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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 100

- 01/05/2023 Authored by Stephenson; Hanson, J.; Hortman; Long; Gomez and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
- 01/17/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
- 01/23/2023 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy
- 01/25/2023 Adoption of Report: Re-referred to the Committee on Labor and Industry Finance and Policy
- 01/30/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
- 02/01/2023 Adoption of Report: Re-referred to the Committee on Agriculture Finance and Policy
- 02/06/2023 Adoption of Report: Amended and re-referred to the Committee on Workforce Development Finance and Policy
- 02/09/2023 Adoption of Report: Amended and re-referred to the Committee on Human Services Policy
- 02/15/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance
- 02/20/2023 Adoption of Report: Re-referred to the Committee on Health Finance and Policy
- 02/27/2023 Adoption of Report: Re-referred to the Committee on Public Safety Finance and Policy
- 03/06/2023 Adoption of Report: Amended and re-referred to the Committee on Economic Development Finance and Policy
- 03/09/2023 Adoption of Report: Re-referred to the Committee on Transportation Finance and Policy
- 03/15/2023 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy
- 03/27/2023 Adoption of Report: Amended and re-referred to the Committee on Taxes
- 04/04/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/19/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to cannabis; establishing the Office of Cannabis Management; establishing

1.3 advisory councils; requiring reports relating to cannabis use and sales; legalizing

1.4 and limiting the possession and use of cannabis and certain hemp products by

1.5 adults; providing for the licensing, inspection, and regulation of cannabis businesses

1.6 and hemp businesses; requiring testing of cannabis flower, cannabis products, and

1.7 certain hemp products; requiring labeling of cannabis flower, cannabis products,

1.8 and certain hemp products; limiting the advertisement of cannabis flower, cannabis

1.9 products, and cannabis businesses, and hemp businesses; providing for the

1.10 cultivation of cannabis in private residences; transferring regulatory authority for

1.11 the medical cannabis program; taxing the sale of cannabis flower, cannabis

1.12 products, and certain hemp products; establishing grant and loan programs;

1.13 clarifying the prohibition on operating a motor vehicle while under the influence

1.14 of certain products and chemicals; amending criminal penalties; establishing

1.15 expungement procedures for certain individuals; requiring reports on expungements;

1.16 providing for expungement of certain evictions; clarifying the rights of landlords

1.17 and tenants regarding use of certain forms of cannabis; establishing labor standards

1.18 for the use of cannabis flower, cannabis products, and certain hemp products by

1.19 employees and testing of employees; providing for the temporary regulation of

1.20 certain edible cannabinoid products; providing for professional licensing

1.21 protections; providing for local registration of certain cannabis businesses and

1.22 hemp businesses operating retail establishments; amending the scheduling of

1.23 marijuana and tetrahydrocannabinols; classifying data; making miscellaneous

1.24 cannabis-related changes and additions; making clarifying and technical changes;

1.25 appropriating money; amending Minnesota Statutes 2022, sections 13.411, by

1.26 adding a subdivision; 13.871, by adding a subdivision; 34A.01, subdivision 4;

1.27 144.99, subdivision 1; 144A.4791, subdivision 14; 151.72; 152.01, by adding

1.28 subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022,

1.29 subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025,

1.30 subdivisions 1, 2; 152.11, subdivision 2; 152.22, by adding subdivisions; 152.29,

1.31 subdivision 4, by adding a subdivision; 152.30; 152.32; 152.33, subdivision 1;

1.32 169A.03, by adding subdivisions; 169A.20, subdivision 1; 169A.51, subdivisions

1.33 1, 4; 169A.72; 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions

1.34 2, 4, 5, 8, 13, by adding a subdivision; 181.951, subdivisions 4, 5, 6, by adding

1.35 subdivisions; 181.952, by adding a subdivision; 181.953; 181.954; 181.955;

1.36 181.957, subdivision 1; 244.05, subdivision 2; 245C.08, subdivision 1; 256.01,

1.37 subdivision 18c; 256B.0625, subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26,

1.38 subdivisions 1, 3; 270B.12, by adding a subdivision; 273.13, subdivision 24;

2.1 275.025, subdivision 2; 290.0132, subdivision 29; 290.0134, subdivision 19;
 2.2 297A.61, subdivision 3; 297A.67, subdivisions 2, 7; 297A.70, subdivisions 2, 4,
 2.3 18; 297A.85; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09,
 2.4 subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision 14; 484.014, subdivision
 2.5 3; 504B.171, subdivision 1; 609.2112, subdivision 1; 609.2113, subdivisions 1,
 2.6 2, 3; 609.2114, subdivisions 1, 2; 609.5311, subdivision 1; 609.5314, subdivision
 2.7 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425,
 2.8 subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713,
 2.9 subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7151;
 2.10 proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B;
 2.11 144; 152; 169A; 270C; 289A; 295; 340A; 504B; 609A; 624; proposing coding for
 2.12 new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022,
 2.13 sections 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3,
 2.14 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1,
 2.15 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28,
 2.16 subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32,
 2.17 subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36,
 2.18 subdivisions 1, 1a, 2, 3, 4, 5; 152.37.

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

2.20 ARTICLE 1

2.21 REGULATION OF ADULT-USE CANNABIS

2.22 Section 1. [342.01] DEFINITIONS.

2.23 Subdivision 1. **Terms.** For the purposes of this chapter, the following terms have the
 2.24 meanings given them.

2.25 Subd. 2. **Adult-use cannabis concentrate.** "Adult-use cannabis concentrate" means
 2.26 cannabis concentrate that is approved for sale by the office or is substantially similar to a
 2.27 product approved by the office. Adult-use cannabis concentrate does not include any
 2.28 artificially derived cannabinoid.

2.29 Subd. 3. **Adult-use cannabis flower.** "Adult-use cannabis flower" means cannabis
 2.30 flower that is approved for sale by the office or is substantially similar to a product approved
 2.31 by the office. Adult-use cannabis flower does not include medical cannabis flower.

2.32 Subd. 4. **Adult-use cannabis product.** "Adult-use cannabis product" means a cannabis
 2.33 product that is approved for sale by the office or is substantially similar to a product approved
 2.34 by the office. Adult-use cannabis product does not include medical cannabinoid product.

2.35 Subd. 5. **Advertisement.** "Advertisement" means any written or oral statement,
 2.36 illustration, or depiction that is intended to promote sales of cannabis flower, cannabis
 2.37 products, lower-potency hemp edibles, hemp-derived consumer products, or sales at a
 2.38 specific cannabis business and includes any newspaper, radio, internet and electronic media,
 2.39 or television promotion; the distribution of fliers and circulars; and the display of window

3.1 and interior signs in a cannabis business. Advertisement does not include a fixed outdoor
3.2 sign that meets the requirements in section 342.64, subdivision 2, paragraph (b).

3.3 Subd. 6. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" means a
3.4 cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant
3.5 parts with a chemical makeup that is changed after extraction to create a different cannabinoid
3.6 or other chemical compound by applying a catalyst other than heat or light. Artificially
3.7 derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from
3.8 cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate,
3.9 lower-potency hemp edibles, or hemp-derived consumer products.

3.10 Subd. 7. **Batch.** "Batch" means:

3.11 (1) a specific quantity of cannabis plants that are cultivated from the same seed or plant
3.12 stock, are cultivated together, are intended to be harvested together, and receive an identical
3.13 propagation and cultivation treatment;

3.14 (2) a specific quantity of cannabis flower that is harvested together; is uniform and
3.15 intended to meet specifications for identity, strength, purity, and composition; and receives
3.16 identical sorting, drying, curing, and storage treatment; or

3.17 (3) a specific quantity of a specific cannabis product, lower-potency hemp edible,
3.18 artificially derived cannabinoid, hemp-derived consumer product, or hemp-derived topical
3.19 product that is manufactured at the same time and using the same methods, equipment, and
3.20 ingredients that is uniform and intended to meet specifications for identity, strength, purity,
3.21 and composition, and that is manufactured, packaged, and labeled according to a single
3.22 batch production record executed and documented during the same cycle of manufacture
3.23 and produced by a continuous process.

3.24 Subd. 8. **Batch number.** "Batch number" means a unique numeric or alphanumeric
3.25 identifier assigned to a batch of cannabis plants, cannabis flower, cannabis products,
3.26 lower-potency hemp edibles, artificially derived cannabinoid, hemp-derived consumer
3.27 products, or hemp-derived topical products.

3.28 Subd. 9. **Bona fide labor organization.** "Bona fide labor organization" means a labor
3.29 union that represents or is actively seeking to represent cannabis workers.

3.30 Subd. 10. **Cannabinoid.** "Cannabinoid" means any of the chemical constituents of hemp
3.31 plants or cannabis plants that are naturally occurring, biologically active, and act on the
3.32 cannabinoid receptors of the brain. Cannabinoid includes but is not limited to
3.33 tetrahydrocannabinol and cannabidiol.

4.1 Subd. 11. **Cannabinoid extraction.** "Cannabinoid extraction" means the process of
4.2 extracting cannabis concentrate from cannabis plants or cannabis flower using heat, pressure,
4.3 water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include
4.4 the process of extracting concentrate from hemp plants or hemp plant parts or the process
4.5 of creating any artificially derived cannabinoid.

4.6 Subd. 12. **Cannabinoid profile.** "Cannabinoid profile" means the amounts of each
4.7 cannabinoid that the office requires to be identified in testing and labeling, including but
4.8 not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol,
4.9 cannabidiolic acid, and cannabigerol in cannabis flower, a cannabis product, a batch of
4.10 artificially derived cannabinoid, a lower-potency hemp edible, a hemp-derived consumer
4.11 product, or a hemp-derived topical product expressed as percentages measured by weight
4.12 and, in the case of cannabis products, lower-potency hemp edibles, and hemp-derived
4.13 consumer products, expressed as milligrams in each serving and package.

4.14 Subd. 13. **Cannabis business.** "Cannabis business" means any of the following licensed
4.15 under this chapter:

4.16 (1) cannabis microbusiness;

4.17 (2) cannabis mezzobusiness;

4.18 (3) cannabis cultivator;

4.19 (4) cannabis manufacturer;

4.20 (5) cannabis retailer;

4.21 (6) cannabis wholesaler;

4.22 (7) cannabis transporter;

4.23 (8) cannabis testing facility;

4.24 (9) cannabis event organizer;

4.25 (10) cannabis delivery service;

4.26 (11) medical cannabis cultivator;

4.27 (12) medical cannabis processor; and

4.28 (13) medical cannabis retailer.

4.29 Subd. 14. **Cannabis concentrate.** (a) "Cannabis concentrate" means:

4.30 (1) the extracts and resins of a cannabis plant or cannabis flower;

5.1 (2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase
5.2 the presence of targeted cannabinoids; or

5.3 (3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis
5.4 flower and is intended to be consumed by combustion or vaporization of the product and
5.5 inhalation of smoke, aerosol, or vapor from the product.

5.6 (b) Cannabis concentrate does not include hemp concentrate, artificially derived
5.7 cannabinoid, or hemp-derived consumer products.

5.8 Subd. 15. **Cannabis flower.** "Cannabis flower" means the harvested flower, bud, leaves,
5.9 and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and
5.10 medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts,
5.11 or hemp-derived consumer products.

5.12 Subd. 16. **Cannabis industry.** "Cannabis industry" means every item, product, person,
5.13 process, action, business, or other thing related to cannabis flower and cannabis products
5.14 and subject to regulation under this chapter.

5.15 Subd. 17. **Cannabis paraphernalia.** "Cannabis paraphernalia" means all equipment,
5.16 products, and materials of any kind that are knowingly or intentionally used primarily in:

5.17 (1) cultivating or harvesting cannabis plants or cannabis flower;

5.18 (2) manufacturing cannabis products;

5.19 (3) ingesting, inhaling, or otherwise introducing cannabis flower or cannabis products
5.20 into the human body; and

5.21 (4) testing the strength, effectiveness, or purity of cannabis flower, cannabis products,
5.22 lower-potency hemp edibles, or hemp-derived consumer products.

5.23 Subd. 18. **Cannabis plant.** "Cannabis plant" means all parts of the plant of the genus
5.24 Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol
5.25 concentration of more than 0.3 percent on a dry weight basis.

5.26 Subd. 19. **Cannabis product.** (a) "Cannabis product" means any of the following:

5.27 (1) cannabis concentrate;

5.28 (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol,
5.29 extracted or derived from cannabis plants or cannabis flower; or

5.30 (3) any other product that contains cannabis concentrate.

6.1 (b) Cannabis product includes adult-use cannabis products, including but not limited to
6.2 edible cannabis products and medical cannabinoid products. Cannabis product does not
6.3 include cannabis flower, artificially derived cannabinoid, lower-potency edible hemp edibles,
6.4 hemp-derived consumer products, or hemp-derived topical products.

6.5 Subd. 20. **Cannabis prohibition.** "Cannabis prohibition" means the system of state and
6.6 federal laws that prevented establishment of a legal market and instead established petty
6.7 offenses and criminal offenses punishable by fines, imprisonment, or both for the cultivation,
6.8 possession, and sale of all parts of the plant of any species of the genus Cannabis, including
6.9 all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted
6.10 from any part of such plant; and every compound, manufacture, salt, derivative, mixture,
6.11 or preparation of such plant, its seeds, or resin.

6.12 Subd. 21. **Cannabis seed.** "Cannabis seed" means the viable seed of the plant of the
6.13 genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed
6.14 does not include hemp seed.

6.15 Subd. 22. **Cannabis worker.** "Cannabis worker" means any individual employed by a
6.16 cannabis business and any individual who is a contractor of a cannabis business whose
6.17 scope of work involves the handling of cannabis plants, cannabis flower, or cannabis
6.18 products.

6.19 Subd. 23. **Child-resistant.** "Child-resistant" means packaging that meets the poison
6.20 prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.

6.21 Subd. 24. **Cooperative.** "Cooperative" means an association conducting business on a
6.22 cooperative plan that is organized or is subject to chapter 308A or 308B.

6.23 Subd. 25. **Council.** "Council" means the Cannabis Advisory Council.

6.24 Subd. 26. **Cultivation.** "Cultivation" means any activity involving the planting, growing,
6.25 harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp
6.26 plants, or hemp plant parts.

6.27 Subd. 27. **Division of Medical Cannabis.** "Division of Medical Cannabis" means a
6.28 division housed in the Office of Cannabis Management that operates the medical cannabis
6.29 program.

6.30 Subd. 28. **Division of Social Equity** "Division of Social Equity" means a division housed
6.31 in the Office of Cannabis Management that promotes development, stability, and safety in
6.32 communities that have experienced a disproportionate, negative impact from cannabis
6.33 prohibition.

7.1 Subd. 29. **Edible cannabis product.** "Edible cannabis product" means any product that
7.2 is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other
7.3 than an artificially derived cannabinoid in combination with food ingredients; is not a drug;
7.4 and is a type of product approved for sale by the office, or is substantially similar to a product
7.5 approved by the office including but not limited to products that resemble nonalcoholic
7.6 beverages, candy, and baked goods. Edible cannabis product does not include lower-potency
7.7 hemp edibles.

7.8 Subd. 30. **Health care practitioner.** "Health care practitioner" means a
7.9 Minnesota-licensed doctor of medicine, a Minnesota-licensed physician assistant acting
7.10 within the scope of authorized practice, or a Minnesota-licensed advanced practice registered
7.11 nurse who has an active license in good standing and the primary responsibility for the care
7.12 and treatment of the qualifying medical condition of an individual diagnosed with a qualifying
7.13 medical condition.

