

213.9                                   **ARTICLE 6**

213.10                                   **MISCELLANEOUS PROVISIONS**

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

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

213.13 meanings given.

213.14           (b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or

213.15 community of Indians located within the geographical boundaries of the state of Minnesota.

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

213.17 50.

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

213.19       Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the

213.20 governor's designated representatives are authorized to negotiate in good faith a compact

213.21 with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.

213.22 The attorney general is the legal counsel for the governor or the governor's representatives

213.23 in regard to negotiating a compact under this section. If the governor appoints designees to

213.24 negotiate under this subdivision, the designees must include at least two members of the

213.25 senate and two members of the house of representatives, two of whom must be the chairs

213.26 of the senate and house of representatives standing committees with jurisdiction over health

213.27 policy.

213.28       Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this

213.29 section may address any issues related to medical cannabis flower and medical cannabinoid

213.30 products that affect the interests of both the state and Indian Tribe or otherwise have an

213.31 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state

213.32 under this section must address:

214.1           (1) the enforcement of criminal and civil laws;

214.2           (2) the regulation of the commercial production, processing, sale or distribution, and

214.3 possession of medical cannabis flower and medical cannabinoid products;

214.4           (3) medical and pharmaceutical research involving medical cannabis flower and medical

214.5 cannabinoid products;

214.6           (4) the taxation of medical cannabis flower and medical cannabinoid products, including

214.7 establishing an appropriate amount and method of revenue sharing;

214.8           (5) the immunities of an Indian Tribe or preemption of state law regarding the production,

214.9 processing, or sale or distribution of medical cannabis flower and medical cannabinoid

214.10 products; and

210.24                                   **ARTICLE 6**

210.25                                   **MISCELLANEOUS PROVISIONS**

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

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

210.28 meanings given.

210.29           (b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or

210.30 community of Indians located within the geographical boundaries of the state of Minnesota.

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

211.2 51.

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

211.4       Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the

211.5 governor's designated representatives are authorized to negotiate in good faith a compact

211.6 with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.

211.7 The attorney general is the legal counsel for the governor or the governor's representatives

211.8 in regard to negotiating a compact under this section. If the governor appoints designees to

211.9 negotiate under this subdivision, the designees must include at least two members of the

211.10 senate and two members of the house of representatives, two of whom must be the chairs

211.11 of the senate and house of representatives standing committees with jurisdiction over health

211.12 policy.

211.13       Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this

211.14 section may address any issues related to medical cannabis flower and medical cannabinoid

211.15 products that affect the interests of both the state and Indian Tribe or otherwise have an

211.16 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state

211.17 under this section must address:

211.18           (1) the enforcement of criminal and civil laws;

211.19           (2) the regulation of the commercial production, processing, sale or distribution, and

211.20 possession of medical cannabis flower and medical cannabinoid products;

211.21           (3) medical and pharmaceutical research involving medical cannabis flower and medical

211.22 cannabinoid products;

211.23           (4) the taxation of medical cannabis flower and medical cannabinoid products, including

211.24 establishing an appropriate amount and method of revenue sharing;

211.25           (5) the immunities of an Indian Tribe or preemption of state law regarding the production,

211.26 processing, or sale or distribution of medical cannabis flower and medical cannabinoid

211.27 products; and

214.11 (6) the method of resolution for disputes involving the compact, including the use of  
214.12 mediation or other alternative dispute resolution processes and procedures.

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

214.15 (1) provide for the preservation of public health and safety;

214.16 (2) ensure the security of production, processing, retail, and research facilities on Tribal  
214.17 land; and

214.18 (3) establish provisions regulating business involving medical cannabis flower and  
214.19 medical cannabinoid products that pass between Tribal land and non-Tribal land in the state.

214.20 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any  
214.21 compact agreed to under this section shall establish all taxes, fees, assessments, and other  
214.22 charges related to the production, processing, sale or distribution, and possession of medical  
214.23 cannabis flower and medical cannabinoid products.

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

214.28 (1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;

214.29 (2) the possession, purchase, and receipt of medical cannabis flower and medical  
214.30 cannabinoid products that are properly packaged and labeled as authorized under a compact  
214.31 entered into pursuant to this section; and

215.1 (3) the delivery, distribution, and sale of medical cannabis flower and medical cannabinoid  
215.2 products as authorized under a compact entered into pursuant to this section and that takes  
215.3 place on the premises of a medical cannabis retailer on Tribal land to any person 21 years  
215.4 of age or older.

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

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

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

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

211.28 (6) the method of resolution for disputes involving the compact, including the use of  
211.29 mediation or other alternative dispute resolution processes and procedures.

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

211.32 (1) provide for the preservation of public health and safety;

212.1 (2) ensure the security of production, processing, retail, and research facilities on Tribal  
212.2 land; and

212.3 (3) establish provisions regulating business involving medical cannabis flower and  
212.4 medical cannabinoid products that pass between Tribal land and non-Tribal land in the state.

212.5 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any  
212.6 compact agreed to under this section shall establish all taxes, fees, assessments, and other  
212.7 charges related to the production, processing, sale or distribution, and possession of medical  
212.8 cannabis flower and medical cannabinoid products.

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

212.13 (1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;

212.14 (2) the possession, purchase, and receipt of medical cannabis flower and medical  
212.15 cannabinoid products that are properly packaged and labeled as authorized under a compact  
212.16 entered into pursuant to this section; and

212.17 (3) the delivery, distribution, and sale of medical cannabis flower and medical cannabinoid  
212.18 products as authorized under a compact entered into pursuant to this section and that takes  
212.19 place on the premises of a medical cannabis retailer on Tribal land to any person 21 years  
212.20 of age or older.

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

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

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

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

215.14 (b) "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision  
215.15 4.

215.16 (c) "Adult-use cannabinoid product" has the meaning given in section 342.01, subdivision  
215.17 2.

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

215.21 (e) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.

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

215.24 (1) Bois Forte Band;

215.25 (2) Fond Du Lac Band;

215.26 (3) Grand Portage Band;

215.27 (4) Leech Lake Band;

215.28 (5) Mille Lacs Band;

215.29 (6) White Earth Band;

215.30 (7) Red Lake Nation;

216.1 (8) Lower Sioux Indian Community;

216.2 (9) Prairie Island Indian Community;

216.3 (10) Shakopee Mdewakanton Sioux Community; and

216.4 (11) Upper Sioux Indian Community.

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

216.8 (h) "Tribally regulated land" means:

216.9 (1) all land held in trust by the United States for the benefit of a Minnesota Tribal  
216.10 government;

216.11 (2) all land held by a Minnesota Tribal government in restricted fee status; and

216.12 (3) all land within the exterior boundaries of the reservation of a Minnesota Tribal  
216.13 government that is subject to the civil regulatory jurisdiction of the Tribal government. For

213.3 (d) "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision  
213.4 3.

213.1 (c) "Adult-use cannabis product" has the meaning given in section 342.01, subdivision  
213.2 4.

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

216.14 the purposes of this section, land that is subject to the civil regulatory jurisdiction of the  
216.15 Tribal government includes:

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

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

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

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

217.4 (c) This subdivision shall be effective upon enactment.

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

217.13 (b) The state shall not, as a condition for entering into a compact under this section:

213.5 Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the  
213.6 governor's designated representatives are authorized to negotiate in good faith a compact  
213.7 with an Indian Tribe regulating adult-use cannabis flower and adult-use cannabis products.  
213.8 The attorney general is the legal counsel for the governor or the governor's representatives  
213.9 in regard to negotiating a compact under this section. If the governor appoints designees to  
213.10 negotiate under this subdivision, the designees must include at least two members of the  
213.11 senate and two members of the house of representatives, two of whom must be the chairs  
213.12 of the senate and house of representatives standing committees with jurisdiction over health  
213.13 policy.

213.14 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this  
213.15 section may address any issues related to adult-use cannabis flower and adult-use cannabis  
213.16 products that affect the interests of both the state and Indian Tribe or otherwise have an  
213.17 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state  
213.18 under this section must address:

217.14 (1) require any Minnesota Tribal government to waive any right, privilege, or immunity  
 217.15 based on their status as independent sovereigns;

217.16 (2) require that any revenue generated by cannabis businesses licensed by a Minnesota  
 217.17 Tribal government be subject to any state cannabis gross receipt taxes imposed under section  
 217.18 295.81 or state and local sales or use taxes on sales of cannabis;

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

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

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

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

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

218.5 (e) This subdivision shall be effective upon enactment.

213.19 (1) the enforcement of criminal and civil laws;

213.20 (2) the regulation of the commercial production, processing, sale or distribution, and  
 213.21 possession of adult-use cannabis flower and adult-use cannabis products;

213.22 (3) medical and pharmaceutical research involving adult-use cannabis flower and  
 213.23 adult-use cannabis products;

213.24 (4) the taxation of adult-use cannabis flower and adult-use cannabis products, including  
 213.25 establishing an appropriate amount and method of revenue sharing;

218.6 Subd. 4. **Tax agreements.** (a) For any cannabis business owned by a Minnesota Tribal  
 218.7 government or its instrumentalities that is operated outside of Tribally regulated land, under  
 218.8 a state-issued license, the collection and administration of taxes on such business may be  
 218.9 governed through an agreement to be entered under section 270C.19.

218.10 (b) Any compact that provides for the voluntary sharing of tax or fee revenue among a  
 218.11 Minnesota Tribal government and the state or a local government may provide that such  
 218.12 sharing be carried out through an agreement to be entered under section 270C.19.

218.13 Subd. 5. **Civil and criminal immunities.** (a) The following acts, when performed by a  
 218.14 licensed Tribal cannabis business or an employee in the course of their employment for a  
 218.15 Tribal cannabis business, pursuant to a compact entered into under this section, do not  
 218.16 constitute a criminal or civil offense under state law:

218.17 (1) the cultivation of cannabis flower, and the extraction, processing, or manufacture of  
 218.18 adult-use cannabinoid and artificially derived cannabinoid products, extracts, or concentrates,  
 218.19 as those terms are defined in section 342.01;

218.20 (2) the possession, purchase, and receipt of adult-use cannabis seed, flower, and adult-use  
 218.21 cannabinoid products that are properly packaged and labeled as authorized under a compact  
 218.22 entered into pursuant to this section, and the sale, delivery, transport, or distribution of such  
 218.23 products to a licensed cannabis business; and

218.24 (3) the delivery, distribution, and sale of adult-use cannabis seed, flower, and adult-use  
 218.25 cannabinoid products as authorized under a compact entered into pursuant to this section  
 218.26 and that takes place on, or originates from, the premises of a Tribal cannabis business on  
 218.27 Tribally regulated land, to any person 21 years of age or older.

218.28 (b) The following acts, when performed by a patron of a licensed Tribal cannabis business  
 218.29 do not constitute a criminal or civil offense under state law: the purchase, possession, or

213.26 (5) the immunities of an Indian Tribe or preemption of state law regarding the production,  
 213.27 processing, or sale or distribution of adult-use cannabis flower and adult-use cannabis  
 213.28 products; and

213.29 (6) the method of resolution for disputes involving the compact, including the use of  
 213.30 mediation or other alternative dispute resolution processes and procedures.

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

214.1 (1) provide for the preservation of public health and safety;

214.2 (2) ensure the security of production, processing, retail, and research facilities on Tribal  
 214.3 land; and

214.4 (3) establish provisions regulating business involving adult-use cannabis flower and  
 214.5 adult-use cannabis products that pass between Tribal land and non-Tribal land in the state.

214.6 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any  
 214.7 compact agreed to under this section shall establish all taxes, fees, assessments, and other  
 214.8 charges related to the production, processing, sale or distribution, and possession of adult-use  
 214.9 cannabis flower and adult-use cannabis products.

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

214.14 (1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;

214.15 (2) the possession, purchase, and receipt of adult-use cannabis flower and adult-use  
 214.16 cannabis products that are properly packaged and labeled as authorized under a compact  
 214.17 entered into pursuant to this section; and

214.18 (3) the delivery, distribution, and sale of adult-use cannabis flower and adult-use cannabis  
 214.19 products as authorized under a compact entered into pursuant to this section and that takes  
 214.20 place on the premises of a medical cannabis retailer on Tribal land to any person 21 years  
 214.21 of age or older.

House Language H0100-11

CANNABIS-ARTICLE 6

May 05, 2023 10:07 AM

Senate Language UEH0100-2

adult-use cannabinoid products as authorized  
section.

, a Tribal member, employee, or agent of a  
business on Tribally regulated land pursuant  
compact entered into under this section, do not  
violate law.

by a state-licensed cannabis business, or an  
employee of such business, and which would be permitted under the terms of the applicable  
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.

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.

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.

upon enactment.

shall post any compact entered into under this section  
on a publicly accessible website.

214.22 Subd. 6. **Publication; report.** (a) The governor shall post any compact entered into

214.23 under this section on a publicly accessible website.

214.24 (b) The governor, the attorney general, and the governor's designee shall report to the

214.25 legislative committees having jurisdiction over health, taxation, and commerce annually.

214.26 This report shall contain information on compacts negotiated and an outline of prospective

214.27 negotiations.

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

214.29 read:

214.30 Subd. 12. **Cannabis businesses.** Data submitted to the Office of Cannabis Management

214.31 for a cannabis business license and data relating to investigations and disciplinary proceedings

- 219.29

and disciplinary proceedings involving cannabis businesses and hemp businesses licensed
- 219.30

by the Office of Cannabis Management are classified under section 342.20.
- 220.1

Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to
- 220.2

read:
- 220.3

Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received,
- 220.4

maintained, or disseminated by the Cannabis Expungement Board are classified under
- 220.5

section 609A.06, subdivision 8.
- 215.1

involving cannabis businesses licensed by the Office of Cannabis Management are classified
- 215.2

under section 342.17, subdivision 6.
- 215.3

Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to
- 215.4

read:
- 215.5

Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received,
- 215.6

maintained, or disseminated by the Cannabis Expungement Board are classified under
- 215.7

section 609A.06, subdivision 8.
- 215.8

Sec. 5. Minnesota Statutes 2022, section 16B.2975, subdivision 8, is amended to read:
- 215.9

Subd. 8. **Canine management.** (a) The commissioner may give and convey to a canine's
- 215.10

handler the state's entirety of the right, title, interest, and estate in and to a canine who is
- 215.11

retired from service, with whom the handler trained and worked while the canine was in
- 215.12

service to the state. The handler is solely responsible for all future expenses related to the
- 215.13

retired canine. The commissioner must allow the handler an opportunity to accept the canine
- 215.14

before any other placement options are considered.
- 215.15

(b) If the canine's handler does not accept the canine, the agency with ownership of the
- 215.16

canine must determine a home where the canine will be safe and well cared for and inform
- 215.17

the commissioner. The commissioner may give and convey the state's entirety of the right,
- 215.18

title, interest, and estate in and to a canine who is retired from service to the new owner.
- 215.19

The new owner is solely responsible for all future expenses related to the retired canine.
- 215.20

Sec. 6. Minnesota Statutes 2022, section 18K.02, subdivision 3, is amended to read:
- 215.21

Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant Cannabis sativa L. and
- 215.22

any part of the plant, whether growing or not, including the plant's seeds, and all the plant's
- 215.23

derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether
- 215.24

growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3
- 215.25

percent on a dry weight basis. Industrial hemp is not a cannabis plant as defined in section
- 215.26

342.01, subdivision 18, or marijuana as defined in section 152.01, subdivision 9.
- 215.27

**EFFECTIVE DATE.** This section is effective July 1, 2024.
- 215.28

Sec. 7. Minnesota Statutes 2022, section 18K.02, subdivision 5, is amended to read:
- 215.29

Subd. 5. **Processing.** "Processing" means rendering by refinement hemp plants or hemp
- 215.30

plant parts from their natural or original state after harvest. Processing includes but is not
- 215.31

limited to decortication, devitalization, chopping, crushing, extraction, and packaging.
- 216.1

Processing does not include typical farm operations such as sorting, grading, baling, and
- 216.2

harvesting. Processing does not include the production of synthetically derived cannabinoids
- 216.3

as defined in section 342.01, subdivision 67.
- 216.4

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



220.6 Sec. 5. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

220.7 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption  
220.8 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment  
220.9 for humans or other animals, whether simple, mixed, or compound; and articles used as  
220.10 components of these ingredients, except that edible ~~cannabinoid~~ cannabis products, as  
220.11 defined in section ~~151.72, subdivision 1, paragraph (c)~~ 342.01, subdivision 29, lower-potency  
220.12 hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived consumer  
220.13 products, as defined in section 342.01, subdivision 35, that are intended to be eaten or  
220.14 consumed as a beverage are not food.

