sec. 38. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

(i) for failing a drug test the first time, the residual amount of the participant's grant after which the individual flees, or in the case of New Jersey, is a high misdemeanor, or confinement after conviction for a crime that is a felony under the laws of the jurisdiction from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

Sec. 45. Minnesota Statutes 2022, 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 sanctions:

(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.

(ii) 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.60. 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;

(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

Sec. 44. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

Subud. 3. Fleeing felons. An individual who is fleeing to avoid prosecution, or custody, or confinement after conviction for a crime that is a felony under the laws of the jurisdiction from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

Sec. 39. Minnesota Statutes 2022, 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 sanctions:

(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.

(ii) 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.60. 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

(iii) 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, except

for convictions related to cannabis, marijuana, or tetrahydrocannabinols, 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, 152.026, 152.0262, 152.0263, 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
crime that would be a felony if committed in Minnesota.

Sec. 46. Minnesota Statutes 2022, section 256J.26, subdivision 3, is amended to read:

Subd. 3. Fleeing felons. An individual who is fleeing to avoid prosecution, or custody,
or confinement after conviction for a crime that is a felony under the laws of the jurisdiction
from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would
be a felony if committed in Minnesota, is disqualified from receiving MFIP.
(1) a person under 21 years of age;
(2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon; or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
(3) a person not of good moral character and repute;
(4) a person who:
   (i) has had a license or registration issued pursuant to chapter 342 or section 151.72, subdivision 5b, revoked;
   (ii) has been convicted of an offense under section 151.72, subdivision 7; or
   (iii) has been convicted under any other statute for the illegal sale of marijuana, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products and the sale took place on the premises of a business that sells intoxicating liquor or 3.2 percent malt liquor to customers; or
   (5) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.

Sec. 42. [340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY HEMP EDIBLES.

(a) Nothing in this chapter:
   (1) prohibits the issuance of a retail license or permit to a person also holding a hemp business license authorizing the manufacture or retail sale of lower-potency hemp edibles;
   (2) allows any agreement between a licensing authority and retail license or permit holder that prohibits the license or permit holder from also holding a lower-potency hemp edible manufacturer or retailer license; or
   (3) prohibits the license or permit holder from also holding a lower-potency hemp edible manufacturer or retailer license; or

(b) Nothing in this chapter:
   (1) prohibits the issuance of a retail license or permit to a person also holding a lower-potency hemp edible retailer license;
   (2) allows any agreement between a licensing authority and retail license or permit holder that prohibits the license or permit holder from also holding a lower-potency hemp edible retailer license; or
May 05, 2023 10:07 AM

(3) allows the revocation or suspension of a retail license or permit, or the imposition

of a penalty on a retail license or permit holder, due to the retail license or permit holder

also holding a lower-potency hemp edible manufacturer or retailer license.

(b) For purposes of this section, “hemp business license authorizing manufacture or

retail sale of lower-potency hemp edibles” means a license issued by the Office of Cannabis

Management pursuant to sections 342.43 to 342.46.

Sec. 48. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

Subd. 14. Exclusive liquor stores. (a) Except as otherwise provided in this subdivision,

an exclusive liquor store may sell only the following items:

(1) alcoholic beverages;

(2) tobacco products;

(3) ice;

(4) beverages, either liquid or powder, specifically designated for mixing with intoxicating

liquor;

(5) soft drinks;

(6) liqueur-filled candies;

(7) food products that contain more than one-half of one percent alcohol by volume;

(8) cork extraction devices;

(9) books and videos on the use of alcoholic beverages;

(10) magazines and other publications published primarily for information and education

on alcoholic beverages;

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

(12) devices designed to ensure safe storage and monitoring of alcohol in the home, to

prevent access by underage drinkers;

(13) home brewing equipment;

(14) clothing marked with the specific name, brand, or identifying logo of the exclusive

liquor store, and bearing no other name, brand, or identifying logo;

(15) citrus fruit; and

(16) glassware;

(17) lower-potency hemp edibles as defined in section 342.01, subdivision 48; and

(18) lower-potency hemp edibles as defined in section 342.01, subdivision 49.
An exclusive liquor store that has an on-sale, or combination on-sale and off-sale license may sell food for on-premise consumption when authorized by the municipality issuing the license.