7.14 Subd. 31. **Health record.** "Health record" has the meaning given in section 144.291,
7.15 subdivision 2.

7.16 Subd. 32. **Hemp business.** (a) "Hemp business" means either of the following licensed
7.17 under this chapter:

7.18 (1) lower-potency hemp edible manufacturer; or

7.19 (2) lower-potency hemp edible retailer.

7.20 (b) Hemp business does not include a person or entity licensed under chapter 18K to
7.21 grow industrial hemp for commercial or research purposes or to process industrial hemp
7.22 for commercial purposes.

7.23 Subd. 33. **Hemp concentrate.** (a) "Hemp concentrate" means:

7.24 (1) the extracts and resins of a hemp plant or hemp plant parts;

7.25 (2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase
7.26 the presence of targeted cannabinoids; or

7.27 (3) a product that is produced by refining extracts or resins of a hemp plant or hemp
7.28 plant parts and is intended to be consumed by combustion or vaporization of the product
7.29 and inhalation of smoke, aerosol, or vapor from the product.

7.30 (b) Hemp concentrate does not include artificially derived cannabinoids, lower-potency
7.31 hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

8.1 Subd. 34. **Hemp consumer industry.** "Hemp consumer industry" means every item,
8.2 product, person, process, action, business, or other thing related to artificially derived
8.3 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products and
8.4 subject to regulation under this chapter.

8.5 Subd. 35. **Hemp-derived consumer product.** (a) "Hemp-derived consumer product"
8.6 means a product intended for human or animal consumption, does not contain cannabis
8.7 flower or cannabis concentrate, and:

8.8 (1) contains or consists of hemp plant parts; or

8.9 (2) contains hemp concentrate or artificially derived cannabinoids in combination with
8.10 other ingredients.

8.11 (b) Hemp-derived consumer product does not include artificially derived cannabinoids,
8.12 lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp
8.13 grain.

8.14 Subd. 36. **Hemp-derived topical product.** "Hemp-derived topical product" means a
8.15 product intended for human or animal consumption that contains hemp concentrate, is
8.16 intended for application externally to a part of the body of a human or animal, and does not
8.17 contain cannabis flower or cannabis concentrate.

8.18 Subd. 37. **Hemp fiber product.** "Hemp fiber product" means an intermediate or finished
8.19 product made from the fiber of hemp plant parts that is not intended for human or animal
8.20 consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles,
8.21 bedding, insulation, construction materials, compost materials, and industrial materials.

8.22 Subd. 38. **Hemp grain.** "Hemp grain" means the harvested seeds of the hemp plant
8.23 intended for consumption as a food or part of a food product. Hemp grain includes oils
8.24 pressed or extracted from harvested hemp seeds.

8.25 Subd. 39. **Hemp plant.** "Hemp plant" means all parts of the plant of the genus Cannabis
8.26 that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol
8.27 concentration of no more than 0.3 percent on a dry weight basis.

8.28 Subd. 40. **Hemp plant parts.** "Hemp plant parts" means any part of the harvested hemp
8.29 plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives,
8.30 extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from
8.31 the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp
8.32 seed.

9.1 Subd. 41. **Hemp seed.** "Hemp seed" means the viable seed of the plant of the genus
9.2 Cannabis that is intended to be planted and is reasonably expected to grow into a hemp
9.3 plant. Hemp seed does not include cannabis seed or hemp grain.

9.4 Subd. 42. **Hemp worker.** "Hemp worker" means any individual employed by a hemp
9.5 business and any individual who is a contractor of a hemp business whose scope of work
9.6 involves the handling of artificially derived cannabinoids, lower-potency hemp edibles, or
9.7 hemp-derived consumer products.

9.8 Subd. 43. **Industrial hemp.** "Industrial hemp" has the meaning given in section 18K.02,
9.9 subdivision 3.

9.10 Subd. 44. **Intoxicating cannabinoid.** "Intoxicating cannabinoid" means a cannabinoid,
9.11 including an artificially derived cannabinoid, that when introduced into the human body
9.12 impairs the central nervous system or impairs the human audio, visual, or mental processes.
9.13 Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.

9.14 Subd. 45. **Labor peace agreement.** "Labor peace agreement" means an agreement
9.15 between a cannabis business and a bona fide labor organization that protects the state's
9.16 interests by, at minimum, prohibiting the labor organization from engaging in picketing,
9.17 work stoppages, or boycotts against the cannabis business. This type of agreement shall not
9.18 mandate a particular method of election or certification of the bona fide labor organization.

9.19 Subd. 46. **License holder.** "License holder" means a person, cooperative, or business
9.20 that holds any of the following licenses:

9.21 (1) cannabis microbusiness;

9.22 (2) cannabis mezzobusiness;

9.23 (3) cannabis cultivator;

9.24 (4) cannabis manufacturer;

9.25 (5) cannabis retailer;

9.26 (6) cannabis wholesaler;

9.27 (7) cannabis transporter;

9.28 (8) cannabis testing facility;

9.29 (9) cannabis event organizer;

9.30 (10) cannabis delivery service;

9.31 (11) lower-potency hemp edible manufacturer;

10.1 (12) lower-potency hemp edible retailer;

10.2 (13) medical cannabis cultivator;

10.3 (14) medical cannabis processor; or

10.4 (15) medical cannabis retailer.

10.5 Subd. 47. **Local unit of government.** "Local unit of government" means a home rule
10.6 charter or statutory city, county, town, or other political subdivision.

10.7 Subd. 48. **Lower-potency hemp edible.** "Lower-potency hemp edible" means any
10.8 product that:

10.9 (1) is intended to be eaten or consumed as a beverage by humans;

10.10 (2) contains hemp concentrate or an artificially derived cannabinoid, in combination
10.11 with food ingredients;

10.12 (3) is not a drug;

10.13 (4) consists of servings that contain no more than five milligrams of delta-9
10.14 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any
10.15 combination of those cannabinoids that does not exceed the identified amounts;

10.16 (5) does not contain more than a combined total of 0.5 milligrams of all other
10.17 cannabinoids per serving;

10.18 (6) does not contain an artificially derived cannabinoid other than delta-9
10.19 tetrahydrocannabinol;

10.20 (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

10.21 (8) is a type of product approved for sale by the office or is substantially similar to a
10.22 product approved by the office, including but not limited to products that resemble
10.23 nonalcoholic beverages, candy, and baked goods.

10.24 Subd. 49. **Matrix barcode.** "Matrix barcode" means a code that stores data in a
10.25 two-dimensional array of geometrically shaped dark and light cells capable of being read
10.26 by the camera on a smartphone or other mobile device.

10.27 Subd. 50. **Medical cannabinoid product.** (a) "Medical cannabinoid product" means a
10.28 product that:

10.29 (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with
10.30 cannabinoids, including but not limited to artificially derived cannabinoids; and

11.1 (2) is provided to a patient enrolled in the registry program; a registered designated
11.2 caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer
11.3 or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical
11.4 condition.

11.5 (b) A medical cannabinoid product must be in the form of:

11.6 (1) liquid, including but not limited to oil;

11.7 (2) pill;

11.8 (3) liquid or oil for use with a vaporized delivery method;

11.9 (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;

11.10 (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and
11.11 sublingual tablets;

11.12 (6) edible products in the form of gummies and chews;

11.13 (7) topical formulation; or

11.14 (8) any allowable form or delivery method approved by the office.

11.15 (c) Medical cannabinoid product does not include adult-use cannabis products.

11.16 Subd. 51. **Medical cannabis business.** "Medical cannabis business" means an entity
11.17 licensed under this chapter to engage in one or more of the following:

11.18 (1) the cultivation of cannabis plants for medical cannabis flower;

11.19 (2) the manufacture of medical cannabinoid products; and

11.20 (3) the retail sale of medical cannabis flower and medical cannabinoid products.

11.21 Subd. 52. **Medical cannabis flower.** "Medical cannabis flower" means cannabis flower
11.22 provided to a patient enrolled in the registry program; a registered designated caregiver; or
11.23 a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical
11.24 cannabis business to treat or alleviate the symptoms of a qualifying medical condition.
11.25 Medical cannabis flower does not include adult-use cannabis flower.

11.26 Subd. 53. **Medical cannabis paraphernalia.** "Medical cannabis paraphernalia" means
11.27 a delivery device, related supply, or educational material used by a patient enrolled in the
11.28 registry program to administer medical cannabis and medical cannabinoid products.

11.29 Subd. 54. **Nonintoxicating cannabinoid.** "Nonintoxicating cannabinoid" means a
11.30 cannabinoid that when introduced into the human body does not impair the central nervous

12.1 system and does not impair the human audio, visual, or mental processes. Nonintoxicating
12.2 cannabinoid includes but is not limited to cannabidiol and cannabigerol but does not include
12.3 any artificially derived cannabinoid.

12.4 Subd. 55. **Office.** "Office" means the Office of Cannabis Management.

12.5 Subd. 56. **Outdoor advertisement.** "Outdoor advertisement" means an advertisement
12.6 that is located outdoors or can be seen or heard by an individual who is outdoors and includes
12.7 billboards; advertisements on benches; advertisements at transit stations or transit shelters;
12.8 advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles;
12.9 and print signs that do not meet the requirements in section 342.64, subdivision 2, paragraph
12.10 (b), but that are placed or located on the exterior property of a cannabis business.

12.11 Subd. 57. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with
12.12 a qualifying medical condition by a health care practitioner and who has met all other
12.13 requirements for patients under this chapter to participate in the registry program.

12.14 Subd. 58. **Patient registry number.** "Patient registry number" means a unique
12.15 identification number assigned by the Division of Medical Cannabis to a patient enrolled
12.16 in the registry program.

12.17 Subd. 59. **Qualifying medical condition.** "Qualifying medical condition" means a
12.18 diagnosis of any of the following conditions:

12.19 (1) Alzheimer's disease;

12.20 (2) autism spectrum disorder that meets the requirements of the fifth edition of the
12.21 Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric
12.22 Association;

12.23 (3) cancer, if the underlying condition or treatment produces one or more of the following:

12.24 (i) severe or chronic pain;

12.25 (ii) nausea or severe vomiting; or

12.26 (iii) cachexia or severe wasting;

12.27 (4) chronic motor or vocal tic disorder;

12.28 (5) chronic pain;

12.29 (6) glaucoma;

12.30 (7) human immunodeficiency virus or acquired immune deficiency syndrome;

12.31 (8) intractable pain as defined in section 152.125, subdivision 1, paragraph (c);

- 13.1 (9) obstructive sleep apnea;
- 13.2 (10) post-traumatic stress disorder;
- 13.3 (11) Tourette's syndrome;
- 13.4 (12) amyotrophic lateral sclerosis;
- 13.5 (13) seizures, including those characteristic of epilepsy;
- 13.6 (14) severe and persistent muscle spasms, including those characteristic of multiple
- 13.7 sclerosis;
- 13.8 (15) inflammatory bowel disease, including Crohn's disease;
- 13.9 (16) irritable bowel syndrome;
- 13.10 (17) obsessive-compulsive disorder;
- 13.11 (18) sickle cell disease;
- 13.12 (19) terminal illness, with a probable life expectancy of under one year, if the illness or
- 13.13 its treatment produces one or more of the following:
- 13.14 (i) severe or chronic pain;
- 13.15 (ii) nausea or severe vomiting; or
- 13.16 (iii) cachexia or severe wasting; or
- 13.17 (20) any other medical condition or its treatment approved by the office.
- 13.18 Subd. 60. **Registered designated caregiver.** "Registered designated caregiver" means
- 13.19 an individual who:
- 13.20 (1) is at least 18 years old;
- 13.21 (2) is not disqualified for a criminal offense according to rules adopted pursuant to
- 13.22 section 342.15, subdivision 2;
- 13.23 (3) has been approved by the Division of Medical Cannabis to assist a patient with
- 13.24 obtaining medical cannabis flower and medical cannabinoid products from a cannabis
- 13.25 retailer or medical cannabis retailer and with administering medical cannabis flower and
- 13.26 medical cannabinoid products; and
- 13.27 (4) is authorized by the Division of Medical Cannabis to assist a patient with the use of
- 13.28 medical cannabis flower and medical cannabinoid products.

14.1 Subd. 61. **Registry or registry program.** "Registry" or "registry program" means the
14.2 patient registry established under this chapter listing patients authorized to obtain medical
14.3 cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from
14.4 cannabis retailers and medical cannabis retailers and administer medical cannabis flower
14.5 and medical cannabinoid products.

14.6 Subd. 62. **Registry verification.** "Registry verification" means the verification provided
14.7 by the Division of Medical Cannabis that a patient is enrolled in the registry program and
14.8 that includes the patient's name, patient registry number, and, if applicable, the name of the
14.9 patient's registered designated caregiver or parent, legal guardian, or spouse.

14.10 Subd. 63. **Restricted area.** "Restricted area" means an area where cannabis flower or
14.11 cannabis products are cultivated, manufactured, or stored by a cannabis business.

14.12 Subd. 64. **Statewide monitoring system.** "Statewide monitoring system" means the
14.13 system for integrated cannabis tracking, inventory, and verification established or adopted
14.14 by the office.

14.15 Subd. 65. **Synthetic cannabinoid.** "Synthetic cannabinoid" means a substance with a
14.16 similar chemical structure and pharmacological activity to a cannabinoid but is not extracted
14.17 or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant parts and is
14.18 instead created or produced by chemical or biochemical synthesis.

14.19 Subd. 66. **Veteran.** "Veteran" means an individual who satisfies the requirements in
14.20 section 197.447.

14.21 Subd. 67. **Visiting designated caregiver.** "Visiting designated caregiver" means an
14.22 individual who is authorized under a visiting patient's jurisdiction of residence to assist the
14.23 visiting patient with the use of medical cannabis flower and medical cannabinoid products.
14.24 To be considered a visiting designated caregiver, the individual must possess a valid
14.25 verification card or its equivalent that is issued by the visiting patient's jurisdiction of
14.26 residence and that verifies that the individual is authorized to assist the visiting patient with
14.27 the administration of medical cannabis flower and medical cannabinoid products under the
14.28 laws or regulations of the visiting patient's jurisdiction of residence.

14.29 Subd. 68. **Visiting patient.** "Visiting patient" means an individual who is not a Minnesota
14.30 resident and who possesses a valid registration verification card or its equivalent that is
14.31 issued under the laws or regulations of another state, district, commonwealth, or territory
14.32 of the United States verifying that the individual is enrolled in or authorized to participate
14.33 in that jurisdiction's medical cannabis or medical marijuana program.

15.1 Subd. 69. **Volatile solvent.** "Volatile solvent" means any solvent that is or produces a
15.2 flammable gas or vapor that, when present in the air in sufficient quantities, will create
15.3 explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane,
15.4 and propane.

15.5 Sec. 2. **[342.02] OFFICE OF CANNABIS MANAGEMENT.**

15.6 Subdivision 1. **Establishment.** The Office of Cannabis Management is created with the
15.7 powers and duties established by law. In making rules, establishing policy, and exercising
15.8 its regulatory authority over the cannabis industry and hemp consumer industry, the office
15.9 must:

15.10 (1) promote the public health and welfare;

15.11 (2) protect public safety;

15.12 (3) eliminate the illicit market for cannabis flower and cannabis products;

15.13 (4) meet the market demand for cannabis flower and cannabis products;

15.14 (5) promote a craft industry for cannabis flower and cannabis products; and

15.15 (6) prioritize growth and recovery in communities that have experienced a
15.16 disproportionate, negative impact from cannabis prohibition.