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

220.16 Sec. 6. ~~[120B.215]~~ **EDUCATION ON CANNABIS USE AND SUBSTANCE USE.**

220.17 Subdivision 1. **Model program.** The commissioner of education, in consultation with  
220.18 the commissioners of health and human services, local district and school health education  
220.19 specialists, and other qualified experts, shall identify one or more model programs that may  
220.20 be used to educate middle school and high school students on the health effects on children  
220.21 and adolescents of cannabis use and substance use, including but not limited to the use of  
220.22 fentanyl or mixtures containing fentanyl, consistent with local standards as required in  
220.23 section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary  
220.24 school students. The commissioner must publish a list of model programs that include  
220.25 written materials, curriculum resources, and training for instructors by June 1, 2025. A  
220.26 model program identified by the commissioner must be medically accurate, age and  
220.27 developmentally appropriate, culturally inclusive, and grounded in science, and must address:

220.28 (1) the physical and mental health effects of cannabis use and substance use by children  
220.29 and adolescents, including effects on the developing brains of children and adolescents;

220.30 (2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

220.31 (3) signs of substance use disorders;

220.32 (4) treatment options; and

216.5 Sec. 8. Minnesota Statutes 2022, section 18K.03, subdivision 2, is amended to read:

216.6 Subd. 2. ~~**Sale to medical cannabis manufacturers businesses and hemp businesses.** A~~  
216.7 licensee under this chapter may sell hemp products derived from industrial hemp grown in  
216.8 this state to ~~medical cannabis manufacturers as authorized under sections 152.22 to 152.37~~  
216.9 a cannabis business or hemp business licensed under chapter 342.

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

216.11 Sec. 9. Minnesota Statutes 2022, section 34A.01, is amended by adding a subdivision to  
216.12 read:

216.13 Subd. 4a. **Food.** "Food" means every ingredient used for, entering into the consumption  
216.14 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment  
216.15 for humans or other animals, whether simple, mixed, or compound; and articles used as  
216.16 components of these ingredients, except that edible cannabis products, as defined in section  
216.17 342.01, subdivision 29, and lower-potency hemp edibles, as defined in section 342.01,  
216.18 subdivision 49, are not food.

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

217.18 Sec. 12. ~~[120B.215]~~ **EDUCATION ON CANNABIS USE AND SUBSTANCE USE.**

217.19 Subdivision 1. **Model program.** The commissioner of education, in consultation with  
217.20 the commissioners of health and human services, local district and school health education  
217.21 specialists, and other qualified experts, shall identify one or more model programs that may  
217.22 be used to educate middle school and high school students on the health effects on children  
217.23 and adolescents of cannabis use and substance use consistent with local standards as required  
217.24 in section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary  
217.25 school students. The commissioner must publish a list of model programs that include  
217.26 written materials, curriculum resources, and training for instructors by June 1, 2025. A  
217.27 model program identified by the commissioner must be medically accurate, age and  
217.28 developmentally appropriate, culturally inclusive, and grounded in science, and must address:

217.29 (1) the physical and mental health effects of cannabis use and substance use by children,  
217.30 adolescents, and persons under 25 years of age, including effects on the developing brains  
217.31 of children, adolescents, and persons under 25 years of age;

217.32 (2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

218.1 (3) signs of substance use disorders;

218.2 (4) treatment options; and

221.1 (5) healthy coping strategies for children and adolescents.

221.2 Subd. 2. **School programs.** (a) Starting in the 2026-2027 school year, a school district

221.3 or charter school must implement a comprehensive education program on cannabis use and

221.4 substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl.

221.5 for students in middle school and high school. The program must include instruction on the

221.6 topics listed in subdivision 1 and must:

221.7 (1) respect community values and encourage students to communicate with parents,

221.8 guardians, and other trusted adults about cannabis use and substance use, including but not

221.9 limited to the use of fentanyl or mixtures containing fentanyl; and

221.10 (2) refer students to local resources where students may obtain medically accurate

221.11 information about cannabis use and substance use, including but not limited to the use of

221.12 fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

221.13 (b) District efforts to develop, implement, or improve instruction or curriculum as a

221.14 result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.

221.15 Subd. 3. **Parental review.** Notwithstanding any law to the contrary, each school district

221.16 shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older

221.17 to review the content of the instructional materials to be provided to a minor child or to an

221.18 adult student pursuant to this section. The district or charter school must allow a parent or

221.19 adult student to opt out of instruction under this section with no academic or other penalty

221.20 for the student and must inform parents and adult students of this right to opt out.

221.21 Subd. 4. **Youth council.** A school district or charter school may establish one or more

221.22 youth councils in which student members of the council receive education and training on

221.23 cannabis use and substance use, including but not limited to the use of fentanyl or mixtures

221.24 containing fentanyl, and provide peer-to-peer education on these topics.

221.25 Sec. 7. **[144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.**

221.26 Subdivision 1. **General.** The commissioner of health shall engage in research and data

221.27 collection activities to measure the prevalence of cannabis flower use and the use of cannabis

221.28 products, lower-potency hemp edibles, and hemp-derived consumer products in the state

221.29 by persons under 21 years of age and by persons 21 years of age or older. In order to collect

221.30 data, the commissioner may modify existing data collection tools used by the department

221.31 or other state agencies or may establish one or more new data collection tools.

221.32 Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall

221.33 conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower

222.1 use and the use of cannabis products, lower-potency hemp edibles, and hemp-derived

222.2 consumer products in the state broken out by:

222.3 (1) the current age of the customer;

218.3 (5) healthy coping strategies for children and adolescents.

218.4 Subd. 2. **School programs.** (a) Starting in the 2026-2027 school year, a school district

218.5 or charter school must implement a comprehensive education program on cannabis use and

218.6 substance use for students in middle school and high school. The program must include

218.7 instruction on the topics listed in subdivision 1 and must:

218.8 (1) respect community values and encourage students to communicate with parents,

218.9 guardians, and other trusted adults about cannabis use and substance use; and

218.10 (2) refer students to local resources where students may obtain medically accurate

218.11 information about cannabis use and substance use, and treatment for a substance use disorder.

218.12 (b) District efforts to develop, implement, or improve instruction or curriculum as a

218.13 result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.

218.14 Subd. 3. **Parental review.** Notwithstanding any law to the contrary, each school district

218.15 shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older

218.16 to review the content of the instructional materials to be provided to a minor child or to an

218.17 adult student pursuant to this section. The district or charter school must allow a parent or

218.18 adult student to opt out of instruction under this section with no academic or other penalty

218.19 for the student and must inform parents and adult students of this right to opt out.

218.20 Subd. 4. **Youth council.** A school district or charter school may establish one or more

218.21 youth councils in which student members of the council receive education and training on

218.22 cannabis use and substance use and provide peer-to-peer education on these topics.

218.23 Sec. 13. **[144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.**

218.24 Subdivision 1. **General.** The commissioner of health shall engage in research and data

218.25 collection activities to measure the prevalence of cannabis flower and cannabis product use

218.26 in the state by persons under 21 years of age and by persons 21 years of age or older, and

218.27 the trends in hospital-treated cannabis poisoning and adverse events. In order to collect data,

218.28 the commissioner may modify existing data collection tools used by the department or other

218.29 state agencies or may establish one or more new data collection tools.

218.30 Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall

218.31 conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower

219.1 and cannabis product use in the state, and the trends in hospital-treated cannabis poisoning

219.2 and adverse events broken out by:

219.3 (1) the current age of the customer;

222.4 (2) the age at which the customer began consuming cannabis flower, cannabis products,  
 222.5 lower-potency hemp edibles, or hemp-derived consumer products;

222.6 (3) whether the customer consumes cannabis flower, cannabis products, lower-potency  
 222.7 hemp edibles, or hemp-derived consumer products, and by type of product that the customer  
 222.8 consumes, if applicable;

222.9 (4) the amount of cannabis flower, cannabis product, lower-potency hemp edible, or  
 222.10 hemp-derived consumer product typically consumed at one time;

222.11 (5) the typical frequency of consumption; and

222.12 (6) other criteria specified by the commissioner.

222.13 (b) The initial assessment must be completed by July 1, 2024. The commissioner shall  
 222.14 collect updated data under this subdivision at least every two years thereafter.

222.15 Subd. 3. **Reports.** Beginning January 1, 2025, and every two years thereafter, the  
 222.16 commissioner shall issue a public report on the prevalence of cannabis flower use and the  
 222.17 use of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products  
 222.18 in the state by persons under age 21 and by persons age 21 or older. The report may include  
 222.19 recommendations from the commissioner for changes to this chapter that would discourage  
 222.20 or prevent personal use of cannabis flower, cannabis products, lower-potency hemp edibles,  
 222.21 or hemp-derived consumer products by persons under age 21, that would discourage personal  
 222.22 use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
 222.23 consumer products by pregnant or breastfeeding women, that would prevent access to  
 222.24 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
 222.25 products by young children, or that would otherwise promote public health.

222.26 Sec. 8. **[144.197] CANNABIS EDUCATION PROGRAMS.**

222.27 Subdivision 1. **Youth education.** The commissioner of health, in collaboration with  
 222.28 local health departments, shall conduct a long-term, coordinated education program to raise  
 222.29 public awareness about and address the top three adverse health effects, as determined by  
 222.30 the commissioner, associated with the use of cannabis flower, cannabis products,  
 222.31 lower-potency hemp edibles, or hemp-derived consumer products by persons under age 21.  
 222.32 In conducting this education program, the commissioner shall engage and consult with  
 223.1 youth around the state on program content and on methods to effectively disseminate program  
 223.2 information to youth around the state.

223.3 Subd. 2. **Education for pregnant and breastfeeding women; women who may become**  
 223.4 **pregnant.** The commissioner of health shall conduct a long-term, coordinated program to  
 223.5 educate pregnant women, breastfeeding women, and women who may become pregnant on  
 223.6 the adverse health effects of prenatal exposure to cannabis flower, cannabis products,  
 223.7 lower-potency hemp edibles, or hemp-derived consumer products and on the adverse health  
 223.8 effects experienced by infants and children who are exposed to cannabis flower, cannabis  
 223.9 products, lower-potency hemp edibles, or hemp-derived consumer products in breast milk,

219.4 (2) the age at which the customer began consuming cannabis flower or cannabis products;

219.5 (3) whether the customer consumes cannabis flower or cannabis products, and by type  
 219.6 of cannabis product that the customer consumes, if applicable;

219.7 (4) the amount of cannabis flower or cannabis product typically consumed at one time;

219.8 (5) the typical frequency of consumption; and

219.9 (6) other criteria specified by the commissioner.

219.10 (b) The initial assessment must be completed by July 1, 2024. The commissioner shall  
 219.11 collect updated data under this subdivision at least every two years thereafter.

219.12 Subd. 3. **Reports.** Beginning January 1, 2025, and every two years thereafter, the  
 219.13 commissioner shall issue a public report on the prevalence of cannabis flower use and the  
 219.14 use of cannabis products in the state by persons under age 21 and by persons age 21 or  
 219.15 older, and the trends in hospital-treated cannabis poisoning and adverse events. The report  
 219.16 may include recommendations from the commissioner for changes to this chapter that would  
 219.17 discourage or prevent personal use of cannabis flower or cannabis products by persons  
 219.18 under age 21, that would discourage personal use of cannabis flower or cannabis products  
 219.19 by pregnant or breastfeeding individuals, that would prevent access to cannabis flower or  
 219.20 cannabis products by young children, or that would otherwise promote public health.

219.21 Sec. 14. **[144.197] CANNABIS EDUCATION PROGRAMS.**

219.22 Subdivision 1. **Youth education.** The commissioner of health, in collaboration with  
 219.23 local health departments, shall conduct a long-term, coordinated education program to raise  
 219.24 public awareness about and address the top three adverse health effects, as determined by  
 219.25 the commissioner, associated with the use of cannabis flower or cannabis products by persons  
 219.26 under age 25. In conducting this education program, the commissioner shall engage and  
 219.27 consult with youth around the state on program content and on methods to effectively  
 219.28 disseminate program information to youth around the state.

219.29 Subd. 2. **Education for pregnant and breastfeeding individuals; individuals who**  
 219.30 **may become pregnant.** The commissioner of health, in consultation with the commissioners  
 219.31 of human services and education, shall conduct a long-term, coordinated program to educate  
 219.32 pregnant individuals, breastfeeding individuals, and individuals who may become pregnant  
 220.1 on the adverse health effects of prenatal exposure to cannabis flower or cannabis products  
 220.2 and on the adverse health effects experienced by infants and children who are exposed to  
 220.3 cannabis flower or cannabis products in breast milk, from secondhand smoke, or by ingesting

223.10 from secondhand smoke, or by ingesting cannabinoid products. This education program  
 223.11 must also educate women on what constitutes a substance use disorder, signs of a substance  
 223.12 use disorder, and treatment options for persons with a substance use disorder.

223.13 Subd. 3. **Home visiting programs.** The commissioner of health shall provide training,  
 223.14 technical assistance, and education materials to local public health home visiting programs  
 223.15 and Tribal home visiting programs regarding the safe and unsafe use of cannabis flower,  
 223.16 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in  
 223.17 homes with infants and young children. Training, technical assistance, and education  
 223.18 materials shall address substance use, the signs of a substance use disorder, treatment options  
 223.19 for persons with a substance use disorder, the dangers of driving under the influence of  
 223.20 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
 223.21 products, how to safely consume cannabis flower, cannabis products, lower-potency hemp  
 223.22 edibles, or hemp-derived consumer products in homes with infants and young children, and  
 223.23 how to prevent infants and young children from being exposed to cannabis flower, cannabis  
 223.24 products, lower-potency hemp edibles, or hemp-derived consumer products by ingesting  
 223.25 cannabinoid products or through secondhand smoke.

223.26 Subd. 4. **Local and Tribal health departments.** The commissioner of health shall  
 223.27 distribute grants to local health departments and Tribal health departments for these  
 223.28 departments to create and disseminate educational materials on cannabis flower, cannabis  
 223.29 products, lower-potency hemp edibles, and hemp-derived consumer products and to provide  
 223.30 safe use and prevention training, education, technical assistance, and community engagement  
 223.31 regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived  
 223.32 consumer products.

224.1 Sec. 9. Minnesota Statutes 2022, section 144.99, subdivision 1, is amended to read:

224.2 Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections  
 224.3 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14),  
 224.4 and (15); 144.1201 to 144.1204; 144.121; 144.1215; 144.1222; 144.35; 144.381 to 144.385;  
 224.5 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9512; 144.97 to 144.98;  
 224.6 144.992; 152.22 to 152.37; 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28  
 224.7 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses,  
 224.8 registrations, certificates, and permits adopted or issued by the department or under any  
 224.9 other law now in force or later enacted for the preservation of public health may, in addition  
 224.10 to provisions in other statutes, be enforced under this section.

224.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

224.12 Sec. 10. Minnesota Statutes 2022, section 144A.4791, subdivision 14, is amended to read:

224.13 Subd. 14. **Application of other law.** Home care providers may exercise the authority  
 224.14 and are subject to the protections in section ~~152.34~~ 342.51, subdivision 2.

220.4 cannabis products. This education program must also educate individuals on what constitutes  
 220.5 a substance use disorder, signs of a substance use disorder, and treatment options for persons  
 220.6 with a substance use disorder.

220.7 Subd. 3. **Home visiting programs.** The commissioner of health shall provide training,  
 220.8 technical assistance, and education materials to local public health home visiting programs,  
 220.9 Tribal home visiting programs, and child welfare workers regarding the safe and unsafe use  
 220.10 of cannabis flower or cannabis products in homes with infants and young children. Training,  
 220.11 technical assistance, and education materials shall address substance use, the signs of a  
 220.12 substance use disorder, treatment options for persons with a substance use disorder, the  
 220.13 dangers of driving under the influence of cannabis flower or cannabis products, how to  
 220.14 safely consume cannabis flower or cannabis products in homes with infants and young  
 220.15 children, and how to prevent infants and young children from being exposed to cannabis  
 220.16 flower or cannabis products by ingesting cannabis products or through secondhand smoke.

220.17 Subd. 4. **Local and Tribal health departments.** The commissioner of health shall  
 220.18 distribute grants to local health departments and Tribal health departments for these  
 220.19 departments to create and disseminate educational materials on cannabis flower and cannabis  
 220.20 products and to provide safe use and prevention training, education, technical assistance,  
 220.21 and community engagement regarding cannabis flower and cannabis products.

224.15      Sec. 11. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
224.16 read:

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

224.21      Sec. 12. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
224.22 read:

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

224.27      Sec. 13. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
224.28 read:

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

220.22      Sec. 15. Minnesota Statutes 2022, section 152.01, subdivision 9, is amended to read:

220.23          Subd. 9. **Marijuana.** "Marijuana" means all parts of the plant of any species of the genus  
220.24 Cannabis, including all agronomical varieties, whether growing or not; the seeds thereof;  
220.25 the resin extracted from any part of such plant; and every compound, manufacture, salt,  
220.26 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the  
220.27 mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such  
220.28 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such  
220.29 mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed  
220.30 of such plant which is incapable of germination. Marijuana does not include hemp as defined  
220.31 in section ~~152.22, subdivision 5a~~ 18K.02, subdivision 3.