EFFECTIVE DATE.
This section is effective July 1, 2024.

Sec. 44. Minnesota Statutes 2022, section 461.12, is amended by adding a subdivision to read:

Subd. 2a. Penalties for sales of certain products; licensees. (a) A licensee's authority to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at that location must be suspended for not less than seven days and may be revoked if the licensee:

(1) holds a license or registration issued pursuant to chapter 342 or section 151.72, subdivision 5b, and the license or registration is revoked;

(2) is convicted of a misdemeanor under section 151.72, subdivision 7; or

(3) has been convicted under any other statute for the illegal sale of marijuana, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products and the sale took place on the premises of a business that sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products.

(b) No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing.

A decision that a violation has occurred must be in writing.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 49. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

Subd. 3. Mandatory expungement. (a) The court shall order expungement of an eviction case commenced solely on the grounds provided in section 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

(1) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or

(2) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to vacate on a date prior to commencement of the eviction action.

(b) No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing.
If a tenant brings a motion for the expungement of an eviction, the court shall order the expungement of an eviction case that was commenced on the grounds of a violation of section 504B.171 or any other claim of breach regardless of when the original eviction was ordered, if the tenant could receive an automatic expungement under section 609A.05, or if the breach was based solely on the possession of marijuana or tetrahydrocannabinol.

Sec. 50. Minnesota Statutes 2022, section 504B.171, subdivision 1, is amended to read:

Subdivision 1. Terms of covenant. (a) In every lease or license of residential premises, whether in writing or parol, the landlord or licensor and the tenant or licensee covenant that:

1. neither will:

   (i) unlawfully allow controlled substances in those premises or in the common area and curtilage of the premises in violation of any criminal provision of chapter 152;

   (ii) allow prostitution or prostitution-related activity as defined in section 617.80, subdivision 4, to occur on the premises or in the common area and curtilage of the premises;

   (iii) allow the unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of the premises; or

   (iv) allow stolen property or property obtained by robbery in those premises or in the common area and curtilage of the premises; and

2. the common area and curtilage of the premises will not be used by either the landlord or licensor or the tenant or licensee or others acting under the control of either to manufacture, sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled substance in violation of any criminal provision of chapter 152. The covenant is not violated when a person other than the landlord or licensor or the tenant or licensee possesses or allows controlled substances in the premises, common area, or curtilage, unless the landlord or licensor or the tenant or licensee knew or had reason to know of that activity.

(b) In every lease or license of residential premises, whether in writing or parol, the tenant or licensee covenant that the tenant or licensee will not commit an act enumerated under section 504B.206, subdivision 1, paragraph (a), against a tenant or licensee or any authorized occupant.

(c) A landlord cannot prohibit a tenant from legally possessing, and a tenant cannot waive the right to legally possess, any cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, or using any cannabinoid product or hemp-derived consumer product, other than consumption by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.
Sec. 51. [252B.1715] COVENANTS; SOBER HOMES.

A sober housing program for people with substance use disorders may prohibit people in the program from the possession and use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

Sec. 52. Minnesota Statutes 2022, section 609B.425, subdivision 2, is amended to read:

Subd. 2. Benefit eligibility. (a) A person convicted of a drug offense after July 1, 1997, except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, is ineligible for general assistance benefits and Supplemental Security Income under chapter 256D until:

(1) five years after completing the terms of a court-ordered sentence; or

(2) unless the person is participating in a drug treatment program, has successfully completed a program, or has been determined not to be in need of a drug treatment program.

(b) A person who becomes eligible for assistance under chapter 256D is subject to random drug testing and shall lose eligibility for benefits for five years beginning the month following:

(1) any positive test for an illegal controlled substance under chapter 152; or

(2) discharge of sentence for conviction of another drug felony.

(c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently misrepresenting eligibility are also ineligible to receive benefits for ten years.