15.17 Subd. 2. **Powers and duties.** The office has the following powers and duties:

15.18 (1) to develop, maintain, and enforce an organized system of regulation for the cannabis
15.19 industry and hemp consumer industry;

15.20 (2) to establish programming, services, and notification to protect, maintain, and improve
15.21 the health of citizens;

15.22 (3) to prevent unauthorized access to cannabis flower, cannabis products, lower-potency
15.23 hemp edibles, and hemp-derived consumer products by individuals under 21 years of age;

15.24 (4) to establish and regularly update standards for product testing, packaging, and
15.25 labeling;

15.26 (5) to promote economic growth with an emphasis on growth in areas that experienced
15.27 a disproportionate, negative impact from cannabis prohibition;

15.28 (6) to issue and renew licenses;

15.29 (7) to require fingerprints from individuals determined to be subject to fingerprinting,
15.30 including the submission of fingerprints to the Federal Bureau of Investigation where

16.1 required by law and to obtain criminal conviction data for individuals seeking a license
16.2 from the office on the individual's behalf or as a cooperative member or director, manager,
16.3 or general partner of a business entity;

16.4 (8) to receive reports required by this chapter and inspect the premises, records, books,
16.5 and other documents of license holders to ensure compliance with all applicable laws and
16.6 rules;

16.7 (9) to authorize the use of unmarked motor vehicles to conduct seizures or investigations
16.8 pursuant to the office's authority;

16.9 (10) to impose and collect civil and administrative penalties as provided in this chapter;

16.10 (11) to publish such information as may be deemed necessary for the welfare of cannabis
16.11 businesses, cannabis workers, hemp businesses, hemp workers, and the health and safety
16.12 of citizens;

16.13 (12) to make loans and grants in aid to the extent that appropriations are made available
16.14 for that purpose;

16.15 (13) to authorize research and studies on cannabis flower, cannabis products, artificially
16.16 derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, the
16.17 cannabis industry, and the hemp consumer industry;

16.18 (14) to provide reports as required by law;

16.19 (15) to establish limits on the potency of cannabis flower and cannabis products that can
16.20 be sold to customers by licensed cannabis retailers and licensed cannabis microbusinesses
16.21 with an endorsement to sell cannabis flower and cannabis products to customers; and

16.22 (16) to exercise other powers and authority and perform other duties required by law.

16.23 Subd. 3. **Medical cannabis program.** The powers and duties of the Department of
16.24 Health with respect to the medical cannabis program under Minnesota Statutes 2022, sections
16.25 152.22 to 152.37, are transferred to the Office of Cannabis Management under section
16.26 15.039. State employees shall not be displaced by the transfer of duties from the Department
16.27 of Health medical cannabis program to the Office of Cannabis Management under this
16.28 subdivision.

16.29 Subd. 4. **Interagency agreements.** (a) The office and the commissioner of agriculture
16.30 shall enter into interagency agreements to ensure that edible cannabis products and
16.31 lower-potency hemp edibles are handled, manufactured, and inspected in a manner that is

17.1 consistent with the relevant food safety requirements in chapters 28A, 31, and 34A and
17.2 associated rules.

17.3 (b) The office may cooperate and enter into other agreements with the commissioner of
17.4 agriculture and may cooperate and enter into agreements with the commissioners and
17.5 directors of other state agencies and departments to promote the beneficial interests of the
17.6 state.

17.7 Subd. 5. **Rulemaking.** The office may adopt rules to implement any provisions in this
17.8 chapter. Rules for which notice is published in the State Register before July 1, 2025, may
17.9 be adopted using the expedited rulemaking process in section 14.389.

17.10 Subd. 6. **Director.** (a) The governor shall appoint a director of the office with the advice
17.11 and consent of the senate. The director must be in the unclassified service and must serve
17.12 at the pleasure of the governor.

17.13 (b) The salary of the director must not exceed the salary limit established under section
17.14 15A.0815, subdivision 3.

17.15 (c) While serving as the director and within two years after terminating service, the
17.16 director is prohibited from having a direct or an indirect financial interest in a cannabis
17.17 business or hemp business licensed under this chapter.

17.18 (d) The director must not have been a member of the Minnesota legislature or held a
17.19 constitutional office for at least four years before appointment.

17.20 (e) No later than June 15, 2023, the governor shall appoint an advisory committee to
17.21 consult with during the hiring process for the director. The advisory committee shall be
17.22 comprised of:

17.23 (1) two members of the house of representatives, one appointed by the majority party
17.24 and one by the minority party;

17.25 (2) two members of the senate, one appointed by the majority party and one by the
17.26 minority party;

17.27 (3) an expert in cannabis policy;

17.28 (4) an expert in economic equity;

17.29 (5) an expert in cannabis science;

17.30 (6) an expert in restorative justice;

17.31 (7) an expert in harm reduction;

- 18.1 (8) an expert on race, equity, and inclusion;
- 18.2 (9) a medical cannabis patient;
- 18.3 (10) an individual who has been justice involved for the sale of cannabis; and
- 18.4 (11) an individual with experience in implementing an adult use legalization program.
- 18.5 (f) While serving on the search committee, members may not:
- 18.6 (1) have a financial interest in a cannabis business or hemp business;
- 18.7 (2) be a director or officer of a pharmaceutical company; or
- 18.8 (3) be a registered lobbyist.
- 18.9 (g) Members of the advisory committee are not eligible for reimbursement.
- 18.10 (h) The governor shall designate a chair of the committee who shall convene the first
- 18.11 meeting. The committee may elect other officers as needed. Meetings of the committee are
- 18.12 subject to chapter 13D.
- 18.13 (i) The commissioner of agriculture shall provide space and support for the advisory
- 18.14 committee. The advisory committee expires on August 1, 2023.
- 18.15 Subd. 7. **Employees.** (a) The office may employ other personnel in the classified service
- 18.16 necessary to carry out the duties in this chapter.
- 18.17 (b) Upon request by the office, a prospective employee of the office must submit a
- 18.18 completed criminal history records check consent form, a full set of classifiable fingerprints,
- 18.19 and the required fees to the office. Upon receipt of this information, the office must submit
- 18.20 the completed criminal history records check consent form, full set of classifiable fingerprints,
- 18.21 and required fees to the Bureau of Criminal Apprehension. After receiving this information,
- 18.22 the bureau must conduct a Minnesota criminal history records check of the prospective
- 18.23 employee. The bureau may exchange a prospective employee's fingerprints with the Federal
- 18.24 Bureau of Investigation to obtain the prospective employee's national criminal history record
- 18.25 information. The bureau must return the results of the Minnesota and federal criminal history
- 18.26 records checks to the director to determine if the prospective employee is disqualified under
- 18.27 rules adopted pursuant to section 342.15.
- 18.28 (c) While employed by the office and within two years after terminating employment,
- 18.29 an employee may not have a direct or an indirect financial interest in a cannabis business
- 18.30 licensed under this chapter.

19.1 Subd. 8. **Division of Social Equity.** The office must establish a Division of Social Equity.

19.2 At a minimum, the division must:

19.3 (1) administer grants to communities that experienced a disproportionate, negative impact
19.4 from cannabis prohibition in order to promote economic development, provide services to
19.5 prevent violence, support early intervention programs for youth and families, and promote
19.6 community stability and safety;

19.7 (2) act as an ombudsperson for the office to provide information, investigate complaints
19.8 under this chapter, and provide or facilitate dispute resolutions; and

19.9 (3) report to the office on the status of complaints and social equity in the cannabis
19.10 industry.

19.11 **EFFECTIVE DATE.** This section is effective July 1, 2023, except for subdivision 2,
19.12 paragraphs (e), (f), (g), (h), and (i), which are effective the day following final enactment,
19.13 and subdivision 3, which is effective January 1, 2024.

19.14 Sec. 3. **[342.03] CANNABIS ADVISORY COUNCIL.**

19.15 Subdivision 1. **Membership.** (a) The Cannabis Advisory Council is created consisting
19.16 of the following members:

19.17 (1) the director of the Office of Cannabis Management or a designee;

19.18 (2) the commissioner of employment and economic development or a designee;

19.19 (3) the commissioner of revenue or a designee;

19.20 (4) the commissioner of health or a designee;

19.21 (5) the commissioner of public safety or a designee;

19.22 (6) the commissioner of human rights or a designee;

19.23 (7) the commissioner of labor or a designee;

19.24 (8) the commissioner of agriculture or a designee;

19.25 (9) the commissioner of the Pollution Control Agency or a designee;

19.26 (10) the superintendent of the Bureau of Criminal Apprehension or a designee;

19.27 (11) a representative from the League of Minnesota Cities appointed by the league;

19.28 (12) a representative from the Association of Minnesota Counties appointed by the
19.29 association;

- 20.1 (13) an expert in minority business development appointed by the governor;
- 20.2 (14) an expert in economic development strategies for under-resourced communities
20.3 appointed by the governor;
- 20.4 (15) an expert in farming or representing the interests of farmers appointed by the
20.5 governor;
- 20.6 (16) an expert representing the interests of cannabis workers appointed by the governor;
- 20.7 (17) an expert representing the interests of employers appointed by the governor;
- 20.8 (18) an expert in municipal law enforcement with advanced training in impairment
20.9 detection and evaluation appointed by the governor;
- 20.10 (19) an expert in social welfare or social justice appointed by the governor;
- 20.11 (20) an expert in criminal justice reform to mitigate the disproportionate impact of drug
20.12 prosecutions on communities of color appointed by the governor;
- 20.13 (21) an expert in the prevention and treatment of substance use disorders appointed by
20.14 the governor;
- 20.15 (22) an expert in minority business ownership appointed by the governor;
- 20.16 (23) an expert in women-owned businesses appointed by the governor;
- 20.17 (24) an expert in cannabis retailing appointed by the governor;
- 20.18 (25) an expert in cannabis product manufacturing appointed by the governor;
- 20.19 (26) an expert in laboratory sciences and toxicology appointed by the governor;
- 20.20 (27) an expert in providing legal services to cannabis businesses appointed by the
20.21 governor;
- 20.22 (28) an expert in cannabis cultivation appointed by the governor;
- 20.23 (29) two patient advocates, one who is a patient enrolled in the medical cannabis program
20.24 and one patient with experience in the mental health system or substance use disorder
20.25 treatment system appointed by the governor;
- 20.26 (30) a veteran appointed by the governor;
- 20.27 (31) one member of each of the following federally recognized Tribes, designated by
20.28 the elected Tribal president or chairperson of the governing bodies of:
- 20.29 (i) the Fond du Lac Band;

- 21.1 (ii) the Grand Portage Band;
- 21.2 (iii) the Mille Lacs Band;
- 21.3 (iv) the White Earth Band;
- 21.4 (v) the Bois Forte Band;
- 21.5 (vi) the Leech Lake Band;
- 21.6 (vii) the Red Lake Nation;
- 21.7 (viii) the Upper Sioux Community;
- 21.8 (ix) the Lower Sioux Indian Community;
- 21.9 (x) the Shakopee Mdewakanton Sioux Community; and
- 21.10 (xi) the Prairie Island Indian Community; and
- 21.11 (32) a representative from the Local Public Health Association of Minnesota appointed
- 21.12 by the association.
- 21.13 (b) While serving on the Cannabis Advisory Council and within two years after
- 21.14 terminating service, a council member shall not serve as a lobbyist, as defined under section
- 21.15 10A.01, subdivision 21.
- 21.16 Subd. 2. **Terms; compensation; removal; vacancy; expiration.** The membership terms,
- 21.17 compensation, removal of members appointed by the governor, and filling of vacancies of
- 21.18 members are provided in section 15.059. Notwithstanding section 15.059, subdivision 6,
- 21.19 the advisory council shall not expire.
- 21.20 Subd. 3. **Officers; meetings.** (a) The director of the Office of Cannabis Management
- 21.21 or the director's designee must chair the Cannabis Advisory Council. The advisory council
- 21.22 must elect a vice-chair and may elect other officers as necessary.
- 21.23 (b) The advisory council shall meet quarterly or upon the call of the chair.
- 21.24 (c) Meetings of the advisory council are subject to chapter 13D.
- 21.25 Subd. 4. **Duties.** (a) The duties of the advisory council shall include:
- 21.26 (1) reviewing national cannabis policy;
- 21.27 (2) examining the effectiveness of state cannabis policy;
- 21.28 (3) reviewing developments in the cannabis industry;

22.1 (4) reviewing developments in the study of cannabis flower, cannabis products, artificially
22.2 derived cannabinoids, lower-potency edible products, and hemp-derived consumer products;

22.3 (5) taking public testimony; and

22.4 (6) making recommendations to the Office of Cannabis Management.

22.5 (b) At its discretion, the advisory council may examine other related issues consistent
22.6 with this section.

22.7 **Sec. 4. [342.04] STUDIES; REPORTS.**

22.8 (a) The office shall conduct a study to determine the expected size and growth of the
22.9 regulated cannabis industry, including an estimate of the demand for cannabis flower and
22.10 cannabis products, the number and geographic distribution of cannabis businesses needed
22.11 to meet that demand, and the anticipated business from residents of other states.

22.12 (b) The office shall conduct a study to determine the size of the illicit cannabis market,
22.13 the sources of illicit cannabis flower and illicit cannabis products in the state, the locations
22.14 of citations issued and arrests made for cannabis offenses, and the subareas, such as census
22.15 tracts or neighborhoods, that experience a disproportionately large amount of cannabis
22.16 enforcement.

22.17 (c) The office shall conduct a study on impaired driving to determine the number of
22.18 accidents involving one or more drivers who admitted to using cannabis flower, cannabis
22.19 products, lower-potency hemp edibles, or hemp-derived consumer products, or who tested
22.20 positive for cannabis or tetrahydrocannabinol, the number of arrests of individuals for
22.21 impaired driving in which the individual tested positive for cannabis or tetrahydrocannabinol,
22.22 and the number of convictions for driving under the influence of cannabis flower, cannabis
22.23 products, lower-potency hemp edibles, hemp-derived consumer products, or
22.24 tetrahydrocannabinol.

22.25 (d) The office shall provide preliminary reports on the studies conducted pursuant to
22.26 paragraphs (a) to (c) to the legislature by January 15, 2024, and shall provide final reports
22.27 to the legislature by January 15, 2025. Each report may be consolidated with other annual
22.28 reports that the office is required to submit.

22.29 (e) The office shall conduct a study on the state's mental health system and substance
22.30 use disorder treatment system to determine the rates at which individuals access those
22.31 systems. At a minimum, the report shall include information about the number of people
22.32 admitted to emergency rooms for treatment of a mental illness or substance use disorder,
22.33 ordered by a court to participate in mental health or substance use programming, and who

23.1 voluntarily agreed to accept mental health or substance use treatment or admission to a
23.2 state-operated treatment program or treatment facility. The report must include summary
23.3 data disaggregated by the month of admission or order; age, race, and sex of the individuals;
23.4 whether the admission or order was for a mental illness or substance use disorder; and, to
23.5 the extent known, the substance of abuse that resulted in the admission or order. Data must
23.6 be obtained, retained, and reported in a way that prevents the unauthorized release of private
23.7 data on individuals as defined in section 13.02. The office shall submit the report by January
23.8 15, 2027, and the report may be combined with the annual report submitted by the office.