SENATE ARTICLE 7, SECTION 3

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

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

261.3          **(b) This subdivision expires January 1, 2024.**

ARTICLE 7, SECTION 5

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

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

261.10          **(b) This subdivision expires January 1, 2024.**

ARTICLE 7, SECTION 5

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

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

261.17          **(b) This subdivision expires January 1, 2024.**

ARTICLE 7, SECTION 6

225.3       Sec. 14. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
225.4 read:

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

225.11       Sec. 15. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
225.12 read:

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

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

225.19       Subd. 4. **Report.** (a) Each manufacturer shall report to the commissioner on a monthly  
225.20 basis the following information on each individual patient for the month prior to the report:

- 225.21       (1) the amount and dosages of medical cannabis distributed;
- 225.22       (2) the chemical composition of the medical cannabis; and
- 225.23       (3) the tracking number assigned to any medical cannabis distributed.

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

- 225.27       (1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis  
225.28 program patient is enrolled;
- 225.29       (2) the amount and dosages of medical cannabis distributed;
- 225.30       (3) the chemical composition of the medical cannabis distributed; and
- 226.1       (4) the tracking number assigned to the medical cannabis distributed.

261.18       Sec. 6. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
261.19 read:

261.20       Subd. 17. **Tribal medical cannabis program manufacturer.** (a) "Tribal medical  
261.21 cannabis program manufacturer" means an entity designated by a Tribal medical cannabis  
261.22 board within the boundaries of Minnesota or a federally recognized Tribal government  
261.23 within the boundaries of Minnesota to engage in production, processing, and sale or  
261.24 distribution of medical cannabis and medical cannabis products under that Tribe's Tribal  
261.25 medical cannabis program.

261.26       (b) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 7

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

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

262.4       (b) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 8

262.5       Sec. 8. Minnesota Statutes 2022, section 152.29, subdivision 4, is amended to read:

262.6       Subd. 4. **Report.** (a) Each manufacturer shall report to the commissioner on a monthly  
262.7 basis the following information on each individual patient for the month prior to the report:

- 262.8       (1) the amount and dosages of medical cannabis distributed;
- 262.9       (2) the chemical composition of the medical cannabis; and
- 262.10       (3) the tracking number assigned to any medical cannabis distributed.

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

- 262.14       (1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis  
262.15 program patient is enrolled;
- 262.16       (2) the amount and dosages of medical cannabis distributed;
- 262.17       (3) the chemical composition of the medical cannabis distributed; and
- 262.18       (4) the tracking number assigned to the medical cannabis distributed.

226.2       Sec. 17. Minnesota Statutes 2022, section 152.29, is amended by adding a subdivision to  
226.3       read:

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

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

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

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

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

226.17       Sec. 18. [152.291] TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER  
226.18       TRANSPORTATION.

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

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

ARTICLE 7, SECTION 9

262.19       Sec. 9. Minnesota Statutes 2022, section 152.29, is amended by adding a subdivision to  
262.20       read:

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

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

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

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

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

263.5           (d) This subdivision expires January 1, 2024.

ARTICLE 7, SECTION 10

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

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

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

263.16           (c) This section expires January 1, 2024.

ARTICLE 7, SECTION 11



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

226.28 **152.30 PATIENT DUTIES.**

226.29 (a) A patient shall apply to the commissioner for enrollment in the registry program by  
226.30 submitting an application as required in section 152.27 and an annual registration fee as  
226.31 determined under section 152.35.

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

227.2 (1) continue to receive regularly scheduled treatment for their qualifying medical  
227.3 condition from their health care practitioner; and

227.4 (2) report changes in their qualifying medical condition to their health care practitioner.

227.5 (c) A patient shall only receive medical cannabis from a registered manufacturer or  
227.6 Tribal medical cannabis program but is not required to receive medical cannabis products  
227.7 from only a registered manufacturer or Tribal medical cannabis program.

227.8 Sec. 20. Minnesota Statutes 2022, section 152.32, is amended to read:

227.9 **152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL**  
227.10 **CANNABIS PROGRAM PARTICIPATION.**

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

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

227.15 (1) a patient's conduct related to use of medical cannabis was not for the purpose of  
227.16 treating or alleviating the patient's qualifying medical condition or symptoms associated  
227.17 with the patient's qualifying medical condition; or

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

227.20 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following  
227.21 are not violations under this chapter:

227.22 (1) use or possession of medical cannabis or medical cannabis products by a patient  
227.23 enrolled in the registry program, ~~or~~ possession by a registered designated caregiver or the  
227.24 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed  
227.25 on the registry verification; or use or possession of medical cannabis or medical cannabis  
227.26 products by a Tribal medical cannabis program patient;

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

263.17 Sec. 11. Minnesota Statutes 2022, section 152.30, is amended to read:

263.18 **152.30 PATIENT DUTIES.**

263.19 (a) A patient shall apply to the commissioner for enrollment in the registry program by  
263.20 submitting an application as required in section 152.27 and an annual registration fee as  
263.21 determined under section 152.35.

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

263.23 (1) continue to receive regularly scheduled treatment for their qualifying medical  
263.24 condition from their health care practitioner; and

263.25 (2) report changes in their qualifying medical condition to their health care practitioner.

263.26 (c) A patient shall only receive medical cannabis from a registered manufacturer or  
263.27 Tribal medical cannabis program but is not required to receive medical cannabis products  
263.28 from only a registered manufacturer or Tribal medical cannabis program.

ARTICLE 7, SECTION 12

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

264.2 **152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL**  
264.3 **CANNABIS PROGRAM PARTICIPATION.**

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

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

264.8 (1) a patient's conduct related to use of medical cannabis was not for the purpose of  
264.9 treating or alleviating the patient's qualifying medical condition or symptoms associated  
264.10 with the patient's qualifying medical condition; or

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

264.13 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following  
264.14 are not violations under this chapter:

264.15 (1) use or possession of medical cannabis or medical cannabis products by a patient  
264.16 enrolled in the registry program, ~~or~~ possession by a registered designated caregiver or the  
264.17 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed  
264.18 on the registry verification; or use or possession of medical cannabis or medical cannabis  
264.19 products by a Tribal medical cannabis program patient;

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



227.29 cannabis program manufacturer, employees of a Tribal medical cannabis program  
 227.30 manufacturer, a laboratory conducting testing on medical cannabis, or employees of the  
 227.31 laboratory; and

228.1 (3) possession of medical cannabis or medical cannabis products by any person while  
 228.2 carrying out the duties required under sections 152.22 to 152.37.

228.3 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and  
 228.4 associated property is not subject to forfeiture under sections 609.531 to 609.5316.

228.5 (c) The commissioner, members of a Tribal medical cannabis board, the commissioner's  
 228.6 or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis  
 228.7 board's agents or contractors, and any health care practitioner are not subject to any civil or  
 228.8 disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any  
 228.9 business, occupational, or professional licensing board or entity, solely for the participation  
 228.10 in the registry program under sections 152.22 to 152.37 or in a Tribal medical cannabis  
 228.11 program. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary  
 228.12 penalties by the Board of Pharmacy when acting in accordance with the provisions of  
 228.13 sections 152.22 to 152.37. Nothing in this section affects a professional licensing board  
 228.14 from taking action in response to violations of any other section of law.

228.15 (d) Notwithstanding any law to the contrary, the commissioner, the governor of  
 228.16 Minnesota, or an employee of any state agency may not be held civilly or criminally liable  
 228.17 for any injury, loss of property, personal injury, or death caused by any act or omission  
 228.18 while acting within the scope of office or employment under sections 152.22 to 152.37.

228.19 (e) Federal, state, and local law enforcement authorities are prohibited from accessing  
 228.20 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid  
 228.21 search warrant.

228.22 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public  
 228.23 employee may release data or information about an individual contained in any report,  
 228.24 document, or registry created under sections 152.22 to 152.37 or any information obtained  
 228.25 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

228.26 (g) No information contained in a report, document, or registry or obtained from a patient  
 228.27 under sections 152.22 to 152.37 or from a Tribal medical cannabis program patient may be  
 228.28 admitted as evidence in a criminal proceeding unless independently obtained or in connection  
 228.29 with a proceeding involving a violation of sections 152.22 to 152.37.

228.30 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty  
 228.31 of a gross misdemeanor.

228.32 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme  
 228.33 Court, a Tribal court, or the professional responsibility board for providing legal assistance  
 229.1 to prospective or registered manufacturers or others related to activity that is no longer  
 229.2 subject to criminal penalties under state law pursuant to sections 152.22 to 152.37, or for

264.22 cannabis program manufacturer, employees of a Tribal medical cannabis program  
 264.23 manufacturer, a laboratory conducting testing on medical cannabis, or employees of the  
 264.24 laboratory; and

264.25 (3) possession of medical cannabis or medical cannabis products by any person while  
 264.26 carrying out the duties required under sections 152.22 to 152.37.

264.27 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and  
 264.28 associated property is not subject to forfeiture under sections 609.531 to 609.5316.

264.29 (c) The commissioner, members of a Tribal medical cannabis board, the commissioner's  
 264.30 or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis  
 264.31 board's agents or contractors, and any health care practitioner are not subject to any civil or  
 264.32 disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any  
 265.1 business, occupational, or professional licensing board or entity, solely for the participation  
 265.2 in the registry program under sections 152.22 to 152.37 or in a Tribal medical cannabis  
 265.3 program. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary  
 265.4 penalties by the Board of Pharmacy when acting in accordance with the provisions of  
 265.5 sections 152.22 to 152.37. Nothing in this section affects a professional licensing board  
 265.6 from taking action in response to violations of any other section of law.

265.7 (d) Notwithstanding any law to the contrary, the commissioner, the governor of  
 265.8 Minnesota, or an employee of any state agency may not be held civilly or criminally liable  
 265.9 for any injury, loss of property, personal injury, or death caused by any act or omission  
 265.10 while acting within the scope of office or employment under sections 152.22 to 152.37.

265.11 (e) Federal, state, and local law enforcement authorities are prohibited from accessing  
 265.12 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid  
 265.13 search warrant.

265.14 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public  
 265.15 employee may release data or information about an individual contained in any report,  
 265.16 document, or registry created under sections 152.22 to 152.37 or any information obtained  
 265.17 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

265.18 (g) No information contained in a report, document, or registry or obtained from a patient  
 265.19 under sections 152.22 to 152.37 or from a Tribal medical cannabis program patient may be  
 265.20 admitted as evidence in a criminal proceeding unless independently obtained or in connection  
 265.21 with a proceeding involving a violation of sections 152.22 to 152.37.

265.22 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty  
 265.23 of a gross misdemeanor.

265.24 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme  
 265.25 Court, a Tribal court, or the professional responsibility board for providing legal assistance  
 265.26 to prospective or registered manufacturers or others related to activity that is no longer  
 265.27 subject to criminal penalties under state law pursuant to sections 152.22 to 152.37, or for

229.3 providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis  
 229.4 program manufacturer.

229.5 ~~(j) Possession of a registry verification or application for enrollment in the program by~~  
 229.6 ~~a person entitled to possess or apply for enrollment in the registry program does The~~  
 229.7 following do not constitute probable cause or reasonable suspicion, ~~nor~~ and shall ~~it~~ not be  
 229.8 used to support a search of the person or property of the person possessing or applying for  
 229.9 the registry verification or equivalent, or otherwise subject the person or property of the  
 229.10 person to inspection by any governmental agency;

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

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

229.17 Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or  
 229.18 lease to and may not otherwise penalize a person solely for the person's status as a patient  
 229.19 enrolled in the registry program under sections 152.22 to 152.37 or for the person's status  
 229.20 as a Tribal medical cannabis program patient, unless failing to do so would violate federal  
 229.21 law or regulations or cause the school or landlord to lose a monetary or licensing-related  
 229.22 benefit under federal law or regulations.

229.23 (b) For the purposes of medical care, including organ transplants, a registry program  
 229.24 enrollee's use of medical cannabis under sections 152.22 to 152.37, or a Tribal medical  
 229.25 cannabis program patient's use of medical cannabis as authorized by the Tribal medical  
 229.26 cannabis program, is considered the equivalent of the authorized use of any other medication  
 229.27 used at the discretion of a physician, advanced practice registered nurse, or physician assistant  
 229.28 and does not constitute the use of an illicit substance or otherwise disqualify a patient from  
 229.29 needed medical care.

229.30 (c) Unless a failure to do so would violate federal law or regulations or cause an employer  
 229.31 to lose a monetary or licensing-related benefit under federal law or regulations, an employer  
 229.32 may not discriminate against a person in hiring, termination, or any term or condition of  
 229.33 employment, or otherwise penalize a person, if the discrimination is based upon ~~either~~ any  
 229.34 of the following:

230.1 (1) the person's status as a patient enrolled in the registry program under sections 152.22  
 230.2 to 152.37; ~~or~~

230.3 (2) the person's status as a Tribal medical cannabis program patient; or

230.4 ~~(2)~~ (3) a patient's positive drug test for cannabis components or metabolites, unless the  
 230.5 patient used, possessed, or was impaired by medical cannabis on the premises of the place  
 230.6 of employment or during the hours of employment.

265.28 providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis  
 265.29 program manufacturer.

265.30 ~~(j) Possession of a registry verification or application for enrollment in the program by~~  
 265.31 ~~a person entitled to possess or apply for enrollment in the registry program does The~~  
 265.32 following do not constitute probable cause or reasonable suspicion, ~~nor~~ and shall ~~it~~ not be  
 265.33 used to support a search of the person or property of the person possessing or applying for  
 266.1 the registry verification or equivalent, or otherwise subject the person or property of the  
 266.2 person to inspection by any governmental agency;

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

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

266.9 Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or  
 266.10 lease to and may not otherwise penalize a person solely for the person's status as a patient  
 266.11 enrolled in the registry program under sections 152.22 to 152.37 or for the person's status  
 266.12 as a Tribal medical cannabis program patient, unless failing to do so would violate federal  
 266.13 law or regulations or cause the school or landlord to lose a monetary or licensing-related  
 266.14 benefit under federal law or regulations.

266.15 (b) For the purposes of medical care, including organ transplants, a registry program  
 266.16 enrollee's use of medical cannabis under sections 152.22 to 152.37, or a Tribal medical  
 266.17 cannabis program patient's use of medical cannabis as authorized by the Tribal medical  
 266.18 cannabis program, is considered the equivalent of the authorized use of any other medication  
 266.19 used at the discretion of a physician, advanced practice registered nurse, or physician assistant  
 266.20 and does not constitute the use of an illicit substance or otherwise disqualify a patient from  
 266.21 needed medical care.

266.22 (c) Unless a failure to do so would violate federal law or regulations or cause an employer  
 266.23 to lose a monetary or licensing-related benefit under federal law or regulations, an employer  
 266.24 may not discriminate against a person in hiring, termination, or any term or condition of  
 266.25 employment, or otherwise penalize a person, if the discrimination is based upon ~~either~~ any  
 266.26 of the following:

266.27 (1) the person's status as a patient enrolled in the registry program under sections 152.22  
 266.28 to 152.37; ~~or~~

266.29 (2) the person's status as a Tribal medical cannabis program patient; or

266.30 ~~(2)~~ (3) a patient's positive drug test for cannabis components or metabolites, unless the  
 266.31 patient used, possessed, or was impaired by medical cannabis on the premises of the place  
 266.32 of employment or during the hours of employment.

230.7 (d) An employee who is required to undergo employer drug testing pursuant to section  
 230.8 181.953 may present verification of enrollment in the patient registry or of enrollment in a  
 230.9 Tribal medical cannabis program as part of the employee's explanation under section 181.953,  
 230.10 subdivision 6.

230.11 (e) A person shall not be denied custody of a minor child or visitation rights or parenting  
 230.12 time with a minor child solely based on the person's status as a patient enrolled in the registry  
 230.13 program under sections 152.22 to 152.37, or on the person's status as a Tribal medical  
 230.14 cannabis program patient. There shall be no presumption of neglect or child endangerment  
 230.15 for conduct allowed under sections 152.22 to 152.37 or under a Tribal medical cannabis  
 230.16 program, unless the person's behavior is such that it creates an unreasonable danger to the  
 230.17 safety of the minor as established by clear and convincing evidence.

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

230.19 Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other  
 230.20 applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally  
 230.21 transfers medical cannabis to a person other than another registered manufacturer, a patient,  
 230.22 a Tribal medical cannabis program patient, a registered designated caregiver or, if listed on  
 230.23 the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony  
 230.24 punishable by imprisonment for not more than two years or by payment of a fine of not  
 230.25 more than \$3,000, or both. A person convicted under this subdivision may not continue to  
 230.26 be affiliated with the manufacturer and is disqualified from further participation under  
 230.27 sections 152.22 to 152.37.