Sec. 53. Minnesota Statutes 2022, section 609B.435, subdivision 2, is amended to read:

Subd. 2. Drug offenders; random testing; sanctions. A person who is an applicant for benefits from the Minnesota family investment program or MFIP, the vehicle for temporary assistance for needy families or TANF, and who has been convicted of a drug offense, except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, shall be subject to certain conditions, including random drug testing, in order to receive MFIP benefits. Following any positive test for a controlled substance under chapter 152, the convicted applicant or participant is subject to the following sanctions:

(1) a first time drug test failure results in a reduction of benefits in an amount equal to 30 percent of the MFIP standard of need; and

(2) a second time drug test failure results in permanent disqualification from receiving MFIP assistance.

A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition Assistance Program (SNAP) benefits.
Sec. 48. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 13. Adult-use cannabis flower. "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision 3.

Sec. 49. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision


Sec. 50. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 15. Medical cannabis flower. "Medical cannabis flower" has the meaning given in section 342.01, subdivision 53.

Sec. 51. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 16. Medical cannabinoid product. "Medical cannabinoid product" has the meaning given in section 342.01, subdivision 52.

Sec. 52. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 17. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.

Sec. 53. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 18. Qualifying medical condition. "Qualifying medical condition" has the meaning given in section 342.01, subdivision 50.

Sec. 54. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 19. Registry or registry program. "Registry" or "registry program" has the meaning given in section 342.01, subdivision 61.

Sec. 55. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 20. Hemp-derived consumer product. "Hemp-derived consumer product" has the meaning given in section 342.01, subdivision 35.

Sec. 56. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 21. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.

Sec. 57. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 22. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.

Sec. 58. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 23. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.

Sec. 59. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 24. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.

Sec. 60. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 25. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.

Sec. 61. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision

Subd. 26. Patient. "Patient" has the meaning given in section 342.01, subdivision 57.
Sec. 62. Minnesota Statutes 2022, section 624.713, is amended to read:

Subd. 1. Ineligible persons. The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess firearm and ammunition has been restored under subdivision 4; (2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 342.01, subdivision 48.

Subd. 2. Subdivision 1. Ineligible persons. The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess firearm and ammunition has been restored under subdivision 4; (2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 342.01, subdivision 48.

Subd. 3. Subdivision 2. Ineligible persons. The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess firearm and ammunition has been restored under subdivision 4; (2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;
253B.02, unless the person has completed treatment or the person's ability to possess a firearm and ammunition has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

253B.02, unless the person has completed treatment or the person's ability to possess a registry program or the use of adult-use cannabis flower (v) is an alien who is illegally or unlawfully in the United States; (v) is an alien who is illegally or unlawfully in the United States; (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding; (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use of medical cannabis flower or medical cannabinoid products by a patient enrolled in the registry program or the use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of age or older does not constitute the unlawful use of a controlled substance under this item; (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02; (v) is an alien who is illegally or unlawfully in the United States;
(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

or

(vii) has renounced the person's citizenship having been a citizen of the United States;

(viii) is disqualified from possessing a firearm under United States Code, title 18, section 922(g)(8) or (9), as amended through March 1, 2014;

(2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition under this section.
For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

Sec. 64. Minnesota Statutes 2022, section 624.714, subdivision 6, is amended to read:

Subd. 6. Granting and denial of permits. (a) The sheriff must, within 30 days after the date of receipt of the application packet described in subdivision 3:

(1) issue the permit to carry;

(2) deny the application for a permit to carry solely on the grounds that the applicant failed to qualify under the criteria described in subdivision 2, paragraph (b); or

(3) deny the application on the grounds that there exists a substantial likelihood that the applicant is a danger to self or the public if authorized to carry a pistol under a permit.

(b) Failure of the sheriff to notify the applicant of the denial of the application within 30 days after the date of receipt of the application packet constitutes issuance of the permit to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny the application, the sheriff must provide the applicant with written notification and the specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including the source of the factual basis. The sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. Upon receiving any additional documentation, the sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration.

Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 12.

(c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to the applicant by first class mail unless personal delivery has been made. Within five business days, the sheriff must submit the information specified in subdivision 7, paragraph (a), to the commissioner for inclusion solely in the database required under subdivision 15, paragraph (a). The sheriff must transmit the information in a manner and format prescribed by the commissioner.