23.9 (f) The office shall conduct an annual market analysis on the status of the regulated
23.10 cannabis industry and submit a report of the findings. The office shall submit the report by
23.11 January 15 of each year and the report may be combined with the annual report submitted
23.12 by the office. The process of completing the market analysis must include holding public
23.13 meetings to solicit the input of consumers, market stakeholders, and potential new applicants
23.14 and must include an assessment as to whether the office has issued the necessary number
23.15 of licenses in order to:

23.16 (1) ensure the sufficient supply of cannabis flower and cannabis products to meet demand;

23.17 (2) provide market stability;

23.18 (3) ensure a competitive market; and

23.19 (4) limit the sale of unregulated cannabis flower and cannabis products.

23.20 (g) The office shall submit an annual report to the legislature by January 15, 2024, and
23.21 each January 15 thereafter. The annual report shall include but not be limited to the following:

23.22 (1) the status of the regulated cannabis industry;

23.23 (2) the status of the illicit cannabis market;

23.24 (3) the number of accidents, arrests, and convictions involving drivers who admitted to
23.25 using cannabis flower, cannabis products, lower-potency hemp products, or hemp-derived
23.26 consumer products, or who tested positive for cannabis or tetrahydrocannabinol;

23.27 (4) the change in potency, if any, of cannabis flower and cannabis products available
23.28 through the regulated market;

23.29 (5) progress on providing opportunities to individuals and communities that experienced
23.30 a disproportionate, negative impact from cannabis prohibition, including but not limited to
23.31 providing relief from criminal convictions and increasing economic opportunities;

23.32 (6) the status of racial and geographic diversity in the cannabis industry;

24.1 (7) proposed legislative changes;

24.2 (8) information on the adverse effects of second-hand smoke from any cannabis flower,
24.3 cannabis products, and hemp-derived consumer products that are consumed by combustion
24.4 or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product;
24.5 and

24.6 (9) recommendations for levels of funding for:

24.7 (i) a coordinated education program to address and raise public awareness about the top
24.8 three adverse health effects, as determined by the commissioner of health, associated with
24.9 the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
24.10 consumer products by individuals under 21 years of age;

24.11 (ii) a coordinated education program to educate pregnant women, breastfeeding women,
24.12 and women who may become pregnant on the adverse health effects of cannabis flower,
24.13 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;

24.14 (iii) training, technical assistance, and educational materials for home visiting programs
24.15 and Tribal home visiting programs regarding safe and unsafe use of cannabis flower, cannabis
24.16 products, lower-potency hemp edibles, or hemp-derived consumer products in homes with
24.17 infants and young children;

24.18 (iv) model programs to educate middle school and high school students on the health
24.19 effects on children and adolescents of the use of cannabis flower, cannabis products,
24.20 lower-potency hemp edibles, hemp-derived consumer products, and other intoxicating or
24.21 controlled substances;

24.22 (v) grants issued through the CanTrain, CanNavigate, CanStartup, and CanGrow
24.23 programs;

24.24 (vi) grants to organizations for community development in social equity communities
24.25 through the CanRenew program;

24.26 (vii) training of peace officers and law enforcement agencies on changes to laws involving
24.27 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
24.28 products, and the law's impact on searches and seizures;

24.29 (viii) training of peace officers to increase the number of drug recognition experts;

24.30 (ix) training of peace officers on the cultural uses of sage and distinguishing use of sage
24.31 from the use of cannabis flower, including whether the Board of Peace Officer Standards
24.32 and Training should approve or develop training materials;

25.1 (x) the retirement and replacement of drug detection dogs; and

25.2 (xi) the Department of Human Services and county social service agencies to address
25.3 any increase in demand for services.

25.4 (h) In developing the recommended funding levels under paragraph (g), clause (9), items
25.5 (vii) to (xi), the office shall consult with local law enforcement agencies, the Minnesota
25.6 Chiefs of Police Association, the Minnesota Sheriff's Association, the League of Minnesota
25.7 Cities, the Association of Minnesota Counties, and county social services agencies.

25.8 **Sec. 5. [342.05] STATEWIDE MONITORING SYSTEM.**

25.9 Subdivision 1. **Statewide monitoring.** The office must contract with an outside vendor
25.10 to establish a statewide monitoring system for integrated cannabis tracking, inventory, and
25.11 verification to track all cannabis plants, cannabis flower, and cannabis products from seed,
25.12 immature plant, or creation until disposal or sale to a patient or customer.

25.13 Subd. 2. **Data submission requirements.** The monitoring system must allow cannabis
25.14 businesses to submit monitoring data to the office through the use of monitoring system
25.15 software commonly used within the cannabis industry and may also permit cannabis
25.16 businesses to submit monitoring data through manual data entry with approval from the
25.17 office.

25.18 **Sec. 6. [342.06] APPROVAL OF CANNABIS FLOWER, PRODUCTS, AND**
25.19 **CANNABINOIDS.**

25.20 (a) The office shall approve types of cannabis flower, cannabis products, lower-potency
25.21 hemp edibles, and hemp-derived consumer products for retail sale.

25.22 (b) The office may establish limits on the total THC of cannabis flower, cannabis
25.23 products, and hemp-derived consumer products. As used in this paragraph, "total THC"
25.24 means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by
25.25 0.877 plus the percentage by weight of all tetrahydrocannabinols.

25.26 (c) The office shall not approve any cannabis product, lower-potency hemp edible, or
25.27 hemp-derived consumer product that:

25.28 (1) is or appears to be a lollipop or ice cream;

25.29 (2) bears the likeness or contains characteristics of a real or fictional person, animal, or
25.30 fruit;

26.1 (3) is modeled after a type or brand of products primarily consumed by or marketed to
26.2 children;

26.3 (4) contains a synthetic cannabinoid;

26.4 (5) is made by applying a cannabinoid, including but not limited to an artificially derived
26.5 cannabinoid, to a finished food product that does not contain cannabinoids and is sold to
26.6 consumers, including but not limited to a candy or snack food; or

26.7 (6) if the product is an edible cannabis product or lower-potency hemp edible, contains
26.8 an ingredient, other than a cannabinoid, that is not approved by the United States Food and
26.9 Drug Administration for use in food.

26.10 (d) The office must not approve any cannabis flower, cannabis product, or hemp-derived
26.11 consumer product that:

26.12 (1) is intended to be consumed by combustion or vaporization of the product and
26.13 inhalation of smoke, aerosol, or vapor from the product; and

26.14 (2) imparts a taste or smell, other than the taste or smell of cannabis flower, that is
26.15 distinguishable by an ordinary person before or during consumption of the product.

26.16 (e) The office may adopt rules to limit or prohibit ingredients in or additives to cannabis
26.17 flower, cannabis products, or hemp-derived consumer products to ensure compliance with
26.18 the limitations in paragraph (d).

26.19 **Sec. 7. [342.07] AGRICULTURAL AND FOOD SAFETY PRACTICES;**
26.20 **RULEMAKING.**

26.21 Subdivision 1. **Plant propagation standards.** In consultation with the commissioner
26.22 of agriculture, the office by rule must establish certification, testing, and labeling
26.23 requirements for the methods used to grow new cannabis plants or hemp plants, including
26.24 but not limited to growth from seed, clone, cutting, or tissue culture. The requirements must
26.25 prohibit the cultivation of cannabis plants derived from genetic engineering, as defined in
26.26 section 18F.02, subdivision 4.

26.27 Subd. 2. **Agricultural best practices.** In consultation with the commissioner of
26.28 agriculture and representatives from the University of Minnesota Extension Service, the
26.29 office shall establish best practices for:

26.30 (1) the cultivation and preparation of cannabis plants; and

26.31 (2) the use of pesticides, fertilizers, soil amendments, and plant amendments in relation
26.32 to growing cannabis plants.

27.1 Subd. 3. **Edible cannabinoid product handler endorsement.** (a) Any person seeking
27.2 to manufacture, process, sell, handle, or store an edible cannabis product or lower-potency
27.3 hemp edible, other than an edible cannabis product or lower-potency hemp edible that has
27.4 been placed in its final packaging, must first obtain an edible cannabinoid product handler
27.5 endorsement.

27.6 (b) In consultation with the commissioner of agriculture, the office shall establish an
27.7 edible cannabinoid product handler endorsement.

27.8 (c) The office must regulate edible cannabinoid product handlers and assess penalties
27.9 in the same manner provided for food handlers under chapters 28A, 31, and 34A and
27.10 associated rules, with the following exceptions:

27.11 (1) the office must issue an edible cannabinoid product handler endorsement, rather than
27.12 a license;

27.13 (2) eligibility for an edible cannabinoid product handler endorsement is limited to persons
27.14 who possess a valid license issued by the office;

27.15 (3) the office may not charge a fee for issuing or renewing the endorsement;

27.16 (4) the office must align the term and renewal period for edible cannabinoid product
27.17 handler endorsements with the term and renewal period of the license issued by the office;
27.18 and

27.19 (5) an edible cannabis product or lower-potency hemp edible must not be considered
27.20 adulterated solely because the product contains tetrahydrocannabinol, cannabis concentrate,
27.21 hemp concentrate, artificially derived cannabinoids, or any other material extracted or
27.22 derived from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts.

27.23 (d) The edible cannabinoid product handler endorsement must prohibit the manufacture
27.24 of edible cannabis products at the same premises where food is manufactured, except for
27.25 the limited production of edible products produced solely for product development, sampling,
27.26 or testing. This limitation does not apply to the manufacture of lower-potency hemp edibles.

27.27 Sec. 8. **[342.08] ESTABLISHMENT OF ENVIRONMENTAL STANDARDS.**

27.28 Subdivision 1. **Water standards.** In consultation with the commissioner of the Pollution
27.29 Control Agency, the office by rule must establish appropriate water standards for cannabis
27.30 businesses.

27.31 Subd. 2. **Energy use.** In consultation with the commissioner of commerce, the office
27.32 by rule must establish appropriate energy standards for cannabis businesses.

28.1 Subd. 3. **Solid waste.** In consultation with the commissioner of the Pollution Control
28.2 Agency, the office by rule must establish appropriate solid waste standards for the disposal
28.3 of:

28.4 (1) cannabis flower and cannabis products;

28.5 (2) packaging;

28.6 (3) recyclable materials, including minimum requirements for the use of recyclable
28.7 materials; and

28.8 (4) other solid waste.

28.9 Subd. 4. **Odor.** The office by rule must establish appropriate standards and requirements
28.10 to limit odors produced by cannabis businesses.

28.11 Subd. 5. **Applicability; federal, state, and local laws.** A cannabis business must comply
28.12 with all applicable federal, state, and local laws related to the subjects of subdivisions 1 to
28.13 4.

28.14 Subd. 6. **Rulemaking.** (a) The office may only adopt a rule under this section if the rule
28.15 is consistent with and at least as stringent as applicable state and federal laws related to the
28.16 subjects of subdivisions 1 to 4.

28.17 (b) The office must coordinate and consult with a department or agency of the state
28.18 regarding the development and implementation of a rule under this section if the department
28.19 or agency has expertise or a regulatory interest in the subject matter of the rule.

28.20 Sec. 9. **[342.09] PERSONAL ADULT USE OF CANNABIS.**

28.21 Subdivision 1. **Personal adult use, possession, and transportation of cannabis flower**
28.22 **and cannabinoid products.** (a) An individual 21 years of age or older may:

28.23 (1) use, possess, or transport cannabis paraphernalia;

28.24 (2) possess or transport two ounces or less of adult-use cannabis flower in a public place;

28.25 (3) possess 1.5 pounds or less of adult-use cannabis flower in the individual's private
28.26 residence;

28.27 (4) possess or transport eight grams or less of adult-use cannabis concentrate;

28.28 (5) possess or transport edible cannabis products and lower-potency hemp edibles infused
28.29 with a combined total of 800 milligrams or less of tetrahydrocannabinol;

29.1 (6) give for no remuneration two ounces or less of adult-use cannabis flower, eight grams
29.2 or less of adult-use cannabis concentrate, or edible cannabis products and lower-potency
29.3 hemp edibles infused with 800 milligrams or less of tetrahydrocannabinol to an individual
29.4 who is at least 21 years of age; and

29.5 (7) use adult-use cannabis flower and adult-use cannabis products in the following
29.6 locations:

29.7 (i) a private residence, including the individual's curtilage or yard;

29.8 (ii) on private property, not generally accessible by the public, unless the individual is
29.9 explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency
29.10 hemp edibles, or hemp-derived consumer products on the property by the owner of the
29.11 property; or

29.12 (iii) on the premises of an establishment or event licensed to permit on-site consumption.

29.13 (b) Except as provided in paragraph (c), an individual may not:

29.14 (1) use, possess, or transport cannabis flower, cannabis products, lower-potency hemp
29.15 edibles, or hemp-derived consumer products if the individual is under 21 years of age;

29.16 (2) use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
29.17 consumer products in a motor vehicle as defined in section 169A.03, subdivision 15;

29.18 (3) use cannabis flower, cannabis products, or hemp-derived consumer products in a
29.19 manner that involves the inhalation of smoke, aerosol, or vapor at any location where
29.20 smoking is prohibited under section 144.414;

29.21 (4) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
29.22 hemp-derived consumer products in a public school, as defined in section 120A.05,
29.23 subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E, including all
29.24 facilities, whether owned, rented, or leased, and all vehicles that a school district owns,
29.25 leases, rents, contracts for, or controls;

29.26 (5) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
29.27 hemp-derived consumer products in a state correctional facility;

29.28 (6) operate a motor vehicle while under the influence of cannabis flower, cannabis
29.29 products, lower-potency hemp edibles, or hemp-derived consumer products;

29.30 (7) give for no remuneration cannabis flower, cannabis products, lower-potency hemp
29.31 edibles, or hemp-derived consumer products to an individual under 21 years of age; or

30.1 (8) give for no remuneration cannabis flower or cannabis products as a sample or
30.2 promotional gift if the giver is in the business of selling goods or services.

30.3 (c) The prohibitions under paragraph (b), clauses (1) to (4), do not apply to use other
30.4 than by smoking or by a vaporized delivery method, possession, or transportation of medical
30.5 cannabis flower or medical cannabinoid products by a patient; a registered designated
30.6 caregiver; or a parent, legal guardian, or spouse of a patient.

30.7 (d) A proprietor of a family or group family day care program must disclose to parents
30.8 or guardians of children cared for on the premises of the family or group family day care
30.9 program, if the proprietor permits the smoking or use of cannabis flower, cannabis products,
30.10 lower-potency hemp edibles, or hemp-derived consumer products on the premises outside
30.11 of its hours of operation. Disclosure must include posting on the premises a conspicuous
30.12 written notice and orally informing parents or guardians.

30.13 Subd. 2. **Home cultivation of cannabis for personal adult use.** Up to eight cannabis
30.14 plants, with no more than four being mature, flowering plants may be grown at a single
30.15 residence, including the curtilage or yard, without a license to cultivate cannabis issued
30.16 under this chapter provided that cultivation takes place at the primary residence of an
30.17 individual 21 years of age or older and in an enclosed, locked space that is not open to public
30.18 view.

30.19 Subd. 3. **Home extraction of cannabis concentrate by use of volatile solvent**
30.20 **prohibited.** No person may use a volatile solvent to separate or extract cannabis concentrate
30.21 or hemp concentrate without a cannabis microbusiness, cannabis mezzobusiness, cannabis
30.22 manufacturer, medical cannabis processor, or lower-potency hemp edible manufacturer
30.23 license issued under this chapter.