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

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

231.4 Sec. 23. Minnesota Statutes 2022, section 181.938, subdivision 2, is amended to read:

231.5 Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant  
 231.6 or discipline or discharge an employee because the applicant or employee engages in or has  
 231.7 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment  
 231.8 takes place off the premises of the employer during nonworking hours. For purposes of this  
 231.9 section, "lawful consumable products" means products whose use or enjoyment is lawful  
 231.10 and which are consumed during use or enjoyment, and includes food, alcoholic or  
 231.11 nonalcoholic beverages, ~~and~~ tobacco, cannabis flower, as defined in section 342.01,  
 231.12 subdivision 15, cannabis products, as defined in section 342.01, subdivision 19,

267.1 (d) An employee who is required to undergo employer drug testing pursuant to section  
 267.2 181.953 may present verification of enrollment in the patient registry or of enrollment in a  
 267.3 Tribal medical cannabis program as part of the employee's explanation under section 181.953,  
 267.4 subdivision 6.

267.5 (e) A person shall not be denied custody of a minor child or visitation rights or parenting  
 267.6 time with a minor child solely based on the person's status as a patient enrolled in the registry  
 267.7 program under sections 152.22 to 152.37, or on the person's status as a Tribal medical  
 267.8 cannabis program patient. There shall be no presumption of neglect or child endangerment  
 267.9 for conduct allowed under sections 152.22 to 152.37 or under a Tribal medical cannabis  
 267.10 program, unless the person's behavior is such that it creates an unreasonable danger to the  
 267.11 safety of the minor as established by clear and convincing evidence.

### ARTICLE 7, SECTION 13

267.12 Sec. 13. Minnesota Statutes 2022, section 152.33, subdivision 1, is amended to read:

267.13 Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other  
 267.14 applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally  
 267.15 transfers medical cannabis to a person other than another registered manufacturer, a patient,  
 267.16 a Tribal medical cannabis program patient, a registered designated caregiver or, if listed on  
 267.17 the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony  
 267.18 punishable by imprisonment for not more than two years or by payment of a fine of not  
 267.19 more than \$3,000, or both. A person convicted under this subdivision may not continue to  
 267.20 be affiliated with the manufacturer and is disqualified from further participation under  
 267.21 sections 152.22 to 152.37.

221.7 Sec. 17. Minnesota Statutes 2022, section 175.45, subdivision 1, is amended to read:

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

221.15 Sec. 18. Minnesota Statutes 2022, section 181.938, subdivision 2, is amended to read:

221.16 Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant  
 221.17 or discipline or discharge an employee because the applicant or employee engages in or has  
 221.18 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment  
 221.19 takes place off the premises of the employer during nonworking hours. For purposes of this  
 221.20 section, "lawful consumable products" means products whose use or enjoyment is lawful  
 221.21 and which are consumed during use or enjoyment, and includes food, alcoholic or  
 221.22 nonalcoholic beverages, ~~and~~ tobacco, cannabis flower, as defined in section 342.01,  
 221.23 subdivision 15, and cannabis products, as defined in section 342.01, subdivision 19.

231.13 lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived  
 231.14 consumer products as defined in section 342.01, subdivision 35.

231.15 (b) Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived  
 231.16 consumer products are lawful consumable products for the purpose of Minnesota law,  
 231.17 regardless of whether federal or other state law considers cannabis use, possession,  
 231.18 impairment, sale, or transfer to be unlawful. Nothing in this section shall be construed to  
 231.19 limit an employer's ability to discipline or discharge an employee for cannabis flower,  
 231.20 cannabis product, lower-potency hemp edible, or hemp-derived consumer product use,  
 231.21 possession, impairment, sale, or transfer during working hours, on work premises, or while  
 231.22 operating an employer's vehicle, machinery, or equipment, or if a failure to do so would  
 231.23 violate federal or state law or regulations or cause an employer to lose a monetary or  
 231.24 licensing-related benefit under federal law or regulations.

231.25 Sec. 24. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

231.26 Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory  
 231.27 retest" mean a drug or alcohol test or cannabis test that uses a method of analysis allowed  
 231.28 under one of the programs listed in section 181.953, subdivision 1.

231.29 Sec. 25. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

231.30 Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,  
 231.31 subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as  
 231.32 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,  
 232.1 subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision 48,  
 232.2 and hemp-derived consumer products as defined in section 342.01, subdivision 35.

232.3 Sec. 26. Minnesota Statutes 2022, section 181.950, subdivision 5, is amended to read:

232.4 Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing,"  
 232.5 and "drug or alcohol test" mean analysis of a body component sample according to the  
 232.6 standards established under one of the programs listed in section 181.953, subdivision 1,  
 232.7 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites  
 232.8 in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or  
 232.9 alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

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

232.12 Subd. 5a. **Cannabis testing.** "Cannabis testing" means the analysis of a body component  
 232.13 sample according to the standards established under one of the programs listed in section  
 232.14 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis  
 232.15 flower, as defined in section 342.01, subdivision 15, cannabis products, as defined in section  
 232.16 342.01, subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision  
 232.17 48, hemp-derived consumer products as defined in section 342.01, subdivision 35, or cannabis

221.24 (b) Cannabis flower and cannabis products are lawful consumable products for the  
 221.25 purpose of Minnesota law, regardless of whether federal or other state law considers cannabis  
 221.26 use, possession, impairment, sale, or transfer to be unlawful. Nothing in this section shall  
 221.27 be construed to limit an employer's ability to discipline or discharge an employee for cannabis  
 221.28 flower or cannabis product use, possession, impairment, sale, or transfer during working  
 221.29 hours, on work premises, or while operating an employer's vehicle, machinery, or equipment,  
 221.30 or if a failure to do so would violate federal or state law or regulations or cause an employer  
 221.31 to lose a monetary or licensing-related benefit under federal law or regulations.

222.1 Sec. 19. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

222.2 Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory  
 222.3 retest" mean a drug or alcohol test or cannabis test that uses a method of analysis allowed  
 222.4 under one of the programs listed in section 181.953, subdivision 1.

222.5 Sec. 20. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

222.6 Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,  
 222.7 subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as  
 222.8 defined in section 342.01, subdivision 15, or cannabis products as defined in section 342.01,  
 222.9 subdivision 19.

222.10 Sec. 21. Minnesota Statutes 2022, section 181.950, subdivision 5, is amended to read:

222.11 Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing,"  
 222.12 and "drug or alcohol test" mean analysis of a body component sample according to the  
 222.13 standards established under one of the programs listed in section 181.953, subdivision 1,  
 222.14 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites  
 222.15 in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or  
 222.16 alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

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

222.19 Subd. 5a. **Cannabis testing.** "Cannabis testing" means the analysis of a body component  
 222.20 sample according to the standards established under one of the programs listed in section  
 222.21 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis  
 222.22 flower, as defined in section 342.01, subdivision 15, cannabis products, as defined in section  
 222.23 342.01, subdivision 19, or cannabis metabolites in the sample tested. The definitions in this  
 222.24 section apply to cannabis testing unless stated otherwise.

232.18 metabolites in the sample tested. The definitions in this section apply to cannabis testing  
232.19 unless stated otherwise.

232.20 Sec. 28. Minnesota Statutes 2022, section 181.950, subdivision 8, is amended to read:

232.21 Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or  
232.22 cannabis test which uses a method of analysis under one of the programs listed in section  
232.23 181.953, subdivision 1.

232.24 Sec. 29. Minnesota Statutes 2022, section 181.950, subdivision 13, is amended to read:

232.25 Subd. 13. **Safety-sensitive position.** "Safety-sensitive position" means a job, including  
232.26 any supervisory or management position, in which an impairment caused by drug ~~or~~ alcohol,  
232.27 or cannabis usage would threaten the health or safety of any person.

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

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

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

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

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

233.9 (2) has violated the employer's written work rules prohibiting the use, possession, sale,  
233.10 or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp  
233.11 edibles, or hemp-derived consumer products while the employee is working or while the  
233.12 employee is on the employer's premises or operating the employer's vehicle, machinery, or  
233.13 equipment, provided the work rules are in writing and contained in the employer's written  
233.14 cannabis testing or drug and alcohol testing policy;

233.15 (3) has sustained a personal injury, as that term is defined in section 176.011, subdivision  
233.16 16, or has caused another employee to sustain a personal injury; or

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

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

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

222.25 Sec. 23. Minnesota Statutes 2022, section 181.950, subdivision 8, is amended to read:

222.26 Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or  
222.27 cannabis test which uses a method of analysis under one of the programs listed in section  
222.28 181.953, subdivision 1.

223.1 Sec. 24. Minnesota Statutes 2022, section 181.950, subdivision 13, is amended to read:

223.2 Subd. 13. **Safety-sensitive position.** "Safety-sensitive position" means a job, including  
223.3 any supervisory or management position, in which an impairment caused by drug ~~or~~ alcohol,  
223.4 or cannabis usage would threaten the health or safety of any person.

223.5 Sec. 25. Minnesota Statutes 2022, section 181.951, subdivision 4, is amended to read:

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

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

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

233.30 Subd. 8. **Limitations on cannabis testing.** (a) An employer must not request or require  
233.31 a job applicant to undergo cannabis testing solely for the purpose of determining the presence  
234.1 or absence of cannabis as a condition of employment unless otherwise required by state or  
234.2 federal law.

234.3 (b) Unless otherwise required by state or federal law, an employer must not refuse to  
234.4 hire a job applicant solely because the job applicant submits to a cannabis test or a drug and  
234.5 alcohol test authorized by this section and the results of the test indicate the presence of  
234.6 cannabis.

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

234.9 (d) Cannabis testing authorized under paragraph (d) must comply with the safeguards  
234.10 for testing employees provided in sections 181.953 and 181.954.

223.11 Sec. 26. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision  
223.12 to read:

223.13 Subd. 8. **Limitations on cannabis testing.** (a) An employer must not request or require  
223.14 a job applicant to undergo cannabis testing solely for the purpose of determining the presence  
223.15 or absence of cannabis as a condition of employment unless otherwise required by state or  
223.16 federal law.

223.17 (b) Unless otherwise required by state or federal law, an employer must not refuse to  
223.18 hire a job applicant solely because the job applicant submits to a cannabis test authorized  
223.19 by this section and the results of the test indicate the presence of cannabis.

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

223.22 (d) An employer may request or require an employee to undergo cannabis testing  
223.23 conducted by a testing laboratory that participates in one of the programs listed in section  
223.24 181.953, subdivision 1, if the employer has a reasonable suspicion that while the employee  
223.25 is working or while the employee is on the employer's premises or operating the employer's  
223.26 vehicle, machinery, or equipment, the employee:

223.27 (1) as the result of consuming cannabis flower or a cannabis product, does not possess  
223.28 that clearness of intellect and control of self that the employee otherwise would have;

223.29 (2) has violated the employer's written work rules prohibiting cannabis use, possession,  
223.30 impairment, sale, or transfer, provided that the work rules for cannabis and cannabis testing  
223.31 are in writing and in a written policy that contains the minimum information required in  
223.32 section 181.952; or

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

224.3 (e) Cannabis testing authorized under paragraph (d) must comply with the safeguards  
224.4 for testing employees provided in sections 181.953 and 181.954.

234.11 Sec. 34. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision  
234.12 to read:

234.13 Subd. 9. **Cannabis testing exceptions.** For the following positions, cannabis and its  
234.14 metabolites are considered a drug and subject to the drug and alcohol testing provisions in  
234.15 sections 181.950 to 181.957:

234.16 (1) a safety-sensitive position, as defined in section 181.950, subdivision 13;

234.17 (2) a peace officer position, as defined in section 626.84, subdivision 1;

234.18 (3) a firefighter position, as defined in section 299N.01, subdivision 3;

234.19 (4) a position requiring face-to-face care, training, education, supervision, counseling,  
234.20 consultation, or medical assistance to:

234.21 (i) children;

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

234.23 (iii) patients who receive health care services from a provider for the treatment,  
234.24 examination, or emergency care of a medical, psychiatric, or mental condition;

234.25 (5) a position requiring a commercial driver's license or requiring an employee to operate  
234.26 a motor vehicle for which state or federal law requires drug or alcohol testing of a job  
234.27 applicant or an employee;

234.28 (6) a position of employment funded by a federal grant; or

234.29 (7) any other position for which state or federal law requires testing of a job applicant  
234.30 or an employee for cannabis.

235.1 Sec. 35. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision  
235.2 to read:

235.3 Subd. 3. **Cannabis policy.** (a) Unless otherwise provided by state or federal law, an  
235.4 employer is not required to permit or accommodate cannabis flower, cannabis product,  
235.5 lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment,  
235.6 sale, or transfer while an employee is working or while an employee is on the employer's  
235.7 premises or operating the employer's vehicle, machinery, or equipment.

235.8 (b) An employer may enact and enforce written work rules prohibiting cannabis flower,  
235.9 cannabis product, lower-potency hemp edible, and hemp-derived consumer product use,  
235.10 possession, impairment, sale, or transfer while an employee, is working or while an employee  
235.11 is on the employer's premises or operating the employer's vehicle, machinery, or equipment  
235.12 in a written policy that contains the minimum information required by this section.

224.5 Sec. 27. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision  
224.6 to read:

224.7 Subd. 9. **Cannabis testing exceptions.** For the following positions, cannabis and its  
224.8 metabolites are considered a drug and subject to the drug and alcohol testing provisions in  
224.9 sections 181.950 to 181.957:

224.10 (1) a safety-sensitive position, as defined in section 181.950, subdivision 13;

224.11 (2) a peace officer position, as defined in section 626.84, subdivision 1;

224.12 (3) a firefighter position, as defined in section 299N.01, subdivision 3;

224.13 (4) a position requiring face-to-face care, training, education, supervision, counseling,  
224.14 consultation, or medical assistance to:

224.15 (i) children;

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

224.17 (iii) patients who receive health care services from a provider for the treatment,  
224.18 examination, or emergency care of a medical, psychiatric, or mental condition;

224.19 (5) a position requiring a commercial driver's license or requiring an employee to operate  
224.20 a motor vehicle for which state or federal law requires drug or alcohol testing of a job  
224.21 applicant or an employee;

224.22 (6) a position of employment funded by a federal grant; or

224.23 (7) any other position for which state or federal law requires testing of a job applicant  
224.24 or an employee for cannabis.

224.25 Sec. 28. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision  
224.26 to read:

224.27 Subd. 3. **Cannabis policy.** (a) Unless otherwise provided by state or federal law, an  
224.28 employer is not required to permit or accommodate cannabis flower or cannabis product  
224.29 use, possession, impairment, sale, or transfer while an employee is working or while an  
225.1 employee is on the employer's premises or operating the employer's vehicle, machinery, or  
225.2 equipment.

225.3 (b) An employer may only enact and enforce written work rules prohibiting cannabis  
225.4 flower and cannabis product use, possession, impairment, sale, or transfer while an employee  
225.5 is working or while an employee is on the employer's premises or operating the employer's  
225.6 vehicle, machinery, or equipment in a written policy that contains the minimum information  
225.7 required by this section.

235.13 Sec. 36. Minnesota Statutes 2022, section 181.953, is amended to read:

235.14 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

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

235.19 (1) is certified by the National Institute on Drug Abuse as meeting the mandatory  
235.20 guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

235.21 (2) is accredited by the College of American Pathologists, 325 Waukegan Road,  
235.22 Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;  
235.23 or

235.24 (3) is licensed to test for drugs by the state of New York, Department of Health, under  
235.25 Public Health Law, article 5, title V, and rules adopted under that law.

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

235.27 (1) licensed to test for drugs and alcohol by the state of New York, Department of Health,  
235.28 under Public Health Law, article 5, title V, and the rules adopted under that law; or

235.29 (2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,  
235.30 Illinois, 60093-2750, in the laboratory accreditation program.

235.31 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** A testing  
235.32 laboratory that is not certified by the National Institute on Drug Abuse according to  
236.1 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in  
236.2 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that  
236.3 produced a positive test result on an initial screening test. A laboratory shall disclose to the  
236.4 employer a written test result report for each sample tested within three working days after  
236.5 a negative test result on an initial screening test or, when the initial screening test produced  
236.6 a positive test result, within three working days after a confirmatory test. A test report must  
236.7 indicate the drugs, alcohol, ~~or~~ drug or alcohol metabolites, or cannabis or cannabis  
236.8 metabolites tested for and whether the test produced negative or positive test results. A  
236.9 laboratory shall retain and properly store for at least six months all samples that produced  
236.10 a positive test result.

236.11 Subd. 4. **Prohibitions on employers.** An employer may not conduct drug or alcohol  
236.12 testing or cannabis testing of its own employees and job applicants using a testing laboratory  
236.13 owned and operated by the employer; except that, one agency of the state may test the  
236.14 employees of another agency of the state. Except as provided in subdivision 9, an employer  
236.15 may not request or require an employee or job applicant to contribute to, or pay the cost of,  
236.16 drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.