(d) Within five business days of learning that a permit to carry has been suspended or revoked, the sheriff must submit information to the commissioner regarding the suspension or revocation for inclusion solely in the databases required or permitted under subdivision 15.

(e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application process if a charge is pending against the applicant that, if resulting in conviction, will prohibit the applicant from possessing a firearm.

(f) A sheriff shall not deny an application for a permit to carry solely because the applicant is a patient enrolled in the registry program and uses medical cannabis flower or medical marijuana.
257.29 cannabinoid products for a qualifying medical condition or because the person is 21 years
257.30 of age or older and uses adult-use cannabis flower; adult-use cannabis products;
257.31 lower-potency hemp edibles, or hemp-derived consumer products.
257.32 Sec. 65. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:
257.33 Subdivision 1. Acts prohibited. A person may not carry a pistol on or about the person's
257.34 clothes or person in a public place:
257.35 (1) when the person is under the influence of a controlled substance, as defined in section
257.36 152.01, subdivision 4;
257.37 (2) when the person is under the influence of a combination of any two or more of the
257.38 elements named in clauses (1) and (4);
257.39 (3) when the person is under the influence of an intoxicating substance as defined in
257.40 section 169A.03, subdivision 11a, and the person knows or has reason to know that the
257.41 substance has the capacity to cause impairment;
257.42 (4) when the person is under the influence of alcohol;
257.43 (5) when the person's alcohol concentration is 0.10 or more; or
257.44 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04;
257.45 (7) when the person is enrolled as a patient in the registry program, uses medical cannabis
257.46 flower or medical cannabinoid products, and knows or has reason to know that the medical
257.47 cannabis flower or medical cannabinoid products used by the person has the capacity to
257.48 cause impairment.
258.13 Sec. 58. Minnesota Statutes 2022, section 624.7143, is amended by adding a subdivision
to read:
258.14 Subd. 6. Definition. As used in this section, "controlled substance" has the meaning
258.15 given in section 169A.03, subdivision 6.
258.16 Sec. 59. Minnesota Statutes 2022, section 624.7151, is amended to read:
258.17 624.7151 STANDARDIZED FORMS.
258.18 By December 1, 1992, the commissioner shall adopt statewide standards governing the
258.19 form and contents, as required by sections 624.7131 to 624.714, of every application for a
258.20 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application
258.21 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or
258.22 after January 1, 1993.
Every application for a pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993, must meet the statewide standards adopted by the commissioner. Notwithstanding the previous sentence, neither failure of the Department of Public Safety to adopt standards nor failure of the police chief or county sheriff to meet them shall delay the timely processing of applications nor invalidate permits issued on other forms meeting the requirements of sections 624.7131 to 624.714.

Any form used for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm that inquires about the applicant's use of controlled substances shall specifically authorize a patient in the registry program to refrain from reporting the use of medical cannabis flower and medical cannabinoid products and shall specifically authorize a person 21 years of age or older from refraining from reporting the use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

A state or local agency may not access a database containing the identities of patients in the registry program for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm. A state or local agency may not inquire about a person's status as a patient in the registry program for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm. A state or local agency may not inquire about the use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of age or older for the purpose of approving or disapproving the person from purchasing, owning, possessing, or carrying a firearm.
Sec. 61. HIGH INTENSITY DRUG TRAFFICKING AREA REPORT.

The commissioner of public safety, working in conjunction with Hennepin County, must produce a statewide baseline high intensity drug trafficking area report on marijuana. The report must include information on past and present marijuana use in Minnesota; potency of marijuana; impacts of marijuana use on public health, emergency room admissions, traffic accidents, impaired driving citations, workforce, and schools; marijuana crimes and the juvenile justice system; marijuana's influence on the opioid epidemic; and the illicit market for marijuana. The report must be submitted to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety, health, education policy, labor, and transportation by February 1, 2024.

Sec. 62. REPEALER.

EFFECTIVE DATE. Paragraph (a) is effective January 1, 2024. Paragraph (b) is effective August 1, 2023. Paragraph (c) is effective March 1, 2025.