30.24 Subd. 4. **Sale of cannabis flower and products prohibited.** No person may sell cannabis
30.25 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
30.26 without a license issued under this chapter that authorizes the sale.

30.27 Subd. 5. **Importation of hemp-derived products.** No person may import lower-potency
30.28 hemp edibles or hemp-derived consumer products that are manufactured outside the
30.29 boundaries of the state of Minnesota with the intent to sell the products to consumers within
30.30 the state or to any other person or business that intends to sell the products to consumers
30.31 within the state without a license issued under this chapter that authorizes the importation
30.32 of such products. This subdivision does not apply to products lawfully purchased for personal
30.33 use.

31.1 Subd. 6. Violations; penalties. (a) In addition to penalties listed in this subdivision, a
31.2 person who violates the provisions of this chapter is subject to any applicable criminal
31.3 penalty.

31.4 (b) The office may assess the following civil penalties on a person who sells cannabis
31.5 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
31.6 without a license issued under this chapter that authorizes the sale:

31.7 (1) if the person sells up to two ounces of cannabis flower, up to \$3,000 or three times
31.8 the retail market value of the cannabis flower, whichever is greater;

31.9 (2) if the person sells more than two ounces but not more than eight ounces of cannabis
31.10 flower, up to \$10,000 or three times the retail market value of the cannabis flower, whichever
31.11 is greater;

31.12 (3) if the person sells more than eight ounces but not more than one pound of cannabis
31.13 flower, up to \$25,000 or three times the retail market value of the cannabis flower, whichever
31.14 is greater;

31.15 (4) if the person sells more than one pound but not more than five pounds of cannabis
31.16 flower, up to \$50,000 or three times the retail market value of the cannabis flower, whichever
31.17 is greater;

31.18 (5) if the person sells more than five pounds but not more than 25 pounds of cannabis
31.19 flower, up to \$100,000 or three times the retail market value of the cannabis flower,
31.20 whichever is greater;

31.21 (6) if the person sells more than 25 pounds but not more than 50 pounds of cannabis
31.22 flower, up to \$250,000 or three times the retail market value of the cannabis flower,
31.23 whichever is greater; and

31.24 (7) if the person sells more than 50 pounds of cannabis flower, up to \$1,000,000 or three
31.25 times the retail market value of the cannabis flower, whichever is greater.

31.26 (c) The office may assess the following civil penalties on a person who sells cannabis
31.27 concentrate without a license issued under this chapter that authorizes the sale:

31.28 (1) if the person sells up to eight grams of cannabis concentrate, up to \$3,000 or three
31.29 times the retail market value of the cannabis concentrate, whichever is greater;

31.30 (2) if the person sells more than eight grams but not more than 40 grams of cannabis
31.31 concentrate, up to \$10,000 or three times the retail market value of the cannabis concentrate,
31.32 whichever is greater;

32.1 (3) if the person sells more than 40 grams but not more than 80 grams of cannabis
32.2 concentrate, up to \$25,000 or three times the retail market value of the cannabis concentrate,
32.3 whichever is greater;

32.4 (4) if the person sells more than 80 grams but not more than 400 grams of cannabis
32.5 concentrate, up to \$50,000 or three times the retail market value of the cannabis concentrate,
32.6 whichever is greater;

32.7 (5) if the person sells more than 400 grams but not more than two kilograms of cannabis
32.8 concentrate, up to \$100,000 or three times the retail market value of the cannabis concentrate,
32.9 whichever is greater;

32.10 (6) if the person sells more than two kilograms but not more than four kilograms of
32.11 cannabis concentrate, up to \$250,000 or three times the retail market value of the cannabis
32.12 concentrate, whichever is greater; and

32.13 (7) if the person sells more than four kilograms of cannabis concentrate, up to \$1,000,000
32.14 or three times the retail market value of the cannabis concentrate, whichever is greater.

32.15 (d) The office may assess the following civil penalties on a person who imports or sells
32.16 products infused with tetrahydrocannabinol without a license issued under this chapter that
32.17 authorizes the importation or sale:

32.18 (1) if the person imports or sells products infused with up to 800 milligrams of
32.19 tetrahydrocannabinol, up to \$3,000 or three times the retail market value of the infused
32.20 product, whichever is greater;

32.21 (2) if the person imports or sells products infused with a total of more than 800 milligrams
32.22 but not more than four grams of tetrahydrocannabinol, up to \$10,000 or three times the
32.23 retail market value of the infused product, whichever is greater;

32.24 (3) if the person imports or sells products infused with a total of more than four grams
32.25 but not more than eight grams of tetrahydrocannabinol, up to \$25,000 or three times the
32.26 retail market value of the infused product, whichever is greater;

32.27 (4) if the person imports or sells products infused with a total of more than eight grams
32.28 but not more than 40 grams of tetrahydrocannabinol, up to \$50,000 or three times the retail
32.29 market value of the infused product, whichever is greater;

32.30 (5) if the person imports or sells products infused with a total of more than 40 grams
32.31 but not more than 200 grams of tetrahydrocannabinol, up to \$100,000 or three times the
32.32 retail market value of the infused product, whichever is greater;

33.1 (6) if the person imports or sells products infused with a total of more than 200 grams
33.2 but not more than 400 grams of tetrahydrocannabinol, up to \$250,000 or three times the
33.3 retail market value of the infused product, whichever is greater; and

33.4 (7) if the person imports or sells products infused with a total of more than 400 grams
33.5 of tetrahydrocannabinol, up to \$1,000,000 or three times the retail market value of the
33.6 infused product, whichever is greater.

33.7 (e) The office may assess a civil penalty of up to \$500 for each plant grown in excess
33.8 of the limit on a person who grows more than eight cannabis plants or more than four mature,
33.9 flowering plants, without a license to cultivate cannabis issued under this chapter.

33.10 **Sec. 10. [342.10] LICENSES; TYPES.**

33.11 The office shall issue the following types of license:

33.12 (1) cannabis microbusiness;

33.13 (2) cannabis mezzobusiness;

33.14 (3) cannabis cultivator;

33.15 (4) cannabis manufacturer;

33.16 (5) cannabis retailer;

33.17 (6) cannabis wholesaler;

33.18 (7) cannabis transporter;

33.19 (8) cannabis testing facility;

33.20 (9) cannabis event organizer;

33.21 (10) cannabis delivery service;

33.22 (11) lower-potency hemp edible manufacturer;

33.23 (12) lower-potency hemp edible retailer;

33.24 (13) medical cannabis cultivator;

33.25 (14) medical cannabis processor; or

33.26 (15) medical cannabis retailer.

34.1 **Sec. 11. [342.11] LICENSES; FEES.**

34.2 (a) The office shall require the payment of application fees, initial licensing fees, and
34.3 renewal licensing fees as provided in this section. The initial license fee shall include the
34.4 fee for initial issuance of the license and the first annual renewal. The renewal fee shall be
34.5 charged at the time of the second renewal and each subsequent annual renewal thereafter.
34.6 Nothing in this section prohibits a local unit of government from charging the retailer
34.7 registration fee established in section 342.22. Application fees, initial licensing fees, and
34.8 renewal licensing fees are nonrefundable.

34.9 (b) Application and licensing fees shall be as follows:

34.10 (1) for a cannabis microbusiness:

34.11 (i) an application fee of \$500;

34.12 (ii) an initial license fee of \$0; and

34.13 (iii) a renewal license fee of \$2,000;

34.14 (2) for a cannabis mezzobusiness:

34.15 (i) an application fee of \$5,000;

34.16 (ii) an initial license fee of \$5,000; and

34.17 (iii) a renewal license fee of \$10,000;

34.18 (3) for a cannabis cultivator:

34.19 (i) an application fee of \$10,000;

34.20 (ii) an initial license fee of \$20,000; and

34.21 (iii) a renewal license fee of \$30,000;

34.22 (4) for a cannabis manufacturer:

34.23 (i) an application fee of \$10,000;

34.24 (ii) an initial license fee of \$10,000; and

34.25 (iii) a renewal license fee of \$20,000;

34.26 (5) for a cannabis retailer:

34.27 (i) an application fee of \$2,500;

34.28 (ii) an initial license fee of \$2,500; and

34.29 (iii) a renewal license fee of \$5,000;

- 35.1 (6) for a cannabis wholesaler:
- 35.2 (i) an application fee of \$5,000;
- 35.3 (ii) an initial license fee of \$5,000; and
- 35.4 (iii) a renewal license fee of \$10,000;
- 35.5 (7) for a cannabis transporter:
- 35.6 (i) an application fee of \$250;
- 35.7 (ii) an initial license fee of \$500; and
- 35.8 (iii) a renewal license fee of \$1,000;
- 35.9 (8) for a cannabis testing facility:
- 35.10 (i) an application fee of \$250;
- 35.11 (ii) an initial license fee of \$0; and
- 35.12 (iii) a renewal license fee of \$0;
- 35.13 (9) for a cannabis delivery service:
- 35.14 (i) an application fee of \$250;
- 35.15 (ii) an initial license fee of \$500; and
- 35.16 (iii) a renewal license fee of \$1,000;
- 35.17 (10) for a cannabis event organizer:
- 35.18 (i) an application fee of \$750; and
- 35.19 (ii) an initial license fee of \$750;
- 35.20 (11) for a lower-potency hemp edible manufacturer:
- 35.21 (i) an application fee of \$250;
- 35.22 (ii) an initial license fee of \$500; and
- 35.23 (iii) a renewal license fee of \$500;
- 35.24 (12) for a lower-potency hemp retailer:
- 35.25 (i) an application fee of \$250;
- 35.26 (ii) an initial license fee of \$500; and
- 35.27 (iii) a renewal license fee of \$500;

36.1 (13) for a medical cannabis cultivator:

36.2 (i) an application fee of \$250;

36.3 (ii) an initial license fee of \$0; and

36.4 (iii) a renewal license fee of \$0;

36.5 (14) for a medical cannabis processor:

36.6 (i) an application fee of \$250;

36.7 (ii) an initial license fee of \$0; and

36.8 (iii) a renewal license fee of \$0; and

36.9 (15) for a medical cannabis retailer:

36.10 (i) an application fee of \$250;

36.11 (ii) an initial license fee of \$0; and

36.12 (iii) a renewal license fee of \$0.

36.13 **Sec. 12. [342.12] LICENSES; TRANSFERS; ADJUSTMENTS.**

36.14 (a) Licenses issued under this chapter may not be transferred. A new license must be
36.15 obtained when:

36.16 (1) the form of the licensee's legal business structure converts or changes to a different
36.17 type of legal business structure;

36.18 (2) the licensee dissolves, consolidates, or merges with another legal organization;

36.19 (3) within the previous 24 months, 50 percent or more of the licensee is transferred by
36.20 a single transaction or multiple transactions to:

36.21 (i) another person or legal organization; or

36.22 (ii) a person or legal organization who had less than a five percent ownership interest
36.23 in the licensee at the time of the first transaction; or

36.24 (4) any other event or combination of events that results in a substitution, elimination,
36.25 or withdrawal of the licensee's responsibility for the operation of the licensee.

36.26 (b) Licenses must be renewed annually.

36.27 (c) License holders may petition the office to adjust the tier of a license issued within a
36.28 license category provided that the license holder meets all applicable requirements.

37.1 (d) The office by rule may permit relocation of a licensed cannabis business, adopt
37.2 requirements for the submission of a license relocation application, establish standards for
37.3 the approval of a relocation application, and charge a fee not to exceed \$250 for reviewing
37.4 and processing relocation applications. Relocation of a licensed premises pursuant to this
37.5 paragraph does not extend or otherwise modify the license term of the license subject to
37.6 relocation.

37.7 Sec. 13. [342.13] LOCAL CONTROL.

37.8 (a) A local unit of government may not prohibit the possession, transportation, or use
37.9 of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
37.10 consumer products authorized under this chapter.

37.11 (b) Except as provided in section 342.22, a local unit of government may not prohibit
37.12 the establishment or operation of a cannabis business or hemp business licensed under this
37.13 chapter.

37.14 (c) A local unit of government may adopt reasonable restrictions on the time, place, and
37.15 manner of the operation of a cannabis business or hemp business provided that such
37.16 restrictions do not prohibit the establishment or operation of cannabis businesses or hemp
37.17 businesses. A local unit of government may prohibit the operation of a cannabis business
37.18 within 1,000 feet of a school, day care, the Capitol or Capitol grounds, or a public park that
37.19 includes a playground, athletic field, or other attraction regularly used by minors.

37.20 (d) The office shall work with local units of government to:

37.21 (1) develop model ordinances for reasonable restrictions on the time, place, and manner
37.22 of the operation of a cannabis business or hemp business;

37.23 (2) develop standardized forms and procedures for the issuance of a retail registration
37.24 pursuant to section 342.22; and

37.25 (3) develop model policies and procedures for the performance of compliance checks
37.26 required under section 342.22.

37.27 (e) If a local unit of government is conducting studies or has authorized a study to be
37.28 conducted or has held or has scheduled a hearing for the purpose of considering adoption
37.29 or amendment of reasonable restrictions on the time, place, and manner of the operation of
37.30 a cannabis business, the governing body of the local unit of government may adopt an
37.31 interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting
37.32 the planning process and the health, safety, and welfare of its citizens. Before adopting the
37.33 interim ordinance, the governing body must hold a public hearing. The interim ordinance

38.1 may regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction
38.2 or a portion thereof until January 1, 2025.

38.3 (f) Within 30 days of receiving a copy of an application from the office, a local unit of
38.4 government shall certify on a form provided by the office whether a proposed cannabis
38.5 business or hemp business complies with local zoning ordinances and, if applicable, whether
38.6 the proposed business complies with the state fire code and building code.

38.7 (g) Upon receipt of an application for a license issued under this chapter, the office shall
38.8 contact the local unit of government in which the business would be located and provide
38.9 the local unit of government with 30 days in which to provide input on the application. The
38.10 local unit of government may provide the office with any additional information it believes
38.11 is relevant to the office's decision on whether to issue a license, including but not limited
38.12 to identifying concerns about the proposed location of a cannabis business or hemp business,
38.13 or sharing public information about an applicant.

38.14 (h) The office by rule shall establish an expedited complaint process to receive, review,
38.15 and respond to complaints made by a local unit of government about a cannabis business
38.16 or hemp business. Complaints may include alleged violations of local ordinances or other
38.17 alleged violations. At a minimum, the expedited complaint process shall require the office
38.18 to provide an initial response to the complaint within seven days and perform any necessary
38.19 inspections within 30 days. Nothing in this paragraphs prohibits a local unit of government
38.20 from enforcing a local ordinance. If a local unit of government notifies the office that a
38.21 cannabis business or hemp business other than a cannabis retailer, cannabis microbusiness
38.22 with a retail operations endorsement, cannabis mezzobusiness, lower-potency hemp edible
38.23 retailer, or medical cannabis retailer poses an immediate threat to the health or safety of the
38.24 public, the office must respond within 24 hours and may take any action described in section
38.25 342.19 or 342.21.

38.26 (i) Notwithstanding the foregoing provisions, the state shall not issue a license to any
38.27 cannabis business to operate in the Indian Country, as defined in United States Code, title
38.28 25, section 1151, of a Minnesota Tribal government without the consent of the Tribal
38.29 government.