225.8 Sec. 29. Minnesota Statutes 2022, section 181.953, is amended to read:

225.9 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

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

225.14 (1) is certified by the National Institute on Drug Abuse as meeting the mandatory  
225.15 guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

225.16 (2) is accredited by the College of American Pathologists, 325 Waukegan Road,  
225.17 Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;  
225.18 or

225.19 (3) is licensed to test for drugs by the state of New York, Department of Health, under  
225.20 Public Health Law, article 5, title V, and rules adopted under that law.

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

225.22 (1) licensed to test for drugs and alcohol by the state of New York, Department of Health,  
225.23 under Public Health Law, article 5, title V, and the rules adopted under that law; or

225.24 (2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,  
225.25 Illinois, 60093-2750, in the laboratory accreditation program.

225.26 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** A testing  
225.27 laboratory that is not certified by the National Institute on Drug Abuse according to  
225.28 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in  
225.29 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that  
225.30 produced a positive test result on an initial screening test. A laboratory shall disclose to the  
225.31 employer a written test result report for each sample tested within three working days after  
225.32 a negative test result on an initial screening test or, when the initial screening test produced  
226.1 a positive test result, within three working days after a confirmatory test. A test report must  
226.2 indicate the drugs, alcohol, ~~or~~ drug or alcohol metabolites, or cannabis or cannabis  
226.3 metabolites tested for and whether the test produced negative or positive test results. A  
226.4 laboratory shall retain and properly store for at least six months all samples that produced  
226.5 a positive test result.

226.6 Subd. 4. **Prohibitions on employers.** An employer may not conduct drug or alcohol  
226.7 testing or cannabis testing of its own employees and job applicants using a testing laboratory  
226.8 owned and operated by the employer; except that, one agency of the state may test the  
226.9 employees of another agency of the state. Except as provided in subdivision 9, an employer  
226.10 may not request or require an employee or job applicant to contribute to, or pay the cost of,  
226.11 drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.



236.17 Subd. 5. **Employer chain-of-custody procedures.** An employer shall establish its own  
236.18 reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling,  
236.19 and identification of the samples to be tested. The procedures must require the following:

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

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

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

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

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

237.1 (b) If an employee or job applicant tests positive for drug use, the employee must be  
237.2 given written notice of the right to explain the positive test and the employer may request  
237.3 that the employee or job applicant indicate any over-the-counter or prescription medication  
237.4 that the individual is currently taking or has recently taken and any other information relevant  
237.5 to the reliability of, or explanation for, a positive test result.

237.6 (c) Within three working days after notice of a positive test result on a confirmatory test,  
237.7 the employee or job applicant may submit information to the employer, in addition to any  
237.8 information already submitted under paragraph (b), to explain that result, or may request a  
237.9 confirmatory retest of the original sample at the employee's or job applicant's own expense  
237.10 as provided under subdivision 9.

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

237.19 Subd. 8. **Right to test result report.** An employee or job applicant has the right to  
237.20 request and receive from the employer a copy of the test result report on any drug or alcohol  
237.21 test or cannabis test.

226.12 Subd. 5. **Employer chain-of-custody procedures.** An employer shall establish its own  
226.13 reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling,  
226.14 and identification of the samples to be tested. The procedures must require the following:

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

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

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

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

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

226.29 (b) If an employee or job applicant tests positive for drug use, the employee must be  
226.30 given written notice of the right to explain the positive test and the employer may request  
226.31 that the employee or job applicant indicate any over-the-counter or prescription medication  
226.32 that the individual is currently taking or has recently taken and any other information relevant  
226.33 to the reliability of, or explanation for, a positive test result.

227.1 (c) Within three working days after notice of a positive test result on a confirmatory test,  
227.2 the employee or job applicant may submit information to the employer, in addition to any  
227.3 information already submitted under paragraph (b), to explain that result, or may request a  
227.4 confirmatory retest of the original sample at the employee's or job applicant's own expense  
227.5 as provided under subdivision 9.

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

227.14 Subd. 8. **Right to test result report.** An employee or job applicant has the right to  
227.15 request and receive from the employer a copy of the test result report on any drug or alcohol  
227.16 test or cannabis test.

237.22 Subd. 9. **Confirmatory retests.** An employee or job applicant may request a confirmatory  
 237.23 retest of the original sample at the employee's or job applicant's own expense after notice  
 237.24 of a positive test result on a confirmatory test. Within five working days after notice of the  
 237.25 confirmatory test result, the employee or job applicant shall notify the employer in writing  
 237.26 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three  
 237.27 working days after receipt of the notice, the employer shall notify the original testing  
 237.28 laboratory that the employee or job applicant has requested the laboratory to conduct the  
 237.29 confirmatory retest or transfer the sample to another laboratory licensed under subdivision  
 237.30 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the  
 237.31 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to  
 237.32 the other laboratory. The confirmatory retest must use the same drug ~~or~~<sub>2</sub> alcohol, or cannabis  
 237.33 threshold detection levels as used in the original confirmatory test. If the confirmatory retest  
 237.34 does not confirm the original positive test result, no adverse personnel action based on the  
 237.35 original confirmatory test may be taken against the employee or job applicant.

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

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

238.9 (1) the employer has first given the employee an opportunity to participate in, at the  
 238.10 employee's own expense or pursuant to coverage under an employee benefit plan, either a  
 238.11 drug ~~or~~<sub>2</sub> alcohol, or cannabis counseling or rehabilitation program, whichever is more  
 238.12 appropriate, as determined by the employer after consultation with a certified chemical use  
 238.13 counselor or a physician trained in the diagnosis and treatment of substance use disorder;  
 238.14 and

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

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

227.17 Subd. 9. **Confirmatory retests.** An employee or job applicant may request a confirmatory  
 227.18 retest of the original sample at the employee's or job applicant's own expense after notice  
 227.19 of a positive test result on a confirmatory test. Within five working days after notice of the  
 227.20 confirmatory test result, the employee or job applicant shall notify the employer in writing  
 227.21 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three  
 227.22 working days after receipt of the notice, the employer shall notify the original testing  
 227.23 laboratory that the employee or job applicant has requested the laboratory to conduct the  
 227.24 confirmatory retest or transfer the sample to another laboratory licensed under subdivision  
 227.25 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the  
 227.26 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to  
 227.27 the other laboratory. The confirmatory retest must use the same drug ~~or~~<sub>2</sub> alcohol, or cannabis  
 227.28 threshold detection levels as used in the original confirmatory test. If the confirmatory retest  
 227.29 does not confirm the original positive test result, no adverse personnel action based on the  
 227.30 original confirmatory test may be taken against the employee or job applicant.

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

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

228.5 (1) the employer has first given the employee an opportunity to participate in, at the  
 228.6 employee's own expense or pursuant to coverage under an employee benefit plan, either a  
 228.7 drug ~~or~~<sub>2</sub> alcohol, or cannabis counseling or rehabilitation program, whichever is more  
 228.8 appropriate, as determined by the employer after consultation with a certified chemical use  
 228.9 counselor or a physician trained in the diagnosis and treatment of substance use disorder;  
 228.10 and

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

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

238.26 (d) An employer may not discharge, discipline, discriminate against, or request or require  
 238.27 rehabilitation of an employee on the basis of medical history information revealed to the  
 238.28 employer pursuant to subdivision 6 unless the employee was under an affirmative duty to  
 238.29 provide the information before, upon, or after hire.

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

239.1 Subd. 10a. **Additional limitations for cannabis.** An employer may discipline, discharge,  
 239.2 or take other adverse personnel action against an employee for cannabis flower, cannabis  
 239.3 product, lower-potency hemp edible, or hemp-derived consumer product use, possession,  
 239.4 impairment, sale, or transfer while an employee is working, on the employer's premises, or  
 239.5 operating the employer's vehicle, machinery, or equipment as follows:

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

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

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

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

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

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

239.23 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

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

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

228.22 (d) An employer may not discharge, discipline, discriminate against, or request or require  
 228.23 rehabilitation of an employee on the basis of medical history information revealed to the  
 228.24 employer pursuant to subdivision 6 unless the employee was under an affirmative duty to  
 228.25 provide the information before, upon, or after hire.

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

228.30 Subd. 10a. **Additional limitations for cannabis.** An employer may discipline, discharge,  
 228.31 or take other adverse personnel action against an employee for cannabis flower or cannabis  
 228.32 product use, possession, impairment, sale, or transfer while an employee is working, on the  
 228.33 employer's premises, or operating the employer's vehicle, machinery, or equipment as  
 228.34 follows:

229.1 (1) if, as the result of consuming cannabis flower or a cannabis product, the employee  
 229.2 does not possess that clearness of intellect and control of self that the employee otherwise  
 229.3 would have;

229.4 (2) if cannabis testing that the employer requested or required pursuant to section 181.951,  
 229.5 subdivision 8, paragraphs (d) and (e), verifies the presence of cannabis following a  
 229.6 confirmatory test;

229.7 (3) as provided in the employer's written work rules for cannabis and cannabis testing,  
 229.8 provided that the rules are in writing and in a written policy that contains the minimum  
 229.9 information required by section 181.952; or

229.10 (4) as otherwise authorized under state or federal law.

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

229.15 Sec. 30. Minnesota Statutes 2022, section 181.954, is amended to read:

229.16 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

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

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

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

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

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

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

240.14 **181.955 CONSTRUCTION.**

240.15 Subdivision 1. **Freedom to collectively bargain.** Sections 181.950 to 181.954 shall not  
 240.16 be construed to limit the parties to a collective bargaining agreement from bargaining and  
 240.17 agreeing with respect to a drug and alcohol testing or a cannabis testing policy that meets  
 240.18 or exceeds, and does not otherwise conflict with, the minimum standards and requirements  
 240.19 for employee protection provided in those sections.

240.20 Subd. 2. **Employee protections under existing collective bargaining**  
 240.21 **agreements.** Sections 181.950 to 181.954 shall not be construed to interfere with or diminish  
 240.22 any employee protections relating to drug and alcohol testing or cannabis testing already  
 240.23 provided under collective bargaining agreements in effect on the effective date of those  
 240.24 sections that exceed the minimum standards and requirements for employee protection  
 240.25 provided in those sections.

240.26 Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to  
 240.27 interfere with the operation of a drug and alcohol testing or cannabis testing program if:

240.28 (1) the drug and alcohol testing program is permitted under a contract between the  
 240.29 employer and employees; and

240.30 (2) the covered employees are employed as professional athletes.

240.31 Upon request of the commissioner of labor and industry, the exclusive representative  
 240.32 of the employees and the employer shall certify to the commissioner of labor and industry  
 240.33 that the drug and alcohol testing or cannabis testing program permitted under the contract

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

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

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

230.6 Sec. 31. Minnesota Statutes 2022, section 181.955, is amended to read:

230.7 **181.955 CONSTRUCTION.**

230.8 Subdivision 1. **Freedom to collectively bargain.** Sections 181.950 to 181.954 shall not  
 230.9 be construed to limit the parties to a collective bargaining agreement from bargaining and  
 230.10 agreeing with respect to a drug and alcohol testing or a cannabis testing policy that meets  
 230.11 or exceeds, and does not otherwise conflict with, the minimum standards and requirements  
 230.12 for employee protection provided in those sections.

230.13 Subd. 2. **Employee protections under existing collective bargaining**  
 230.14 **agreements.** Sections 181.950 to 181.954 shall not be construed to interfere with or diminish  
 230.15 any employee protections relating to drug and alcohol testing or cannabis testing already  
 230.16 provided under collective bargaining agreements in effect on the effective date of those  
 230.17 sections that exceed the minimum standards and requirements for employee protection  
 230.18 provided in those sections.

230.19 Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to  
 230.20 interfere with the operation of a drug and alcohol testing or cannabis testing program if:

230.21 (1) the drug and alcohol testing program is permitted under a contract between the  
 230.22 employer and employees; and

230.23 (2) the covered employees are employed as professional athletes.

230.24 Upon request of the commissioner of labor and industry, the exclusive representative  
 230.25 of the employees and the employer shall certify to the commissioner of labor and industry  
 230.26 that the drug and alcohol testing or cannabis testing program permitted under the contract

- 241.1 should operate without interference from the sections specified in this subdivision. This

241.2 subdivision must not be construed to create an exemption from controlled substance crimes

241.3 in chapter 152.

241.4 Sec. 39. Minnesota Statutes 2022, section 181.957, subdivision 1, is amended to read:

241.5 Subdivision 1. **Excluded employees and job applicants.** Except as provided under

241.6 subdivision 2, the employee and job applicant protections provided under sections 181.950

241.7 to 181.956 do not apply to employees and job applicants where the specific work performed

241.8 requires those employees and job applicants to be subject to drug and alcohol testing or

241.9 cannabis testing pursuant to:

241.10 (1) federal regulations that specifically preempt state regulation of drug and alcohol

241.11 testing or cannabis testing with respect to those employees and job applicants;

241.12 (2) federal regulations or requirements necessary to operate federally regulated facilities;

241.13 (3) federal contracts where the drug and alcohol testing or cannabis testing is conducted

241.14 for security, safety, or protection of sensitive or proprietary data; or

241.15 (4) state agency rules that adopt federal regulations applicable to the interstate component

241.16 of a federally regulated industry, and the adoption of those rules is for the purpose of

241.17 conforming the nonfederally regulated intrastate component of the industry to identical

241.18 regulation.

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

241.20 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

241.21 For a background study conducted by the Department of Human Services, the commissioner

241.22 shall review:

241.23 (1) information related to names of substantiated perpetrators of maltreatment of

241.24 vulnerable adults that has been received by the commissioner as required under section

241.25 626.557, subdivision 9c, paragraph (j);

241.26 (2) the commissioner's records relating to the maltreatment of minors in licensed

241.27 programs, and from findings of maltreatment of minors as indicated through the social

241.28 service information system;

241.29 (3) information from juvenile courts as required in subdivision 4 for individuals listed

241.30 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

242.1 (4) information from the Bureau of Criminal Apprehension, including information

242.2 regarding a background study subject's registration in Minnesota as a predatory offender

242.3 under section 243.166;

242.4 (5) except as provided in clause (6), information received as a result of submission of

242.5 fingerprints for a national criminal history record check, as defined in section 245C.02,

242.6 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
- 230.27 should operate without interference from the sections specified in this subdivision. This

230.28 subdivision must not be construed to create an exemption from controlled substance crimes

230.29 in chapter 152.

231.1 Sec. 32. Minnesota Statutes 2022, section 181.957, subdivision 1, is amended to read:

231.2 Subdivision 1. **Excluded employees and job applicants.** Except as provided under

231.3 subdivision 2, the employee and job applicant protections provided under sections 181.950

231.4 to 181.956 do not apply to employees and job applicants where the specific work performed

231.5 requires those employees and job applicants to be subject to drug and alcohol testing or

231.6 cannabis testing pursuant to:

231.7 (1) federal regulations that specifically preempt state regulation of drug and alcohol

231.8 testing or cannabis testing with respect to those employees and job applicants;

231.9 (2) federal regulations or requirements necessary to operate federally regulated facilities;

231.10 (3) federal contracts where the drug and alcohol testing or cannabis testing is conducted

231.11 for security, safety, or protection of sensitive or proprietary data; or

231.12 (4) state agency rules that adopt federal regulations applicable to the interstate component

231.13 of a federally regulated industry, and the adoption of those rules is for the purpose of

231.14 conforming the nonfederally regulated intrastate component of the industry to identical

231.15 regulation.

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

231.27 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

231.28 For a background study conducted by the Department of Human Services, the commissioner

231.29 shall review:

232.1 (1) information related to names of substantiated perpetrators of maltreatment of

232.2 vulnerable adults that has been received by the commissioner as required under section

232.3 626.557, subdivision 9c, paragraph (j);

232.4 (2) the commissioner's records relating to the maltreatment of minors in licensed

232.5 programs, and from findings of maltreatment of minors as indicated through the social

232.6 service information system;

232.7 (3) information from juvenile courts as required in subdivision 4 for individuals listed

232.8 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

232.9 (4) information from the Bureau of Criminal Apprehension, including information

232.10 regarding a background study subject's registration in Minnesota as a predatory offender

232.11 under section 243.166;

232.12 (5) except as provided in clause (6), information received as a result of submission of

232.13 fingerprints for a national criminal history record check, as defined in section 245C.02,

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

242.7 record check as defined under section 245C.02, subdivision 15a, or as required under section  
242.8 144.057, subdivision 1, clause (2);

242.9 (6) for a background study related to a child foster family setting application for licensure,  
242.10 foster residence settings, children's residential facilities, a transfer of permanent legal and  
242.11 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
242.12 background study required for family child care, certified license-exempt child care, child  
242.13 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
242.14 commissioner shall also review:

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

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

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

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

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

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

232.15 record check as defined under section 245C.02, subdivision 15a, or as required under section  
232.16 144.057, subdivision 1, clause (2);

232.17 (6) for a background study related to a child foster family setting application for licensure,  
232.18 foster residence settings, children's residential facilities, a transfer of permanent legal and  
232.19 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
232.20 background study required for family child care, certified license-exempt child care, child  
232.21 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
232.22 commissioner shall also review:

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

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

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

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

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

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

243.12 (d) When the commissioner has reasonable cause to believe that the identity of a  
 243.13 background study subject is uncertain, the commissioner may require the subject to provide  
 243.14 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
 243.15 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
 243.16 shall not be saved by the commissioner after they have been used to verify the identity of  
 243.17 the background study subject against the particular criminal record in question.

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

243.20 Sec. 41. Minnesota Statutes 2022, section 256.01, subdivision 18c, is amended to read:

243.21 Subd. 18c. **Drug convictions.** (a) The state court administrator shall provide a report  
 243.22 every six months by electronic means to the commissioner of human services, including  
 243.23 the name, address, date of birth, and, if available, driver's license or state identification card  
 243.24 number, date of the sentence, effective date of the sentence, and county in which the  
 243.25 conviction occurred, of each person convicted of a felony under chapter 152, except for  
 243.26 convictions under section 152.0263 or 152.0264, during the previous six months.

243.27 (b) The commissioner shall determine whether the individuals who are the subject of  
 243.28 the data reported under paragraph (a) are receiving public assistance under chapter 256D  
 243.29 or 256J, and if ~~the~~ an individual is receiving assistance under chapter 256D or 256J, the  
 243.30 commissioner shall instruct the county to proceed under section 256D.024 or 256J.26,  
 243.31 whichever is applicable, for this individual.

244.1 (c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that  
 244.2 does not relate to an individual receiving publicly funded assistance under chapter 256D or  
 244.3 256J.

244.4 ~~(d) In addition to the routine data transfer under paragraph (a), the state court~~  
 244.5 ~~administrator shall provide a onetime report of the data fields under paragraph (a) for~~  
 244.6 ~~individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until~~  
 244.7 ~~the date of the data transfer. The commissioner shall perform the tasks identified under~~  
 244.8 ~~paragraph (b) related to this data and shall retain the data according to paragraph (c).~~

244.9 Sec. 42. Minnesota Statutes 2022, section 256B.0625, subdivision 13d, is amended to  
 244.10 read:

244.11 Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its  
 244.12 establishment and publication shall not be subject to the requirements of the Administrative  
 244.13 Procedure Act, but the Formulary Committee shall review and comment on the formulary  
 244.14 contents.

244.15 (b) The formulary shall not include:

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

233.22 (d) When the commissioner has reasonable cause to believe that the identity of a  
 233.23 background study subject is uncertain, the commissioner may require the subject to provide  
 233.24 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
 233.25 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
 233.26 shall not be saved by the commissioner after they have been used to verify the identity of  
 233.27 the background study subject against the particular criminal record in question.

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

233.30 Sec. 35. Minnesota Statutes 2022, section 256.01, subdivision 18c, is amended to read:

233.31 Subd. 18c. **Drug convictions.** (a) The state court administrator shall provide a report  
 233.32 every six months by electronic means to the commissioner of human services, including  
 233.33 the name, address, date of birth, and, if available, driver's license or state identification card  
 234.1 number, date of the sentence, effective date of the sentence, and county in which the  
 234.2 conviction occurred, of each person convicted of a felony under chapter 152, except for  
 234.3 convictions under section 152.0263 or 152.0264, during the previous six months.

234.4 (b) The commissioner shall determine whether the individuals who are the subject of  
 234.5 the data reported under paragraph (a) are receiving public assistance under chapter 256D  
 234.6 or 256J, and if ~~the~~ an individual is receiving assistance under chapter 256D or 256J, the  
 234.7 commissioner shall instruct the county to proceed under section 256D.024 or 256J.26,  
 234.8 whichever is applicable, for this individual.

234.9 (c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that  
 234.10 does not relate to an individual receiving publicly funded assistance under chapter 256D or  
 234.11 256J.

234.12 ~~(d) In addition to the routine data transfer under paragraph (a), the state court~~  
 234.13 ~~administrator shall provide a onetime report of the data fields under paragraph (a) for~~  
 234.14 ~~individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until~~  
 234.15 ~~the date of the data transfer. The commissioner shall perform the tasks identified under~~  
 234.16 ~~paragraph (b) related to this data and shall retain the data according to paragraph (c).~~

234.17 Sec. 36. Minnesota Statutes 2022, section 256B.0625, subdivision 13d, is amended to  
 234.18 read:

234.19 Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its  
 234.20 establishment and publication shall not be subject to the requirements of the Administrative  
 234.21 Procedure Act, but the Formulary Committee shall review and comment on the formulary  
 234.22 contents.

234.23 (b) The formulary shall not include:

234.24 (1) drugs, active pharmaceutical ingredients, or products for which there is no federal  
 234.25 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

244.20 or erectile dysfunction;

244.21 (4) drugs or active pharmaceutical ingredients for which medical value has not been

244.22 established;

244.23 (5) drugs from manufacturers who have not signed a rebate agreement with the

244.24 Department of Health and Human Services pursuant to section 1927 of title XIX of the

244.25 Social Security Act; and

244.26 (6) medical cannabis flower as defined in section ~~152.22, subdivision 6~~ 342.01,

244.27 subdivision 52, or medical cannabinoid products as defined in section 342.01, subdivision

244.28 50.

244.29 (c) If a single-source drug used by at least two percent of the fee-for-service medical

244.30 assistance recipients is removed from the formulary due to the failure of the manufacturer

244.31 to sign a rebate agreement with the Department of Health and Human Services, the

244.32 commissioner shall notify prescribing practitioners within 30 days of receiving notification

245.1 from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was

245.2 not signed.

245.3 Sec. 43. Minnesota Statutes 2022, section 256D.024, subdivision 1, is amended to read:

245.4 Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has

245.5 been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis,

245.6 marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this

245.7 chapter until five years after the applicant has completed terms of the court-ordered sentence,

245.8 unless the person is participating in a drug treatment program, has successfully completed

245.9 a drug treatment program, or has been assessed by the county and determined not to be in

245.10 need of a drug treatment program. Persons subject to the limitations of this subdivision who

245.11 become eligible for assistance under this chapter shall be subject to random drug testing as

245.12 a condition of continued eligibility and shall lose eligibility for benefits for five years

245.13 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

245.17 after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug

245.18 offense also means a conviction in another jurisdiction of the possession, use, or distribution

245.19 of a controlled substance, or conspiracy to commit any of these offenses, if the offense

245.20 occurred after July 1, 1997, and the conviction is a felony offense in that jurisdiction, or in

245.21 the case of New Jersey, a high misdemeanor for a crime that would be a felony if committed

245.22 in Minnesota.

234.26 (2) over-the-counter drugs, except as provided in subdivision 13;

234.27 (3) drugs or active pharmaceutical ingredients when used for the treatment of impotence

234.28 or erectile dysfunction;

234.29 (4) drugs or active pharmaceutical ingredients for which medical value has not been

234.30 established;

235.1 (5) drugs from manufacturers who have not signed a rebate agreement with the

235.2 Department of Health and Human Services pursuant to section 1927 of title XIX of the

235.3 Social Security Act; and

235.4 (6) medical cannabis flower as defined in section ~~152.22, subdivision 6~~ 342.01,

235.5 subdivision 53, or medical cannabinoid products as defined in section 342.01, subdivision

235.6 51.

235.7 (c) If a single-source drug used by at least two percent of the fee-for-service medical

235.8 assistance recipients is removed from the formulary due to the failure of the manufacturer

235.9 to sign a rebate agreement with the Department of Health and Human Services, the

235.10 commissioner shall notify prescribing practitioners within 30 days of receiving notification

235.11 from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was

235.12 not signed.

235.13 Sec. 37. Minnesota Statutes 2022, section 256D.024, subdivision 1, is amended to read:

235.14 Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has

235.15 been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis,

235.16 marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this

235.17 chapter until five years after the applicant has completed terms of the court-ordered sentence,

235.18 unless the person is participating in a drug treatment program, has successfully completed

235.19 a drug treatment program, or has been assessed by the county and determined not to be in

235.20 need of a drug treatment program. Persons subject to the limitations of this subdivision who

235.21 become eligible for assistance under this chapter shall be subject to random drug testing as

235.22 a condition of continued eligibility and shall lose eligibility for benefits for five years

235.23 beginning the month following:

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

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

235.26 (b) For the purposes of this subdivision, "drug offense" means a conviction that occurred

235.27 after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug

235.28 offense also means a conviction in another jurisdiction of the possession, use, or distribution

235.29 of a controlled substance, or conspiracy to commit any of these offenses, if the offense

235.30 occurred after July 1, 1997, and the conviction is a felony offense in that jurisdiction, or in

235.31 the case of New Jersey, a high misdemeanor for a crime that would be a felony if committed

235.32 in Minnesota.



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

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

245.28 Sec. 45. Minnesota Statutes 2022, section 256J.26, subdivision 1, is amended to read:

245.29 Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been  
245.30 convicted of a felony level drug offense committed during the previous ten years from the  
245.31 date of application or recertification, except for convictions related to cannabis, marijuana,  
245.32 or tetrahydrocannabinols, is subject to the following:

246.1 (1) Benefits for the entire assistance unit must be paid in vendor form for shelter and  
246.2 utilities during any time the applicant is part of the assistance unit.

246.3 (2) The convicted applicant or participant shall be subject to random drug testing as a  
246.4 condition of continued eligibility and following any positive test for an illegal controlled  
246.5 substance under chapter 152 is subject to the following sanctions:

246.6 (i) for failing a drug test the first time, the residual amount of the participant's grant after  
246.7 making vendor payments for shelter and utility costs, if any, must be reduced by an amount  
246.8 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size.  
246.9 When a sanction under this subdivision is in effect, the job counselor must attempt to meet  
246.10 with the person face-to-face. During the face-to-face meeting, the job counselor must explain  
246.11 the consequences of a subsequent drug test failure and inform the participant of the right to  
246.12 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the  
246.13 county agency must send the participant a notice of adverse action as provided in section  
246.14 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face  
246.15 meeting; or

246.16 (ii) for failing a drug test two times, the participant is permanently disqualified from  
246.17 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP  
246.18 grant must be reduced by the amount which would have otherwise been made available to  
246.19 the disqualified participant. Disqualification under this item does not make a participant  
246.20 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a  
246.21 disqualification under this provision is imposed, the job counselor must attempt to meet  
246.22 with the participant face-to-face. During the face-to-face meeting, the job counselor must  
246.23 identify other resources that may be available to the participant to meet the needs of the  
246.24 family and inform the participant of the right to appeal the disqualification under section  
246.25 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant  
246.26 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must  
246.27 include the information required in the face-to-face meeting.

246.28 (3) A participant who fails a drug test the first time and is under a sanction due to other  
246.29 MFIP program requirements is considered to have more than one occurrence of

236.1 Sec. 38. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

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

236.6 Sec. 39. Minnesota Statutes 2022, section 256J.26, subdivision 1, is amended to read:

236.7 Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been  
236.8 convicted of a felony level drug offense committed during the previous ten years from the  
236.9 date of application or recertification, except for convictions related to cannabis, marijuana,  
236.10 or tetrahydrocannabinols, is subject to the following:

236.11 (1) Benefits for the entire assistance unit must be paid in vendor form for shelter and  
236.12 utilities during any time the applicant is part of the assistance unit.

236.13 (2) The convicted applicant or participant shall be subject to random drug testing as a  
236.14 condition of continued eligibility and following any positive test for an illegal controlled  
236.15 substance under chapter 152 is subject to the following sanctions:

236.16 (i) for failing a drug test the first time, the residual amount of the participant's grant after  
236.17 making vendor payments for shelter and utility costs, if any, must be reduced by an amount  
236.18 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size.  
236.19 When a sanction under this subdivision is in effect, the job counselor must attempt to meet  
236.20 with the person face-to-face. During the face-to-face meeting, the job counselor must explain  
236.21 the consequences of a subsequent drug test failure and inform the participant of the right to  
236.22 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the  
236.23 county agency must send the participant a notice of adverse action as provided in section  
236.24 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face  
236.25 meeting; or

236.26 (ii) for failing a drug test two times, the participant is permanently disqualified from  
236.27 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP  
236.28 grant must be reduced by the amount which would have otherwise been made available to  
236.29 the disqualified participant. Disqualification under this item does not make a participant  
236.30 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a  
236.31 disqualification under this provision is imposed, the job counselor must attempt to meet  
236.32 with the participant face-to-face. During the face-to-face meeting, the job counselor must  
236.33 identify other resources that may be available to the participant to meet the needs of the  
237.1 family and inform the participant of the right to appeal the disqualification under section  
237.2 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant  
237.3 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must  
237.4 include the information required in the face-to-face meeting.

237.5 (3) A participant who fails a drug test the first time and is under a sanction due to other  
237.6 MFIP program requirements is considered to have more than one occurrence of

246.30 noncompliance and is subject to the applicable level of sanction as specified under section  
246.31 256J.46, subdivision 1, paragraph (d).

246.32 (b) Applicants requesting only SNAP benefits or participants receiving only SNAP  
246.33 benefits, who have been convicted of a drug offense that occurred after July 1, 1997, except  
246.34 for convictions related to cannabis, marijuana, or tetrahydrocannabinols, may, if otherwise  
247.1 eligible, receive SNAP benefits if the convicted applicant or participant is subject to random  
247.2 drug testing as a condition of continued eligibility. Following a positive test for an illegal  
247.3 controlled substance under chapter 152, the applicant is subject to the following sanctions:

247.4 (1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount  
247.5 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this  
247.6 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During  
247.7 the face-to-face meeting, a job counselor must explain the consequences of a subsequent  
247.8 drug test failure and inform the participant of the right to appeal the sanction under section  
247.9 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant  
247.10 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must  
247.11 include the information required in the face-to-face meeting; and

247.12 (2) for failing a drug test two times, the participant is permanently disqualified from  
247.13 receiving SNAP benefits. Before a disqualification under this provision is imposed, a job  
247.14 counselor must attempt to meet with the participant face-to-face. During the face-to-face  
247.15 meeting, the job counselor must identify other resources that may be available to the  
247.16 participant to meet the needs of the family and inform the participant of the right to appeal  
247.17 the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county  
247.18 agency must send the participant a notice of adverse action as provided in section 256J.31,  
247.19 subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

247.20 (c) For the purposes of this subdivision, "drug offense" means an offense that occurred  
247.21 during the previous ten years from the date of application or recertification of sections  
247.22 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a  
247.23 conviction in another jurisdiction of the possession, use, or distribution of a controlled  
247.24 substance, or conspiracy to commit any of these offenses, if the offense occurred during  
247.25 the previous ten years from the date of application or recertification and the conviction is  
247.26 a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor for  
247.27 a crime that would be a felony if committed in Minnesota.

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

247.29 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,  
247.30 or confinement after conviction for a crime that is a felony under the laws of the jurisdiction  
247.31 from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would  
247.32 be a felony if committed in Minnesota, is disqualified from receiving MFIP.

237.7 noncompliance and is subject to the applicable level of sanction as specified under section  
237.8 256J.46, subdivision 1, paragraph (d).

237.9 (b) Applicants requesting only SNAP benefits or participants receiving only SNAP  
237.10 benefits, who have been convicted of a drug offense that occurred after July 1, 1997, except  
237.11 for convictions related to cannabis, marijuana, or tetrahydrocannabinols, may, if otherwise  
237.12 eligible, receive SNAP benefits if the convicted applicant or participant is subject to random  
237.13 drug testing as a condition of continued eligibility. Following a positive test for an illegal  
237.14 controlled substance under chapter 152, the applicant is subject to the following sanctions:

237.15 (1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount  
237.16 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this  
237.17 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During  
237.18 the face-to-face meeting, a job counselor must explain the consequences of a subsequent  
237.19 drug test failure and inform the participant of the right to appeal the sanction under section  
237.20 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant  
237.21 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must  
237.22 include the information required in the face-to-face meeting; and

237.23 (2) for failing a drug test two times, the participant is permanently disqualified from  
237.24 receiving SNAP benefits. Before a disqualification under this provision is imposed, a job  
237.25 counselor must attempt to meet with the participant face-to-face. During the face-to-face  
237.26 meeting, the job counselor must identify other resources that may be available to the  
237.27 participant to meet the needs of the family and inform the participant of the right to appeal  
237.28 the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county  
237.29 agency must send the participant a notice of adverse action as provided in section 256J.31,  
237.30 subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

237.31 (c) For the purposes of this subdivision, "drug offense" means an offense that occurred  
237.32 during the previous ten years from the date of application or recertification of sections  
237.33 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a  
237.34 conviction in another jurisdiction of the possession, use, or distribution of a controlled  
238.1 substance, or conspiracy to commit any of these offenses, if the offense occurred during  
238.2 the previous ten years from the date of application or recertification and the conviction is  
238.3 a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor for  
238.4 a crime that would be a felony if committed in Minnesota.