38.30 **Sec. 14. [342.14] CANNABIS LICENSE APPLICATION AND RENEWAL.**

38.31 Subdivision 1. **Application; contents.** (a) The office by rule shall establish forms and
38.32 procedures for the processing of cannabis licenses issued under this chapter. At a minimum,
38.33 any application to obtain or renew a cannabis license shall include the following information,
38.34 if applicable:

- 39.1 (1) the name, address, and date of birth of the applicant;
- 39.2 (2) the disclosure of ownership and control required under paragraph (b);
- 39.3 (3) the disclosure of whether the applicant or, if the applicant is a business, any officer,
- 39.4 director, manager, and general partner of the business has ever filed for bankruptcy;
- 39.5 (4) the address and legal property description of the business;
- 39.6 (5) documentation showing legal possession of the premises where the business will
- 39.7 operate;
- 39.8 (6) a diagram of the premises, including a security drawing;
- 39.9 (7) a copy of the security plan;
- 39.10 (8) proof of trade name registration;
- 39.11 (9) a copy of the applicant's business plan showing the expected size of the business;
- 39.12 anticipated growth; the methods of record keeping; the knowledge and experience of the
- 39.13 applicant and any officer, director, manager, and general partner of the business; the
- 39.14 environmental plan; and other relevant financial and operational components;
- 39.15 (10) an attestation signed by a bona fide labor organization stating that the applicant has
- 39.16 entered into a labor peace agreement;
- 39.17 (11) certification that the applicant will comply with the requirements of this chapter
- 39.18 relating to the ownership and operation of a cannabis business;
- 39.19 (12) identification of one or more controlling persons or managerial employees as agents
- 39.20 who shall be responsible for dealing with the office on all matters; and
- 39.21 (13) a statement that the applicant agrees to respond to the office's supplemental requests
- 39.22 for information.
- 39.23 (b) An applicant must file and update as necessary a disclosure of ownership and control.
- 39.24 The office by rule shall establish the contents and form of the disclosure. Except as provided
- 39.25 in paragraph (f), the disclosure shall, at a minimum, include the following:
- 39.26 (1) the management structure, ownership, and control of the applicant or license holder,
- 39.27 including the name of each cooperative member, officer, director, manager, general partner
- 39.28 or business entity; the office or position held by each person; each person's percentage
- 39.29 ownership interest, if any; and, if the business has a parent company, the name of each
- 39.30 owner, board member, and officer of the parent company and the owner's, board member's,
- 39.31 or officer's percentage ownership interest in the parent company and the cannabis business;

40.1 (2) a statement from the applicant and, if the applicant is a business, from every officer,
40.2 director, manager, and general partner of the business, indicating whether that person has
40.3 previously held, or currently holds, an ownership interest in a cannabis business in Minnesota,
40.4 any other state or territory of the United States, or any other country;

40.5 (3) if the applicant is a corporation, copies of its articles of incorporation and bylaws
40.6 and any amendments to its articles of incorporation or bylaws;

40.7 (4) copies of any partnership agreement, operating agreement, or shareholder agreement;

40.8 (5) copies of any promissory notes, security instruments, or other similar agreements;

40.9 (6) explanation detailing the funding sources used to finance the business;

40.10 (7) a list of operating and investment accounts for the business, including any applicable
40.11 financial institution and account number; and

40.12 (8) a list of each outstanding loan and financial obligation obtained for use in the business,
40.13 including the loan amount, loan terms, and name and address of the creditor.

40.14 (c) An application may include:

40.15 (1) proof that the applicant is a social equity applicant;

40.16 (2) a description of the training and education that will be provided to any employee;

40.17 or

40.18 (3) a copy of business policies governing operations to ensure compliance with this
40.19 chapter.

40.20 (d) Commitments made by an applicant in its application, including but not limited to
40.21 the maintenance of a labor peace agreement, shall be an ongoing material condition of
40.22 maintaining and renewing the license.

40.23 (e) An application on behalf of a corporation or association shall be signed by at least
40.24 two officers or managing agents of that entity.

40.25 (f) The office may, by rule, establish exceptions to the disclosures required under
40.26 paragraph (b) for members of a cooperative who hold less than a five percent ownership
40.27 interest in the cooperative.

40.28 Subd. 2. **Application; process.** (a) An applicant must submit all required information
40.29 to the office on the forms and in the manner prescribed by the office.

41.1 (b) If the office receives an application that fails to provide the required information,
41.2 the office shall issue a deficiency notice to the applicant. The applicant shall have ten
41.3 business days from the date of the deficiency notice to submit the required information.

41.4 (c) Failure by an applicant to submit all required information will result in the application
41.5 being rejected.

41.6 (d) Upon receipt of a completed application and fee, the office shall forward a copy of
41.7 the application to the local unit of government in which the business operates or intends to
41.8 operate with a form for certification as to whether a proposed cannabis business or hemp
41.9 business complies with local zoning ordinances and, if applicable, whether the proposed
41.10 business complies with the state fire code and building code.

41.11 (e) Within 90 days of receiving a completed application and the results of any required
41.12 criminal history check, the office shall issue the appropriate license or send the applicant a
41.13 notice of rejection setting forth specific reasons that the office did not approve the application.

41.14 Sec. 15. **[342.15] ADULT-USE CANNABIS BUSINESS; CRIMINAL HISTORY**
41.15 **CHECK AND DISQUALIFICATIONS.**

41.16 Subdivision 1. **Criminal history check.** (a) Upon request by the office, every applicant
41.17 for a cannabis business license and prospective cannabis worker must submit a completed
41.18 criminal history records check consent form, a full set of classifiable fingerprints, and the
41.19 required fees to the office. Upon receipt of this information, the office must submit the
41.20 completed criminal history records check consent form, full set of classifiable fingerprints,
41.21 and required fees to the Bureau of Criminal Apprehension. After receiving this information,
41.22 the bureau must conduct a Minnesota criminal history records check of the license applicant
41.23 or prospective cannabis worker. The bureau may exchange a license applicant's or prospective
41.24 cannabis worker's fingerprints with the Federal Bureau of Investigation to obtain the license
41.25 applicant's or prospective cannabis worker's national criminal history record information.
41.26 The bureau must return the results of the Minnesota and federal criminal history records
41.27 checks to the director to determine if the license applicant or prospective cannabis worker
41.28 is disqualified under rules adopted pursuant to this section.

41.29 (b) The office may, by rule, establish exceptions to the requirement under paragraph (a)
41.30 for members of a cooperative who hold less than a five percent ownership interest in the
41.31 cooperative.

41.32 Subd. 2. **Criminal offenses; disqualifications.** The office may by rule determine whether
41.33 any felony convictions shall disqualify a person from holding or receiving a cannabis

42.1 business license issued under this chapter or working for a cannabis business, and the length
42.2 of any such disqualification. In adopting rules pursuant to this subdivision, the office shall
42.3 not disqualify a person for a violation of section 152.025.

42.4 Subd. 3. **Risk of harm; set aside.** The office may set aside a disqualification under
42.5 subdivision 2 if the office finds that the person has submitted sufficient information to
42.6 demonstrate that the person does not pose a risk of harm to any person served by the
42.7 applicant, license holder, or other entities as provided in this chapter.

42.8 Subd. 4. **Exception.** The background check requirements and disqualifications under
42.9 this section do not apply to an applicant for a hemp business license or to hemp workers.

42.10 Sec. 16. **[342.16] CANNABIS BUSINESSES; GENERAL OWNERSHIP**
42.11 **DISQUALIFICATIONS AND REQUIREMENTS.**

42.12 (a) A license holder or applicant must meet each of the following requirements, if
42.13 applicable, to hold or receive a cannabis license issued under this chapter:

42.14 (1) be at least 21 years of age;

42.15 (2) have completed an application for licensure or application for renewal;

42.16 (3) have paid the applicable application fee and license fee;

42.17 (4) reside in the state;

42.18 (5) if the applicant or license holder is a business entity, be incorporated in the state or
42.19 otherwise formed or organized under the laws of the state;

42.20 (6) if the applicant or license holder is a business entity, at least 75 percent of the business
42.21 must be owned by Minnesota residents;

42.22 (7) not be employed by the office or any state agency with regulatory authority under
42.23 this chapter or the rules adopted pursuant to this chapter;

42.24 (8) not be a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph
42.25 (c);

42.26 (9) never have had a license previously issued under this chapter revoked;

42.27 (10) have filed any previously required tax returns for a cannabis business;

42.28 (11) have paid and remitted any business taxes, gross receipts taxes, interest, or penalties
42.29 due relating to the operation of a cannabis business;

43.1 (12) have fully and truthfully complied with all information requests of the office relating
43.2 to license application and renewal;

43.3 (13) not be disqualified under section 342.15;

43.4 (14) not employ an individual who is disqualified from working for a cannabis business
43.5 under this chapter; and

43.6 (15) meet the ownership and operational requirements for the type of license and, if
43.7 applicable, endorsement sought or held.

43.8 (b) A health care practitioner who certifies qualifying medical conditions for patients is
43.9 prohibited from:

43.10 (1) holding a direct or indirect economic interest in a cannabis business;

43.11 (2) serving as a cooperative member, director, manager, general partner, or employee
43.12 of a cannabis business; or

43.13 (3) advertising with a cannabis business in any way.

43.14 (c) If the license holder or applicant is a business entity, every officer, director, manager,
43.15 and general partner of the business entity must meet each of the requirements of this section.

43.16 (d) The ownership disqualifications and requirements under this section do not apply to
43.17 a hemp business license holder or applicant.

43.18 Sec. 17. **[342.17] SOCIAL EQUITY APPLICANTS.**

43.19 An individual qualifies as a social equity applicant if the individual is:

43.20 (1) convicted of a cannabis-related offense prior to the effective date of this chapter, or
43.21 had a parent, guardian, child, spouse, or dependent, or was a dependent of an individual
43.22 who, prior to the effective date of this chapter, was convicted of a cannabis-related offense;

43.23 (2) a service-disabled veteran and national guard as well as any military veteran or
43.24 national guard who lost honorable status due to a cannabis-related offense;

43.25 (3) a resident for the last five years of one or more communities disproportionately
43.26 impacted by cannabis enforcement as determined by the study conducted by the office
43.27 pursuant to section 342.04, paragraph (b), and reported in the preliminary report, final report,
43.28 or both;

43.29 (4) socially disadvantaged farmers or ranchers as defined by United States Code, title
43.30 7, section 2003(e)(2); or

44.1 (5) a resident for the last five years of one or more census tracts where, as reported in
44.2 the most recently completed decennial census published by the United States Bureau of the
44.3 Census, either:

44.4 (i) the poverty rate was 20 percent or more; or

44.5 (ii) the median family income did not exceed 80 percent of statewide median family
44.6 income or, if in a metropolitan area, did not exceed the greater of 80 percent of the statewide
44.7 median family income or 80 percent of the median family income for that metropolitan
44.8 area.

44.9 **Sec. 18. [342.18] LICENSE SELECTION CRITERIA.**

44.10 Subdivision 1. **Market stability.** The office shall issue the necessary number of licenses
44.11 in order to ensure the sufficient supply of cannabis flower and cannabis products to meet
44.12 demand, provide market stability, ensure a competitive market, and limit the sale of
44.13 unregulated cannabis flower and cannabis products.

44.14 Subd. 2. **Vertical integration prohibited; exceptions.** (a) Except as otherwise provided
44.15 in this subdivision, the office shall not issue licenses to a single applicant that would result
44.16 in the applicant being vertically integrated in violation of the provisions of this chapter.

44.17 (b) Nothing in this section prohibits or limits the issuance of microbusiness licenses or
44.18 mezzobusiness licenses, or the issuance of both lower-potency hemp edible manufacturer
44.19 and lower-potency hemp edible retailer licenses to the same person or entity.

44.20 Subd. 3. **Application score; license priority.** (a) The office shall award points to each
44.21 completed application for a license to operate a cannabis business in the following categories:

44.22 (1) status as a social equity applicant or as an applicant who is substantially similar to
44.23 a social equity applicant as described in paragraph (c);

44.24 (2) status as a veteran or retired national guard applicant who does not meet the definition
44.25 of social equity applicant;

44.26 (3) security and record keeping;

44.27 (4) employee training plan;

44.28 (5) business plan and financial situation;

44.29 (6) labor and employment practices;

44.30 (7) knowledge and experience; and

44.31 (8) environmental plan.

45.1 (b) The office may award additional points to an application if the license holder would
45.2 expand service to an underrepresented market including but not limited to participation in
45.3 the medical cannabis program.

45.4 (c) The office shall establish application materials permitting individual applicants to
45.5 demonstrate the impact that cannabis prohibition has had on that applicant including but
45.6 not limited to the arrest or imprisonment of the applicant or a member of the applicant's
45.7 immediate family, and the office may award points to such applicants in the same manner
45.8 as points are awarded to social equity applicants.

45.9 (d) The office shall establish policies and guidelines, which shall be made available to
45.10 the public, regarding the number of points available in each category and the basis for
45.11 awarding those points. Status as a social equity applicant must account for at least 20 percent
45.12 of the total available points. In determining the number of points to award to a cooperative
45.13 or business applying as a social equity applicant, the office shall consider the number or
45.14 ownership percentage of cooperative members, officers, directors, managers, and general
45.15 partners who qualify as social equity applicants.

45.16 (e) Consistent with the goals identified in subdivision 1, the office shall issue licenses
45.17 in each license category, giving priority to applicants who receive the highest score under
45.18 paragraphs (a) and (b). If there are insufficient licenses available for entities that receive
45.19 identical scores, the office shall utilize a lottery to randomly select license recipients from
45.20 among those entities.

45.21 **Sec. 19. [342.19] INSPECTION; LICENSE VIOLATIONS; PENALTIES.**

45.22 Subdivision 1. **Authority to inspect.** (a) In order to carry out the purposes of this chapter,
45.23 the office, upon presenting appropriate credentials to the owner, operator, or agent in charge,
45.24 is authorized to:

45.25 (1) enter any cannabis business or hemp business without delay and at reasonable times;

45.26 (2) inspect and investigate during regular working hours and at other reasonable times,
45.27 within reasonable limits and in a reasonable manner, any cannabis business or hemp business
45.28 and all relevant conditions, equipment, records, and materials therein; and

45.29 (3) question privately any employer, owner, operator, agent, or employee of a cannabis
45.30 business or hemp business.

45.31 (b) An employer, owner, operator, agent, or employee must not refuse the office entry
45.32 or otherwise deter or prohibit the office from taking action under paragraph (a).

46.1 Subd. 2. Powers of office. (a) In making inspections and investigations under this chapter,
46.2 the office shall have the power to administer oaths, certify as to official acts, take and cause
46.3 to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses
46.4 and production of papers, books, documents, records, and testimony. In case of failure of
46.5 any person to comply with any subpoena lawfully issued, or on the refusal of any witness
46.6 to produce evidence or to testify to any matter regarding which the person may be lawfully
46.7 interrogated, the district court shall, upon application of the office, compel obedience
46.8 proceedings for contempt, as in the case of disobedience of the requirements of a subpoena
46.9 issued by the court or a refusal to testify therein.

46.10 (b) If the office finds probable cause to believe that any cannabis plant, cannabis flower,
46.11 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
46.12 hemp-derived consumer product is being distributed in violation of this chapter or rules
46.13 adopted under this chapter, the office shall affix to the item a tag, withdrawal from
46.14 distribution order, or other appropriate marking providing notice that the cannabis plant,
46.15 cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp
46.16 edible, or hemp-derived consumer product is, or is suspected of being, distributed in violation
46.17 of this chapter, and has been detained or embargoed, and warning all persons not to remove
46.18 or dispose of the item by sale or otherwise until permission for removal or disposal is given
46.19 by the office or the court. It is unlawful for a person to remove or dispose of detained or
46.20 embargoed cannabis plant, cannabis flower, cannabis product, artificially derived
46.21 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product by sale or
46.22 otherwise without the office's or a court's permission and each transaction is a separate
46.23 violation of this section.