238.5 Sec. 40. Minnesota Statutes 2022, section 256J.26, subdivision 3, is amended to read:

238.6 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,  
238.7 or confinement after conviction for a crime that is a felony under the laws of the jurisdiction  
238.8 from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would  
238.9 be a felony if committed in Minnesota, is disqualified from receiving MFIP.

238.10 Sec. 41. Minnesota Statutes 2022, section 340A.402, subdivision 1, is amended to read:

238.11 Subdivision 1. **Disqualifiers.** No retail license may be issued to:

House Language H0100-11	CANNABIS-ARTICLE 6	May 05, 2023 10:07 AM	Senate Language UEH0100-2
		238.12	(1) a person under 21 years of age;
		238.13	(2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked
		238.14	within five years of the license application, or to any person who at the time of the violation
		238.15	owns any interest, whether as a holder of more than five percent of the capital stock of a
		238.16	corporation licensee, as a partner or otherwise, in the premises or in the business conducted
		238.17	thereon, or to a corporation, partnership, association, enterprise, business, or firm in which
		238.18	any such person is in any manner interested;
		238.19	(3) a person not of good moral character and repute; <del>or</del>
		238.20	(4) a person who:
		238.21	(i) has had a license or registration issued pursuant to chapter 342 or section 151.72,
		238.22	subdivision 5b, revoked;
		238.23	(ii) has been convicted of an offense under section 151.72, subdivision 7; or
		238.24	(iii) has been convicted under any other statute for the illegal sale of marijuana, cannabis
		238.25	flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,
		238.26	or edible cannabinoid products and the sale took place on the premises of a business that
		238.27	sells intoxicating liquor or 3.2 percent malt liquor to customers; or
		238.28	<del>(4)</del> (5) a person who has a direct or indirect interest in a manufacturer, brewer, or
		238.29	wholesaler.
		238.30	In addition, no new retail license may be issued to, and the governing body of a
		238.31	municipality may refuse to renew the license of, a person who, within five years of the
		239.1	license application, has been convicted of a felony or a willful violation of a federal or state
		239.2	law or local ordinance governing the manufacture, sale, distribution, or possession for sale
		239.3	or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division
		239.4	or licensing authority may require that fingerprints be taken and forwarded to the Federal
		239.5	Bureau of Investigation for purposes of a criminal history check.
		239.6	Sec. 42. <b><u>[340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY</u></b>
		239.7	<b><u>HEMP EDIBLE RETAILER.</u></b>
		239.8	(a) Nothing in this chapter:
		239.9	(1) prohibits the issuance of a retail license or permit to a person also holding a
		239.10	lower-potency hemp edible retailer license;
		239.11	(2) allows any agreement between a licensing authority and retail license or permit holder
		239.12	that prohibits the license or permit holder from also holding a lower-potency hemp edible
		239.13	retailer license; or
se or permit to a person also holding a hemp			
or retail sale of lower-potency hemp edibles;			
nsing authority and retail license or permit holder			
n also holding a lower-potency hemp edible			

248.9 (3) allows the revocation or suspension of a retail license or permit, or the imposition  
 248.10 of a penalty on a retail license or permit holder, due to the retail license or permit holder  
 248.11 also holding a lower-potency hemp edible manufacturer or retailer license.

248.12 (b) For purposes of this section, "hemp business license authorizing manufacture or  
 248.13 retail sale of lower-potency hemp edibles" means a license issued by the Office of Cannabis  
 248.14 Management pursuant to sections 342.43 to 342.46.

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

248.16 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,  
 248.17 an exclusive liquor store may sell only the following items:

248.18 (1) alcoholic beverages;

248.19 (2) tobacco products;

248.20 (3) ice;

248.21 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating  
 248.22 liquor;

248.23 (5) soft drinks;

248.24 (6) liqueur-filled candies;

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

248.26 (8) cork extraction devices;

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

248.28 (10) magazines and other publications published primarily for information and education  
 248.29 on alcoholic beverages;

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

249.1 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to  
 249.2 prevent access by underage drinkers;

249.3 (13) home brewing equipment;

249.4 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive  
 249.5 liquor store, and bearing no other name, brand, or identifying logo;

249.6 (15) citrus fruit; ~~and~~

249.7 (16) glassware; ~~;~~

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

239.14 (3) allows the revocation or suspension of a retail license or permit, or the imposition  
 239.15 of a penalty on a retail license or permit holder, due to the retail license or permit holder  
 239.16 also holding a lower-potency hemp edible retailer license.

239.17 (b) For purposes of this section, "lower-potency hemp edible retailer license" means a  
 239.18 license issued by the Office of Cannabis Management under section 342.41.

239.19 Sec. 43. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

239.20 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,  
 239.21 an exclusive liquor store may sell only the following items:

239.22 (1) alcoholic beverages;

239.23 (2) tobacco products;

239.24 (3) ice;

239.25 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating  
 239.26 liquor;

239.27 (5) soft drinks;

239.28 (6) liqueur-filled candies;

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

239.30 (8) cork extraction devices;

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

240.2 (10) magazines and other publications published primarily for information and education  
 240.3 on alcoholic beverages;

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

240.5 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to  
 240.6 prevent access by underage drinkers;

240.7 (13) home brewing equipment;

240.8 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive  
 240.9 liquor store, and bearing no other name, brand, or identifying logo;

240.10 (15) citrus fruit; ~~and~~

240.11 (16) glassware; and

240.12 (17) lower-potency hemp edibles as defined in section 342.01, subdivision 49.

249.9 (18) products that detect the presence of fentanyl or a fentanyl analog.

249.10 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale  
249.11 license may sell food for on-premise consumption when authorized by the municipality  
249.12 issuing the license.

249.13 (c) An exclusive liquor store may offer live or recorded entertainment.

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

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

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

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

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

240.13 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale  
240.14 license may sell food for on-premise consumption when authorized by the municipality  
240.15 issuing the license.

240.16 (c) An exclusive liquor store may offer live or recorded entertainment.

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

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

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

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

240.26 (2) is convicted of an offense under section 151.72, subdivision 7; or

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

241.3 (b) No suspension, revocation, or other penalty may take effect until the licensee has  
241.4 received notice, served personally or by mail, of the alleged violation and an opportunity  
241.5 for a hearing before a person authorized by the licensing authority to conduct the hearing.  
241.6 A decision that a violation has occurred must be in writing.

249.25 (b) If a tenant brings a motion for the expungement of an eviction, the court shall order  
249.26 the expungement of an eviction case that was commenced on the grounds of a violation of  
249.27 section 504B.171 or any other claim of breach regardless of when the original eviction was  
249.28 ordered, if the tenant could receive an automatic expungement under section 609A.05, or  
249.29 if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

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

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

250.4 (1) neither will:

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

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

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

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

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

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

250.25 (c) A landlord cannot prohibit a tenant from legally possessing, and a tenant cannot  
250.26 waive the right to legally possess, any cannabis products, lower-potency hemp edibles, or  
250.27 hemp-derived consumer products, or using any cannabinoid product or hemp-derived  
250.28 consumer product, other than consumption by combustion or vaporization of the product  
250.29 and inhalation of smoke, aerosol, or vapor from the product.

251.1 Sec. 51. **[504B.1715] COVENANTS; SOBER HOMES.**

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

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

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

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

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

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

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

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

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

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

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

251.27 (1) a first time drug test failure results in a reduction of benefits in an amount equal to  
251.28 30 percent of the MFIP standard of need; and

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

252.1 A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition  
252.2 Assistance Program (SNAP) benefits.

242.1 Sec. 46. Minnesota Statutes 2022, section 609B.425, subdivision 2, is amended to read:

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

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

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

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

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

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

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

242.15 Sec. 47. Minnesota Statutes 2022, section 609B.435, subdivision 2, is amended to read:

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

242.23 (1) a first time drug test failure results in a reduction of benefits in an amount equal to  
242.24 30 percent of the MFIP standard of need; and

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

242.27 A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition  
242.28 Assistance Program (SNAP) benefits.

252.3       Sec. 54. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
252.4 to read:

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

252.7       Sec. 55. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
252.8 to read:

252.9           Subd. 14. **Adult-use cannabinoid product.** "Adult-use cannabis product" has the  
252.10 meaning given in section 342.01, subdivision 4.

252.11       Sec. 56. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
252.12 to read:

252.13           Subd. 15. **Medical cannabis flower.** "Medical cannabis flower" has the meaning given  
252.14 in section 342.01, subdivision 52.

252.15       Sec. 57. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
252.16 to read:

252.17           Subd. 16. **Medical cannabinoid product.** "Medical cannabinoid product" has the  
252.18 meaning given in section 342.01, subdivision 50.

252.19       Sec. 58. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
252.20 to read:

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

252.22       Sec. 59. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
252.23 to read:

252.24           Subd. 18. **Qualifying medical condition.** "Qualifying medical condition" has the meaning  
252.25 given in section 342.01, subdivision 59.

253.1       Sec. 60. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
253.2 to read:

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

253.5       Sec. 61. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
253.6 to read:

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

243.1       Sec. 48. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.2 to read:

243.3           Subd. 13. **Adult-use cannabis flower.** "Adult-use cannabis flower" has the meaning  
243.4 given in section 342.01, subdivision 4.

243.5       Sec. 49. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.6 to read:

243.7           Subd. 14. **Adult-use cannabis product.** "Adult-use cannabis product" has the meaning  
243.8 given in section 342.01, subdivision 2.

243.9       Sec. 50. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.10 to read:

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

243.13       Sec. 51. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.14 to read:

243.15           Subd. 16. **Medical cannabinoid product.** "Medical cannabinoid product" has the  
243.16 meaning given in section 342.01, subdivision 51.

243.17       Sec. 52. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.18 to read:

243.19           Subd. 17. **Patient.** "Patient" has the meaning given in section 342.01, subdivision 58.

243.20       Sec. 53. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.21 to read:

243.22           Subd. 18. **Qualifying medical condition.** "Qualifying medical condition" has the meaning  
243.23 given in section 342.01, subdivision 61.

243.24       Sec. 54. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.25 to read:

243.26           Subd. 19. **Registry or registry program.** "Registry" or "registry program" has the  
243.27 meaning given in section 342.01, subdivision 63.



253.9 Sec. 62. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
253.10 to read:

253.11 Subd. 21. Lower-potency hemp edible. "Lower-potency hemp edible" has the meaning  
253.12 given in section 342.01, subdivision 48.

253.13 Sec. 63. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

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

253.17 (1) a person under the age of 18 years except that a person under 18 may possess  
253.18 ammunition designed for use in a firearm that the person may lawfully possess and may  
253.19 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual  
253.20 presence or under the direct supervision of the person's parent or guardian, (ii) for the  
253.21 purpose of military drill under the auspices of a legally recognized military organization  
253.22 and under competent supervision, (iii) for the purpose of instruction, competition, or target  
253.23 practice on a firing range approved by the chief of police or county sheriff in whose  
253.24 jurisdiction the range is located and under direct supervision; or (iv) if the person has  
253.25 successfully completed a course designed to teach marksmanship and safety with a pistol  
253.26 or semiautomatic military-style assault weapon and approved by the commissioner of natural  
253.27 resources;

253.28 (2) except as otherwise provided in clause (9), a person who has been convicted of, or  
253.29 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in  
253.30 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence  
253.31 includes crimes in other states or jurisdictions which would have been crimes of violence  
253.32 as herein defined if they had been committed in this state;

254.1 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial  
254.2 determination that the person is mentally ill, developmentally disabled, or mentally ill and  
254.3 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has  
254.4 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless  
254.5 the person's ability to possess a firearm and ammunition has been restored under subdivision  
254.6 4;

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

254.14 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere  
254.15 by a judicial determination that the person is chemically dependent as defined in section

244.1 Sec. 55. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

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

244.5 (1) a person under the age of 18 years except that a person under 18 may possess  
244.6 ammunition designed for use in a firearm that the person may lawfully possess and may  
244.7 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual  
244.8 presence or under the direct supervision of the person's parent or guardian, (ii) for the  
244.9 purpose of military drill under the auspices of a legally recognized military organization  
244.10 and under competent supervision, (iii) for the purpose of instruction, competition, or target  
244.11 practice on a firing range approved by the chief of police or county sheriff in whose  
244.12 jurisdiction the range is located and under direct supervision; or (iv) if the person has  
244.13 successfully completed a course designed to teach marksmanship and safety with a pistol  
244.14 or semiautomatic military-style assault weapon and approved by the commissioner of natural  
244.15 resources;

244.16 (2) except as otherwise provided in clause (9), a person who has been convicted of, or  
244.17 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in  
244.18 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence  
244.19 includes crimes in other states or jurisdictions which would have been crimes of violence  
244.20 as herein defined if they had been committed in this state;

244.21 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial  
244.22 determination that the person is mentally ill, developmentally disabled, or mentally ill and  
244.23 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has  
244.24 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless  
244.25 the person's ability to possess a firearm and ammunition has been restored under subdivision  
244.26 4;

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

245.1 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere  
245.2 by a judicial determination that the person is chemically dependent as defined in section

254.16 253B.02, unless the person has completed treatment or the person's ability to possess a  
 254.17 firearm and ammunition has been restored under subdivision 4. Property rights may not be  
 254.18 abated but access may be restricted by the courts;

254.19 (6) a peace officer who is informally admitted to a treatment facility pursuant to section  
 254.20 253B.04 for chemical dependency, unless the officer possesses a certificate from the head  
 254.21 of the treatment facility discharging or provisionally discharging the officer from the  
 254.22 treatment facility. Property rights may not be abated but access may be restricted by the  
 254.23 courts;

254.24 (7) a person, including a person under the jurisdiction of the juvenile court, who has  
 254.25 been charged with committing a crime of violence and has been placed in a pretrial diversion  
 254.26 program by the court before disposition, until the person has completed the diversion program  
 254.27 and the charge of committing the crime of violence has been dismissed;

254.28 (8) except as otherwise provided in clause (9), a person who has been convicted in  
 254.29 another state of committing an offense similar to the offense described in section 609.224,  
 254.30 subdivision 3, against a family or household member or section 609.2242, subdivision 3,  
 254.31 unless three years have elapsed since the date of conviction and, during that time, the person  
 254.32 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,  
 254.33 subdivision 3, or a similar law of another state;

255.1 (9) a person who has been convicted in this state or elsewhere of assaulting a family or  
 255.2 household member and who was found by the court to have used a firearm in any way  
 255.3 during commission of the assault is prohibited from possessing any type of firearm or  
 255.4 ammunition for the period determined by the sentencing court;

255.5 (10) a person who:

255.6 (i) has been convicted in any court of a crime punishable by imprisonment for a term  
 255.7 exceeding one year;

255.8 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution  
 255.9 for a crime or to avoid giving testimony in any criminal proceeding;

255.10 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use  
 255.11 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the  
 255.12 registry program or the use of adult-use cannabis flower, adult-use cannabis products,  
 255.13 lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of  
 255.14 age or older does not constitute the unlawful use of a controlled substance under this item;

255.15 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as  
 255.16 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the  
 255.17 public, as defined in section 253B.02;

255.18 (v) is an alien who is illegally or unlawfully in the United States;

245.3 253B.02, unless the person has completed treatment or the person's ability to possess a  
 245.4 firearm and ammunition has been restored under subdivision 4. Property rights may not be  
 245.5 abated but access may be restricted by the courts;

245.6 (6) a peace officer who is informally admitted to a treatment facility pursuant to section  
 245.7 253B.04 for chemical dependency, unless the officer possesses a certificate from the head  
 245.8 of the treatment facility discharging or provisionally discharging the officer from the  
 245.9 treatment facility. Property rights may not be abated but access may be restricted by the  
 245.10 courts;

245.11 (7) a person, including a person under the jurisdiction of the juvenile court, who has  
 245.12 been charged with committing a crime of violence and has been placed in a pretrial diversion  
 245.13 program by the court before disposition, until the person has completed the diversion program  
 245.14 and the charge of committing the crime of violence has been dismissed;

245.15 (8) except as otherwise provided in clause (9), a person who has been convicted in  
 245.16 another state of committing an offense similar to the offense described in section 609.224,  
 245.17 subdivision 3, against a family or household member or section 609.2242, subdivision 3,  
 245.18 unless three years have elapsed since the date of conviction and, during that time, the person  
 245.19 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,  
 245.20 subdivision 3, or a similar law of another state;

245.21 (9) a person who has been convicted in this state or elsewhere of assaulting a family or  
 245.22 household member and who was found by the court to have used a firearm in any way  
 245.23 during commission of the assault is prohibited from possessing any type of firearm or  
 245.24 ammunition for the period determined by the sentencing court;

245.25 (10) a person who:

245.26 (i) has been convicted in any court of a crime punishable by imprisonment for a term  
 245.27 exceeding one year;

245.28 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution  
 245.29 for a crime or to avoid giving testimony in any criminal proceeding;

245.30 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use  
 245.31 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the  
 245.32 registry program or the use of adult-use cannabis flower or adult-use cannabis products by  
 246.1 a person 21 years of age or older does not constitute the unlawful use of a controlled  
 246.2 substance under this item;

246.3 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as  
 246.4 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the  
 246.5 public, as defined in section 253B.02;

246.6 (v) is an alien who is illegally or unlawfully in the United States;

255.19 (vi) has been discharged from the armed forces of the United States under dishonorable  
255.20 conditions;

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

255.23 (viii) is disqualified from possessing a firearm under United States Code, title 18, section  
255.24 922(g)(8) or (9), as amended through March 1, 2014;

255.25 (11) a person who has been convicted of the following offenses at the gross misdemeanor  
255.26 level, unless three years have elapsed since the date of conviction and, during that time, the  
255.27 person has not been convicted of any other violation of these sections: section 609.229  
255.28 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated  
255.29 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);  
255.30 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71  
255.31 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified  
255.32 gross misdemeanor convictions include crimes committed in other states or jurisdictions  
255.33 which would have been gross misdemeanors if conviction occurred in this state;

256.1 (12) a person who has been convicted of a violation of section 609.224 if the court  
256.2 determined that the assault was against a family or household member in accordance with  
256.3 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since  
256.4 the date of conviction and, during that time, the person has not been convicted of another  
256.5 violation of section 609.224 or a violation of a section listed in clause (11); or

256.6 (13) a person who is subject to an order for protection as described in section 260C.201,  
256.7 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

256.8 A person who issues a certificate pursuant to this section in good faith is not liable for  
256.9 damages resulting or arising from the actions or misconduct with a firearm or ammunition  
256.10 committed by the individual who is the subject of the certificate.