46.24 (c) If any cannabis plant, cannabis flower, cannabis product, artificially derived
46.25 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product has been
46.26 found by the office to be in violation of this chapter, the office shall petition the district
46.27 court in the county in which the item is detained or embargoed for an order and decree for
46.28 the condemnation of the item. The office shall release the cannabis plant, cannabis flower,
46.29 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
46.30 hemp-derived consumer product when this chapter and rules adopted under this chapter
46.31 have been complied with or the item is found not to be in violation of this chapter or rules
46.32 adopted under this chapter.

46.33 (d) If the court finds that detained or embargoed cannabis plant, cannabis flower, cannabis
46.34 product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived

47.1 consumer product is in violation of this chapter or rules adopted under this chapter, the
47.2 following remedies are available:

47.3 (1) after entering a decree, the cannabis plant, cannabis flower, cannabis product,
47.4 artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer
47.5 product may be destroyed at the expense of the claimant under the supervision of the office,
47.6 and all court costs, fees, storage, and other proper expenses must be assessed against the
47.7 claimant of the cannabis plant, cannabis flower, cannabis product, artificially derived
47.8 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product or the claimant's
47.9 agent; and

47.10 (2) if the violation can be corrected by proper labeling or processing of the cannabis
47.11 plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency
47.12 hemp edible, or hemp-derived consumer product, the court, after entry of the decree and
47.13 after costs, fees, and expenses have been paid, and a good and sufficient bond conditioned
47.14 that the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid,
47.15 lower-potency hemp edible, or hemp-derived consumer product must be properly labeled
47.16 or processed has been executed, may by order direct that the cannabis plant, cannabis flower,
47.17 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
47.18 hemp-derived consumer product be delivered to the claimant for proper labeling or processing
47.19 under the supervision of the office. The office's supervision expenses must be paid by the
47.20 claimant. The cannabis plant, cannabis flower, cannabis product, artificially derived
47.21 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product must be
47.22 returned to the claimant and the bond must be discharged on representation to the court by
47.23 the office that the cannabis plant, cannabis flower, cannabis product, artificially derived
47.24 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product is no longer
47.25 in violation and that the office's supervision expenses have been paid.

47.26 (e) If the office finds in any room, building, piece of equipment, vehicle of transportation,
47.27 or other structure any cannabis plant, cannabis flower, cannabis product, artificially derived
47.28 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product that is unsound
47.29 or contains any filthy, decomposed, or putrid substance, or that may be poisonous or
47.30 deleterious to health or otherwise unsafe, the office shall condemn or destroy the item or
47.31 in any other manner render the item as unsalable, and no one has any cause of action against
47.32 the office on account of the office's action.

47.33 (f) The office may enter into an agreement with the commissioner of agriculture to
47.34 analyze and examine samples or other articles furnished by the office for the purpose of
47.35 determining whether the sample or article violates this chapter or rules adopted under this

48.1 chapter. A copy of the examination or analysis report for any such article, duly authenticated
48.2 under oath by the laboratory analyst making the determination or examination, shall be
48.3 prima facie evidence in all courts of the matters and facts contained in the report.

48.4 Subd. 3. **Aiding of inspection.** Subject to rules issued by the office, a representative of
48.5 a cannabis business or hemp business shall be given an opportunity to accompany the office
48.6 during the physical inspection of any cannabis business or hemp business for the purpose
48.7 of aiding such inspection.

48.8 Subd. 4. **Complaints and reports; priority of inspection.** (a) The office may conduct
48.9 inspections of any licensed cannabis business or hemp business at any time to ensure
48.10 compliance with the ownership and operation requirements of this chapter.

48.11 (b) Any person may report a suspected violation of a safety or health standard. If upon
48.12 receipt of such notification the office determines that there are reasonable grounds to believe
48.13 that such violation or danger exists, the office shall make a special inspection as soon as
48.14 practicable to determine if such danger or violation exists.

48.15 (c) The office shall prioritize inspections of cannabis businesses and hemp businesses
48.16 where there are reasonable grounds to believe that a violation poses imminent danger to the
48.17 public or customers. Inspections must take place within 24 hours of the receipt of a credible
48.18 report.

48.19 (d) The office shall promptly inspect cannabis businesses and hemp businesses that are
48.20 the subject of complaint by a local unit of government.

48.21 Subd. 5. **Violations; administrative orders and penalties.** (a) The office may issue an
48.22 administrative order to any licensed cannabis business or hemp business that the office
48.23 determines has committed a violation of this chapter or rules adopted pursuant to this chapter.
48.24 The administrative order may require the business to correct the violation or to cease and
48.25 desist from committing the violation. The order must state the deficiencies that constitute
48.26 the violation and the time by which the violation must be corrected. If the business believes
48.27 that the information in the administrative order is in error, the business may ask the office
48.28 to consider the parts of the order that are alleged to be in error. The request must be in
48.29 writing, delivered to the office by certified mail within seven days after receipt of the order,
48.30 and provide documentation to support the allegation of error. The office must respond to a
48.31 request for reconsideration within 15 days after receiving the request. A request for
48.32 reconsideration does not stay the correction order unless the office issues a supplemental
48.33 order granting additional time. The office's disposition of a request for reconsideration is
48.34 final.

49.1 (b) For each violation of this chapter or rules adopted pursuant to this chapter, the office
49.2 may issue to each cannabis business or hemp business a monetary penalty of up to \$10,000,
49.3 an amount that deprives the business of any economic advantage gained by the violation,
49.4 or both.

49.5 (c) An administrative penalty may be recovered in a civil action in the name of the state
49.6 brought in the district court of the county where the violation is alleged to have occurred
49.7 or the district court where the office is housed.

49.8 (d) In addition to penalties listed in this subdivision, a person or business who violates
49.9 the provisions of this chapter is subject to any applicable criminal penalty.

49.10 **Sec. 20. [342.20] DATA PRACTICES.**

49.11 Subdivision 1. **Not public data.** The following data collected, created, or maintained
49.12 by the office are classified as nonpublic data, as defined by section 13.02, subdivision 9, or
49.13 as private data on individuals, as defined by section 13.02, subdivision 12:

49.14 (1) application data submitted by an applicant for a cannabis business license or hemp
49.15 business license, other than the data listed in subdivision 2;

49.16 (2) the identity of a complainant who has made a report concerning a license holder or
49.17 applicant that appears in inactive complaint data unless the complainant consents to the
49.18 disclosure;

49.19 (3) the nature or content of unsubstantiated complaints when the information is not
49.20 maintained in anticipation of legal action;

49.21 (4) the record of any disciplinary proceeding except as limited by subdivision 9;

49.22 (5) data identifying retail or wholesale customers of a cannabis business or hemp business;
49.23 and

49.24 (6) data identifying cannabis workers or hemp workers.

49.25 **Subd. 2. Public data on license applicants.** (a) The following application data submitted
49.26 by an applicant for a cannabis business license or hemp business license are public data:

49.27 (1) the applicant's name and designated address;

49.28 (2) data disclosing the ownership and control of the applicant;

49.29 (3) proof of trade name registration;

49.30 (4) data showing the legal possession of the premises where the business will operate;

50.1 (5) data describing whether volatile chemicals will be used in any methods of extraction
50.2 or concentration;

50.3 (6) environmental plans;

50.4 (7) the type and number of other cannabis business licenses or hemp business licenses
50.5 held by the applicant; and

50.6 (8) the name, address, location, dates, and hours of where any proposed cannabis event
50.7 will take place.

50.8 (b) Scoring and other data generated by the office in its review of an applicant for a
50.9 cannabis business license or hemp business license are public data.

50.10 Subd. 3. **Public application data on license holders.** Once an applicant for a cannabis
50.11 business license or hemp business license becomes a license holder, all of the application
50.12 data that the license holder had previously submitted to the office are public data except
50.13 that the following data remain classified as nonpublic data or private data on individuals:

50.14 (1) data identifying retail or wholesale customers of a cannabis business or hemp business;

50.15 (2) data identifying cannabis workers or hemp workers;

50.16 (3) tax returns, bank account statements, and other financial account information;

50.17 (4) business plans; and

50.18 (5) security information and trade secret information, as defined by section 13.37.

50.19 Subd. 4. **Public disciplinary data.** Minutes, orders for hearings, findings of fact,
50.20 conclusions of law, and specification of the final disciplinary action contained in the record
50.21 of the disciplinary action are classified as public data. If there is a public hearing concerning
50.22 the disciplinary action, the entire record concerning the disciplinary action is public data.
50.23 If the license holder and the office agree to resolve a complaint without a hearing, the
50.24 agreement and the specific reasons for the agreement are public data.

50.25 Subd. 5. **Data practices administration.** (a) The office must establish written procedures
50.26 to ensure that only individuals authorized by law may enter, update, or access data maintained
50.27 by the office and classified as nonpublic or private data on individuals. An authorized
50.28 individual's ability to enter, update, or access not public data must correspond to the official
50.29 duties or training level of the individual and to the statutory authorization granting access
50.30 for that purpose. All queries and responses, and all actions in which not public data are
50.31 entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail.

51.1 Data contained in the audit trail have the same classification as the underlying data tracked
51.2 by the audit trail.

51.3 (b) The office must not share data classified as nonpublic or private data on individuals
51.4 under this section or other data identifying an individual applicant or license holder with
51.5 any federal agency, federal department, or federal entity unless specifically ordered to do
51.6 so by a state or federal court.

51.7 (c) The office must arrange for an independent audit to verify compliance with this
51.8 section. The audit must be completed annually for the first two years following establishment
51.9 of the office and biennially thereafter. The results of the audit are public. No later than 30
51.10 days following completion of the audit, the office must provide a report summarizing the
51.11 audit results to the chairs and ranking minority members of the committees and divisions
51.12 of the house of representatives and the senate with jurisdiction over commerce and data
51.13 practices, and the Legislative Commission on Data Practices and Personal Data Privacy.
51.14 The report must be submitted as required under section 3.195, except that printed copies
51.15 are not required.

51.16 **Sec. 21. [342.21] LICENSE SUSPENSION OR REVOCATION; HEARING.**

51.17 Subdivision 1. **License revocation and nonrenewal.** The office may revoke or not
51.18 renew a license when the office has cause to believe that a cannabis business or hemp
51.19 business has violated an ownership or operational requirement in this chapter or rules adopted
51.20 pursuant to this chapter. The office must notify the license holder in writing, specifying the
51.21 grounds for revocation or nonrenewal and fixing a time of at least 20 days thereafter for a
51.22 hearing on the matter.

51.23 Subd. 2. **Hearing; written findings.** (a) Before the office revokes or does not renew a
51.24 license, the office must provide the license holder with a statement of the complaints made
51.25 against the license holder, and the office must hold a hearing to determine whether the office
51.26 should revoke the license or deny renewal of the license. The license holder shall receive
51.27 notice at least 20 days before the date of the hearing and notice may be served either by
51.28 certified mail addressed to the address of the license holder as shown in the license
51.29 application or in the manner provided by law for the service of a summons. At the time and
51.30 place fixed for the hearing, the office, or any office employee or agent authorized by the
51.31 office to conduct the hearing, shall receive evidence, administer oaths, and examine witnesses.

51.32 (b) After the hearing held pursuant to paragraph (a), or upon the failure of the license
51.33 holder to appear at the hearing, the office must take action as is deemed advisable and issue

52.1 written findings that the office must mail to the license holder. An action of the office under
52.2 this paragraph is subject to judicial review pursuant to chapter 14.

52.3 Subd. 3. **Temporary suspension.** The office may temporarily, without hearing, suspend
52.4 the license and operating privilege of any business licensed under this chapter for up to 90
52.5 days if continuing the operation of the business would threaten the health or safety of any
52.6 person. The office may extend the period for an additional 90 days if the office notified the
52.7 business that the office intends to revoke or not renew a license and the hearing required
52.8 under subdivision 2 has not taken place.

52.9 Sec. 22. **[342.22] RETAILERS; LOCAL REGISTRATION AND ENFORCEMENT.**

52.10 Subdivision 1. **Registration required.** Before making retail sales to customers or patients,
52.11 a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness
52.12 with a retail operations endorsement, cannabis retailer, medical cannabis retailer, or
52.13 lower-potency hemp edible retailer must register with the local unit of government in which
52.14 the retail establishment is located.

52.15 Subd. 2. **Registration fee.** (a) A local unit of government may impose an initial retail
52.16 registration fee of up to half the amount of the applicable initial license fee under section
52.17 342.11. The local unit of government may also impose a renewal retail registration fee of
52.18 up to half the amount of the applicable renewal license fee under section 342.11. The initial
52.19 license fee shall include the fee for initial registration and the first annual renewal. Any
52.20 renewal fee imposed by the local unit of government shall be charged at the time of the
52.21 second renewal and each subsequent annual renewal thereafter.

52.22 (b) The local unit of government may not charge an application fee.

52.23 (c) A cannabis business with a cannabis retailer license and a medical cannabis retailer
52.24 license for the same location may only be charged a single registration fee.

52.25 (d) Registration fees are nonrefundable.

52.26 Subd. 3. **Issuance of registration.** (a) A local unit of government shall issue a retail
52.27 registration to a cannabis microbusiness with a retail operations endorsement, cannabis
52.28 mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis
52.29 retailer, or lower-potency hemp edible retailer that:

52.30 (1) has a valid license issued by the office;

52.31 (2) has paid the registration fee or renewal fee pursuant to subdivision 2;

53.1 (3) is found to be in compliance with the requirements of this chapter at any preliminary
53.2 compliance check that the local unit of government performs; and

53.3 (4) if applicable, is current on all property taxes and assessments at the location where
53.4 the retail establishment is located.

53.5 (b) Before issuing a retail registration, the local unit of government may conduct a
53.6 preliminary compliance check to ensure that the cannabis business or hemp business is in
53.7 compliance with the applicable operation requirements and the limits on the types of cannabis
53.8 flower, cannabinoid products, and hemp-derived consumer products that may be sold.

53.9 (c) A local unit of government shall renew the retail registration of a cannabis business
53.10 or hemp business when the office renews the license of the cannabis business or hemp
53.11 business.

53.12 (d) A retail registration issued under this section may not be transferred.

53.13 **Subd. 4. Compliance checks.** (a) A local unit of government shall conduct compliance
53.14 checks of every cannabis business and hemp business with a retail registration issued by
53.15 the local unit of government. The checks shall assess compliance with age verification
53.16 requirements; the applicable operation requirements; and the applicable limits on the types
53.17 of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
53.18 consumer products being sold.

53.19 (b) The local unit of government must conduct unannounced age verification compliance
53.20 checks at least once each calendar year. Age verification compliance checks must involve
53.21 persons at least 17 years of age, but under the age of 21, who, with the prior written consent
53.22 of a parent or guardian if the person is under the age of 18, attempt to purchase cannabis
53.23 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
53.24 under the direct supervision of a law enforcement officer or an employee of the local unit
53.25 of government.

53.26 (c) Checks to ensure compliance with the applicable operation requirements and the
53.27 limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and
53.28 hemp-derived consumer products that may be sold must be performed at least once each
53.29 calendar year and may be performed by a law enforcement officer or an employee of the
53.30 local unit of government.