256.11 The prohibition in this subdivision relating to the possession of firearms other than  
256.12 pistols and semiautomatic military-style assault weapons does not apply retroactively to  
256.13 persons who are prohibited from possessing a pistol or semiautomatic military-style assault  
256.14 weapon under this subdivision before August 1, 1994.

256.15 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and  
256.16 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause  
256.17 (2), applies only to offenders who are discharged from sentence or court supervision for a  
256.18 crime of violence on or after August 1, 1993.

256.19 Participation as a patient in the registry program or use of adult-use cannabis flower,  
256.20 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
256.21 products by a person 21 years of age or older does not disqualify the person from possessing  
256.22 firearms and ammunition under this section.

246.7 (vi) has been discharged from the armed forces of the United States under dishonorable  
246.8 conditions;

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

246.11 (viii) is disqualified from possessing a firearm under United States Code, title 18, section  
246.12 922(g)(8) or (9), as amended through March 1, 2014;

246.13 (11) a person who has been convicted of the following offenses at the gross misdemeanor  
246.14 level, unless three years have elapsed since the date of conviction and, during that time, the  
246.15 person has not been convicted of any other violation of these sections: section 609.229  
246.16 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated  
246.17 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);  
246.18 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71  
246.19 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified  
246.20 gross misdemeanor convictions include crimes committed in other states or jurisdictions  
246.21 which would have been gross misdemeanors if conviction occurred in this state;

246.22 (12) a person who has been convicted of a violation of section 609.224 if the court  
246.23 determined that the assault was against a family or household member in accordance with  
246.24 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since  
246.25 the date of conviction and, during that time, the person has not been convicted of another  
246.26 violation of section 609.224 or a violation of a section listed in clause (11); or

246.27 (13) a person who is subject to an order for protection as described in section 260C.201,  
246.28 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

246.29 A person who issues a certificate pursuant to this section in good faith is not liable for  
246.30 damages resulting or arising from the actions or misconduct with a firearm or ammunition  
246.31 committed by the individual who is the subject of the certificate.

246.32 The prohibition in this subdivision relating to the possession of firearms other than  
246.33 pistols and semiautomatic military-style assault weapons does not apply retroactively to  
247.1 persons who are prohibited from possessing a pistol or semiautomatic military-style assault  
247.2 weapon under this subdivision before August 1, 1994.

247.3 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and  
247.4 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause  
247.5 (2), applies only to offenders who are discharged from sentence or court supervision for a  
247.6 crime of violence on or after August 1, 1993.

247.7 Participation as a patient in the registry program or use of adult-use cannabis flower or  
247.8 adult-use cannabinoid products by a person 21 years of age or older does not disqualify the  
247.9 person from possessing firearms and ammunition under this section.

256.23 For purposes of this section, "judicial determination" means a court proceeding pursuant  
256.24 to sections 253B.07 to 253B.09 or a comparable law from another state.

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

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

256.28 (1) issue the permit to carry;

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

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

257.1 (b) Failure of the sheriff to notify the applicant of the denial of the application within  
257.2 30 days after the date of receipt of the application packet constitutes issuance of the permit  
257.3 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny  
257.4 the application, the sheriff must provide the applicant with written notification and the  
257.5 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including  
257.6 the source of the factual basis. The sheriff must inform the applicant of the applicant's right  
257.7 to submit, within 20 business days, any additional documentation relating to the propriety  
257.8 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the  
257.9 denial and inform the applicant within 15 business days of the result of the reconsideration.  
257.10 Any denial after reconsideration must be in the same form and substance as the original  
257.11 denial and must specifically address any continued deficiencies in light of the additional  
257.12 documentation submitted by the applicant. The applicant must be informed of the right to  
257.13 seek de novo review of the denial as provided in subdivision 12.

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

257.20 (d) Within five business days of learning that a permit to carry has been suspended or  
257.21 revoked, the sheriff must submit information to the commissioner regarding the suspension  
257.22 or revocation for inclusion solely in the databases required or permitted under subdivision  
257.23 15.

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

257.27 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant  
257.28 is a patient enrolled in the registry program and uses medical cannabis flower or medical

247.10 For purposes of this section, "judicial determination" means a court proceeding pursuant  
247.11 to sections 253B.07 to 253B.09 or a comparable law from another state.

247.12 Sec. 56. Minnesota Statutes 2022, section 624.714, subdivision 6, is amended to read:

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

247.15 (1) issue the permit to carry;

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

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

247.20 (b) Failure of the sheriff to notify the applicant of the denial of the application within  
247.21 30 days after the date of receipt of the application packet constitutes issuance of the permit  
247.22 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny  
247.23 the application, the sheriff must provide the applicant with written notification and the  
247.24 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including  
247.25 the source of the factual basis. The sheriff must inform the applicant of the applicant's right  
247.26 to submit, within 20 business days, any additional documentation relating to the propriety  
247.27 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the  
247.28 denial and inform the applicant within 15 business days of the result of the reconsideration.  
247.29 Any denial after reconsideration must be in the same form and substance as the original  
247.30 denial and must specifically address any continued deficiencies in light of the additional  
247.31 documentation submitted by the applicant. The applicant must be informed of the right to  
247.32 seek de novo review of the denial as provided in subdivision 12.

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

248.7 (d) Within five business days of learning that a permit to carry has been suspended or  
248.8 revoked, the sheriff must submit information to the commissioner regarding the suspension  
248.9 or revocation for inclusion solely in the databases required or permitted under subdivision  
248.10 15.

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

248.14 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant  
248.15 is a patient enrolled in the registry program and uses medical cannabis flower or medical

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:  
258.1         (1) when the person is under the influence of a controlled substance, as defined in section  
258.2 152.01, subdivision 4;  
258.3         (2) when the person is under the influence of a combination of any two or more of the  
258.4 elements named in clauses (1) and (4);  
258.5         (3) when the person is under the influence of an intoxicating substance as defined in  
258.6 section 169A.03, subdivision 11a, and the person knows or has reason to know that the  
258.7 substance has the capacity to cause impairment;  
258.8         (4) when the person is under the influence of alcohol;  
258.9         (5) when the person's alcohol concentration is 0.10 or more; ~~or~~  
258.10        (6) when the person's alcohol concentration is less than 0.10, but more than 0.04-; or  
258.11        (7) when the person is enrolled as a patient in the registry program, uses medical cannabis  
258.12 flower or medical cannabinoid products, and knows or has reason to know that the medical  
258.13 cannabis flower or medical cannabinoid products used by the person has the capacity to  
258.14 cause impairment.

258.15     Sec. 66. Minnesota Statutes 2022, section 624.7151, is amended to read:  
258.16         **624.7151 STANDARDIZED FORMS.**  
258.17         By December 1, 1992, the commissioner shall adopt statewide standards governing the  
258.18 form and contents, as required by sections 624.7131 to 624.714, of every application for a  
258.19 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application  
258.20 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or  
258.21 after January 1, 1993.

248.16 cannabinoid products for a qualifying medical condition or because the person is 21 years  
248.17 of age or older and uses adult-use cannabis flower or adult-use cannabis products.  
248.18     Sec. 57. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:  
248.19         Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's  
248.20 clothes or person in a public place:  
248.21         (1) when the person is under the influence of a controlled substance, as defined in section  
248.22 ~~152.01~~ 169A.03, subdivision ~~4~~ 6;  
248.23         (2) when the person is under the influence of a combination of any two or more of the  
248.24 elements named in clauses (1) and (4);  
248.25         (3) when the person is under the influence of an intoxicating substance as defined in  
248.26 section 169A.03, subdivision 11a, and the person knows or has reason to know that the  
248.27 substance has the capacity to cause impairment;  
248.28         (4) when the person is under the influence of alcohol;  
248.29         (5) when the person's alcohol concentration is 0.10 or more; ~~or~~  
248.30         (6) when the person's alcohol concentration is less than 0.10, but more than 0.04-; or  
248.31         (7) when the person is enrolled as a patient in the registry program, uses medical cannabis  
248.32 flower or medical cannabinoid products, and knows or has reason to know that the medical  
249.1 cannabis flower or medical cannabinoid products used by the person has the capacity to  
249.2 cause impairment.

249.3     Sec. 58. Minnesota Statutes 2022, section 624.7143, is amended by adding a subdivision  
249.4 to read:  
249.5         Subd. 6. **Definition.** As used in this section, "controlled substance" has the meaning  
249.6 given in section 169A.03, subdivision 6.  
249.7         **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
249.8 committed on or after that date.

249.9     Sec. 59. Minnesota Statutes 2022, section 624.7151, is amended to read:  
249.10        **624.7151 STANDARDIZED FORMS.**  
249.11        By December 1, 1992, the commissioner shall adopt statewide standards governing the  
249.12 form and contents, as required by sections 624.7131 to 624.714, of every application for a  
249.13 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application  
249.14 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or  
249.15 after January 1, 1993.

258.22 Every application for a pistol transferee permit, pistol transferee permit, report of transfer  
 258.23 of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is  
 258.24 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993,  
 258.25 must meet the statewide standards adopted by the commissioner. Notwithstanding the  
 258.26 previous sentence, neither failure of the Department of Public Safety to adopt standards nor  
 258.27 failure of the police chief or county sheriff to meet them shall delay the timely processing  
 258.28 of applications nor invalidate permits issued on other forms meeting the requirements of  
 258.29 sections 624.7131 to 624.714.

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

259.5 Sec. 67. [624.7152] LAWFUL CANNABIS USERS.

259.6 (a) A person may not be denied the right to purchase, own, possess, or carry a firearm  
 259.7 solely on the basis that the person is a patient in the registry program.

259.8 (b) A person may not be denied the right to purchase, own, possess, or carry a firearm  
 259.9 solely on the basis that the person is 21 years of age or older and uses adult-use cannabis  
 259.10 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
 259.11 products.

259.12 (c) A state or local agency may not access a database containing the identities of patients  
 259.13 in the registry program to obtain information for the purpose of approving or disapproving  
 259.14 a person from purchasing, owning, possessing, or carrying a firearm.

259.15 (d) A state or local agency may not use information gathered from a database containing  
 259.16 the identities of patients in the registry program to obtain information for the purpose of  
 259.17 approving or disapproving a person from purchasing, owning, possessing, or carrying a  
 259.18 firearm.

259.19 (e) A state or local agency may not inquire about a person's status as a patient in the  
 259.20 registry program for the purpose of approving or disapproving the person from purchasing,  
 259.21 owning, possessing, or carrying a firearm.

259.22 (f) A state or local agency may not inquire about the use of adult-use cannabis flower,  
 259.23 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
 259.24 products by a person 21 years of age or older for the purpose of approving or disapproving  
 259.25 the person from purchasing, owning, possessing, or carrying a firearm.

249.16 Every application for a pistol transferee permit, pistol transferee permit, report of transfer  
 249.17 of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is  
 249.18 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993,  
 249.19 must meet the statewide standards adopted by the commissioner. Notwithstanding the  
 249.20 previous sentence, neither failure of the Department of Public Safety to adopt standards nor  
 249.21 failure of the police chief or county sheriff to meet them shall delay the timely processing  
 249.22 of applications nor invalidate permits issued on other forms meeting the requirements of  
 249.23 sections 624.7131 to 624.714.

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

250.1 Sec. 60. [624.7152] LAWFUL CANNABIS USERS.

250.2 (a) A person may not be denied the right to purchase, own, possess, or carry a firearm  
 250.3 solely on the basis that the person is a patient in the registry program.

250.4 (b) A person may not be denied the right to purchase, own, possess, or carry a firearm  
 250.5 solely on the basis that the person is 21 years of age or older and uses adult-use cannabis  
 250.6 flower or adult-use cannabis products.

250.7 (c) A state or local agency may not access a database containing the identities of patients  
 250.8 in the registry program to obtain information for the purpose of approving or disapproving  
 250.9 a person from purchasing, owning, possessing, or carrying a firearm.

250.10 (d) A state or local agency may not use information gathered from a database containing  
 250.11 the identities of patients in the registry program to obtain information for the purpose of  
 250.12 approving or disapproving a person from purchasing, owning, possessing, or carrying a  
 250.13 firearm.

250.14 (e) A state or local agency may not inquire about a person's status as a patient in the  
 250.15 registry program for the purpose of approving or disapproving the person from purchasing,  
 250.16 owning, possessing, or carrying a firearm.

250.17 (f) A state or local agency may not inquire about the use of adult-use cannabis flower  
 250.18 or adult-use cannabis products by a person 21 years of age or older for the purpose of  
 250.19 approving or disapproving the person from purchasing, owning, possessing, or carrying a  
 250.20 firearm.

House Language H0100-11

CANNABIS-ARTICLE 6

May 05, 2023 10:07 AM

Senate Language UEH0100-2

250.21

Sec. 61. **HIGH INTENSITY DRUG TRAFFICKING AREA REPORT.**

250.22

The commissioner of public safety, working in conjunction with Hennepin County, must

250.23

produce a statewide baseline high intensity drug trafficking area report on marijuana. The

250.24

report must include information on past and present marijuana use in Minnesota; potency

250.25

of marijuana; impacts of marijuana use on public health, emergency room admissions, traffic

250.26

accidents, impaired driving citations, workforce, and schools; marijuana crimes and the

250.27

juvenile justice system; marijuana's influence on the opioid epidemic; and the illicit market

250.28

for marijuana. The report must be submitted to the chairs and ranking minority members

250.29

of the house of representatives and senate committees with jurisdiction over public safety,

250.30

health, education policy, labor, and transportation by February 1, 2024.

251.1

Sec. 62. **REPEALER.**

251.2

(a) Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500;

251.3

4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300;

251.4

4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900;

251.5

4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800;

251.6

4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008;

251.7

4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016;

251.8

4770.4017; 4770.4018; and 4770.4030, are repealed.

251.9

(b) Minnesota Statutes 2022, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,

251.10

9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;

251.11

152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and

251.12

3; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.30; 152.31; 152.32, subdivisions 1, 2, and 3;

251.13

152.33, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2,

251.14

3, 4, and 5; and 152.37, are repealed.

251.15

(c) Minnesota Statutes 2022, section 152.027, subdivisions 3 and 4, are repealed.

251.16

(d) Minnesota Statutes 2022, section 152.21, is repealed.

251.17

(e) Minnesota Statutes 2022, sections 18K.08; 34A.01, subdivision 4; and 151.72, are

251.18

repealed.

251.19

**EFFECTIVE DATE.** Paragraphs (a) and (b) are effective January 1, 2024. Paragraph

251.20

(c) is effective August 1, 2023. Paragraph (d) is effective July 1, 2023. Paragraph (e) is

251.21

effective March 1, 2025.

259.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,

259.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;

4, 5, 6, and 7; 152.28, subdivisions 1, 2, and

30; 152.31; 152.32, subdivisions 1, 2, and 3;

52.34; 152.35; 152.36, subdivisions 1, 1a, 2,

152.027, subdivisions 3 and 4, are repealed.

152.21, is repealed.

Effective January 1, 2024. Paragraph (b) is

Effective July 1, 2023.

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REVISOR FULL-TEXT SIDE-BY-SIDE