53.31 **Subd. 5. Registration suspension and cancellation; notice to office; penalties.** (a) If
53.32 a local unit of government determines that a cannabis business or hemp business with a
53.33 retail registration issued by the local unit of government is not operating in compliance with

54.1 the requirements of this chapter or that the operation of the business poses an immediate
54.2 threat to the health or safety of the public, the local unit of government may suspend the
54.3 retail registration of the cannabis business or hemp business. The local unit of government
54.4 must immediately notify the office of the suspension and shall include a description of the
54.5 grounds for the suspension.

54.6 (b) The office shall review the retail registration suspension and may order reinstatement
54.7 of the retail registration or take any action described in section 342.19 or 342.21.

54.8 (c) The retail registration suspension must be for up to 30 days unless the office suspends
54.9 the license and operating privilege of the cannabis business or hemp business for a longer
54.10 period or revokes the license.

54.11 (d) The local unit of government may reinstate the retail registration if the local unit of
54.12 government determines that any violation has been cured. The local unit of government
54.13 must reinstate the retail registration if the office orders reinstatement.

54.14 (e) No cannabis microbusiness with a retail operations endorsement, cannabis
54.15 mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis
54.16 retailer, or lower-potency hemp edible retailer may make any sale to a customer or patient
54.17 without a valid retail registration. A local unit of government may impose a civil penalty
54.18 of up to \$2,000 for each violation of this paragraph.

54.19 Sec. 23. **[342.23] CANNABIS BUSINESSES AND HEMP BUSINESSES; GENERAL**
54.20 **OPERATIONAL REQUIREMENTS.**

54.21 Subdivision 1. **Records.** (a) Cannabis businesses and hemp businesses must retain
54.22 financial records for the current and previous tax years at the primary business location and
54.23 must make those records available for inspection by the office at any time during regular
54.24 business hours.

54.25 (b) When applicable, a cannabis business or hemp business must maintain financial
54.26 records for the previous ten tax years and must make those records available for inspection
54.27 within one business day of receiving a request for inspection by the office.

54.28 (c) The office may require a cannabis business or hemp business to submit to an audit
54.29 of its business records. The office may select or approve the auditor and the cannabis business
54.30 or hemp business must provide the auditor with access to all business records. The cost of
54.31 the audit must be paid by the cannabis business or hemp business.

54.32 Subd. 2. **Disposal; loss documentation.** (a) Cannabis businesses and hemp businesses
54.33 must dispose of cannabis plants, cannabis flower, cannabis products, artificially derived

55.1 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are
55.2 damaged, have a broken seal, have been contaminated, or have not been sold by the expiration
55.3 date on the label.

55.4 (b) Disposal must be conducted in a manner approved by the office.

55.5 (c) Disposal of any cannabis plants, cannabis flower, cannabis products, artificially
55.6 derived cannabinoids, and hemp-derived consumer products that are required to be entered
55.7 into the statewide monitoring system must be documented in the statewide monitoring
55.8 system.

55.9 (d) Loss or theft of any cannabis plants, cannabis flower, cannabis products, artificially
55.10 derived cannabinoids, or hemp-derived consumer products that are required to be entered
55.11 into the statewide monitoring system must be reported to local law enforcement and a
55.12 business must log any such loss or theft in the statewide monitoring system as soon as the
55.13 loss or theft is discovered.

55.14 Subd. 3. **Sale of approved products.** Cannabis businesses and hemp businesses may
55.15 only sell cannabis plants, cannabis flower, cannabis products, artificially derived
55.16 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are
55.17 a type approved by the office and that comply with this chapter and rules adopted pursuant
55.18 to this chapter regarding the testing, packaging, and labeling of cannabis plants, cannabis
55.19 flower, cannabis products, artificially derived cannabinoids, lower-potency hemp edibles,
55.20 and hemp-derived consumer products.

55.21 Subd. 4. **Financial relationship.** (a) Except for the lawful sale of cannabis plants,
55.22 cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp
55.23 edibles, and hemp-derived consumer products in the ordinary course of business and as
55.24 otherwise provided in this subdivision, no cannabis business or hemp business may offer,
55.25 give, accept, receive, or borrow money or anything else of value or accept or receive credit
55.26 from any other cannabis business. This prohibition applies to offering or receiving a benefit
55.27 in exchange for preferential placement by a retailer, including preferential placement on
55.28 the retailer's shelves, display cases, or website. This prohibition applies to every cooperative
55.29 member or every director, manager, and general partner of a cannabis business or hemp
55.30 business.

55.31 (b) This prohibition does not apply to merchandising credit in the ordinary course of
55.32 business for a period not to exceed 30 days.

55.33 (c) This prohibition does not apply to free samples of usable cannabis flower, cannabis
55.34 products, lower-potency hemp edibles, or hemp-derived consumer products packaged in a

56.1 sample jar protected by a plastic or metal mesh screen to allow customers to smell the
56.2 cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer
56.3 product before purchase. A sample jar may not contain more than eight grams of usable
56.4 cannabis flower, more than eight grams of a cannabis concentrate, an edible cannabis product
56.5 infused with more than 100 milligrams of tetrahydrocannabinol, a lower-potency hemp
56.6 edible infused with more than 50 milligrams of tetrahydrocannabinol, or a hemp-derived
56.7 consumer product with a total weight of more than eight grams.

56.8 (d) This prohibition does not apply to free samples of cannabis flower, cannabis products,
56.9 lower-potency hemp edibles, or hemp-derived consumer products provided to a retailer or
56.10 cannabis wholesaler for the purposes of quality control and to allow retailers to determine
56.11 whether to offer a product for sale. A sample provided for these purposes may not contain
56.12 more than eight grams of usable cannabis flower, more than eight grams of a cannabis
56.13 concentrate, an edible cannabis product infused with more than 100 milligrams of
56.14 tetrahydrocannabinol, a lower-potency hemp edible infused with more than 50 milligrams
56.15 of tetrahydrocannabinol, or a hemp-derived consumer product with a total weight of more
56.16 than eight grams.

56.17 (e) This prohibition does not apply to any fee charged by a licensed cannabis event
56.18 organizer to a cannabis business or hemp business for participation in a cannabis event.

56.19 Subd. 5. **Customer privacy.** Cannabis businesses and hemp businesses must not share
56.20 data on retail or wholesale customers with any federal agency, federal department, or federal
56.21 entity unless specifically ordered by a state or federal court.

56.22 Sec. 24. **[342.24] CANNABIS BUSINESSES; GENERAL OPERATIONAL**
56.23 **REQUIREMENTS.**

56.24 Subdivision 1. **Individuals under 21 years of age.** (a) A cannabis business may not
56.25 employ an individual under 21 years of age and may not contract with an individual under
56.26 21 years of age if the individual's scope of work involves the handling of cannabis plants,
56.27 cannabis flower, artificially derived cannabinoids, or cannabinoid products.

56.28 (b) A cannabis business may not permit an individual under 21 years of age to enter the
56.29 business premises other than entry by a patient enrolled in the registry program.

56.30 (c) A cannabis business may not sell or give cannabis flower, cannabis products,
56.31 lower-potency hemp edibles, or hemp-derived consumer products to an individual under
56.32 21 years of age unless the individual is a patient; registered designated caregiver; or a parent,

57.1 legal guardian, or spouse of a patient who is authorized to use, possess, or transport medical
57.2 cannabis flower or medical cannabinoid products.

57.3 Subd. 2. Use of cannabis flower and products within a licensed cannabis business. (a)
57.4 A cannabis business may not permit an individual who is not an employee to consume
57.5 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
57.6 products within its licensed premises unless the business is licensed to permit on-site
57.7 consumption.

57.8 (b) Except as otherwise provided in this subdivision, a cannabis business may not permit
57.9 an employee to consume cannabis flower, cannabis products, lower-potency hemp edibles,
57.10 or hemp-derived consumer products within its licensed premises or while the employee is
57.11 otherwise engaged in activities within the course and scope of employment.

57.12 (c) A cannabis business may permit an employee to use medical cannabis flower and
57.13 medical cannabinoid products if that individual is a patient.

57.14 (d) For quality control, employees of a licensed cannabis business may sample cannabis
57.15 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.
57.16 Employees may not interact directly with customers for at least three hours after sampling
57.17 a product. Employees may not consume more than three samples in a single 24-hour period.
57.18 All samples must be recorded in the statewide monitoring system.

57.19 Subd. 3. Restricted access. (a) Except as otherwise provided in this subdivision, a
57.20 cannabis business may not permit any individual to enter a restricted area unless the cannabis
57.21 business records the individual's name, time of entry, time of exit, and authorization to enter
57.22 the restricted area through use of an electronic or manual entry log and the individual:

57.23 (1) is a cannabis worker employed by or contracted with the cannabis business;

57.24 (2) is an employee of the office or another enforcement agency;

57.25 (3) is a contractor of the cannabis business, including but not limited to an electrician,
57.26 a plumber, an engineer, or an alarm technician, whose scope of work will not involve the
57.27 handling of cannabis flower, cannabis products, or hemp-derived consumer products and,
57.28 if the individual is working in an area with immediate access to cannabis flower, cannabis
57.29 products, or hemp-derived consumer products, the individual is supervised at all times by
57.30 a cannabis worker employed by or contracted with the cannabis business; or

57.31 (4) has explicit authorization from the office to enter a restricted area and, if the individual
57.32 is in an area with immediate access to cannabis flower, cannabis products, or hemp-derived

58.1 consumer products, the individual is supervised at all times by a cannabis worker employed
58.2 by or contracted with the cannabis business.

58.3 (b) A cannabis business shall ensure that all areas of entry to restricted areas within its
58.4 licensed premises are conspicuously marked and cannot be entered without recording the
58.5 individual's name, time of entry, time of exit, and authorization to enter the restricted area.

58.6 Subd. 4. **Ventilation and filtration.** A cannabis business must maintain a ventilation
58.7 and filtration system sufficient to meet the requirements for odor control established by the
58.8 office.

58.9 Subd. 5. **Use of statewide monitoring system.** (a) A cannabis business must use the
58.10 statewide monitoring system for integrated cannabis tracking, inventory, and verification
58.11 to track all cannabis plants, cannabis flower, cannabis products, and hemp-derived consumer
58.12 products the cannabis business has in its possession to the point of disposal, transfer, or
58.13 sale.

58.14 (b) For the purposes of this subdivision, a cannabis business possesses the cannabis
58.15 plants and cannabis flower that the business cultivates from seed or immature plant, if
58.16 applicable, or receives from another cannabis business, and possesses the cannabis products
58.17 and hemp-derived consumer products that the business manufactures or receives from
58.18 another cannabis business.

58.19 (c) Sale and transfer of cannabis plants, cannabis flower, cannabis products, and
58.20 hemp-derived consumer products must be recorded in the statewide monitoring system
58.21 within the time established by rule.

58.22 Subd. 6. **Security.** A cannabis business must maintain and follow a security plan to deter
58.23 and prevent the theft or diversion of cannabis plants, cannabis flower, cannabis products,
58.24 and hemp-derived consumer products, unauthorized entry into the cannabis business, and
58.25 the theft of currency.

58.26 Subd. 7. **Remuneration.** A cannabis business is prohibited from:

58.27 (1) accepting or soliciting any form of remuneration from a health care practitioner who
58.28 certifies qualifying medical conditions for patients; or

58.29 (2) offering any form of remuneration to a health care practitioner who certifies qualifying
58.30 medical conditions for patients.

58.31 Subd. 8. **Exclusions.** The requirements under this section do not apply to hemp
58.32 businesses.

59.1 Sec. 25. **[342.25] CULTIVATION OF CANNABIS; GENERAL REQUIREMENTS.**

59.2 **Subdivision 1. Applicability.** Every cannabis business with a license or endorsement
59.3 authorizing the cultivation of cannabis must comply with the requirements of this section.

59.4 **Subd. 2. Cultivation records.** A business licensed or authorized to cultivate cannabis
59.5 must prepare a cultivation record for each batch of cannabis plants and cannabis flower in
59.6 the form required by the office and must maintain each record for at least five years. The
59.7 cultivation record must include the quantity and timing, where applicable, of each pesticide,
59.8 fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any
59.9 other information required by the office in rule. The cannabis business must present
59.10 cultivation records to the office, the commissioner of agriculture, or the commissioner of
59.11 health upon request.

59.12 **Subd. 3. Agricultural chemicals and other inputs.** A business licensed or authorized
59.13 to cultivate cannabis is subject to rules promulgated by the office governing the use of
59.14 pesticides, fertilizers, soil amendments, plant amendments, and other inputs to cultivate
59.15 cannabis.

59.16 **Subd. 4. Cultivation plan.** A business licensed or authorized to cultivate cannabis must
59.17 prepare, maintain, and execute an operating plan and a cultivation plan as directed by the
59.18 office in rule, which must include but is not limited to:

59.19 (1) water usage;

59.20 (2) recycling;

59.21 (3) solid waste disposal; and

59.22 (4) a pest management protocol that incorporates integrated pest management principles
59.23 to control or prevent the introduction of pests to the cultivation site.

59.24 **Subd. 5. Pesticides; pollinator protection.** (a) A business licensed or authorized to
59.25 cultivate cannabis must comply with chapters 18B, 18D, 18E, and any other pesticide laws
59.26 and rules enforced by the commissioner of agriculture.

59.27 (b) A business licensed or authorized to cultivate cannabis must not apply pesticides
59.28 when pollinators are present or allow pesticides to drift to flowering plants that are attractive
59.29 to pollinators.

59.30 **Subd. 6. Adulteration prohibited.** A business licensed or authorized to cultivate cannabis
59.31 must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance

60.1 or compound that has the effect or intent of altering the color, appearance, weight, or smell
60.2 of the cannabis.

60.3 Subd. 7. **Indoor, outdoor cultivation authorized; security.** A business licensed or
60.4 authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject
60.5 to the security, fencing, lighting, and any other requirements imposed by the office in rule.

60.6 Subd. 8. **Seed limitation.** The commissioner of agriculture must not issue a genetically
60.7 engineered agriculturally related organism permit under chapter 18F for cannabis seed or
60.8 cannabis plants. A cannabis cultivator must not cultivate a cannabis plant that is a genetically
60.9 engineered organism as defined in section 18F.02, subdivision 5.

60.10 Subd. 9. **Exception.** Nothing in this section applies to the cultivation of hemp plants.

60.11 Sec. 26. **[342.26] MANUFACTURE OF CANNABIS PRODUCTS; GENERAL**
60.12 **REQUIREMENTS.**

60.13 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement
60.14 authorizing the creation of cannabis concentrate and manufacture of cannabis products and
60.15 hemp-derived consumer products for public consumption must comply with the requirements
60.16 of this section.

60.17 Subd. 2. **All manufacturer operations.** (a) Cannabis manufacturing must take place in
60.18 an enclosed, locked facility that is used exclusively for the manufacture of cannabis products,
60.19 creation of hemp concentrate, creation of artificially derived cannabinoids, creation of
60.20 lower-potency hemp edibles, or creation of hemp-derived consumer products, except that
60.21 a business that also holds a cannabis cultivator license may operate in a facility that shares
60.22 general office space, bathrooms, entryways, and walkways.

60.23 (b) Cannabis manufacturing must take place on equipment that is used exclusively for
60.24 the manufacture of cannabis products, creation of hemp concentrate, creation of artificially
60.25 derived cannabinoids, creation of lower-potency hemp edibles, or creation of hemp-derived
60.26 consumer products.

60.27 (c) A business licensed or authorized to manufacture cannabis products must comply
60.28 with all applicable packaging, labeling, and health and safety requirements.

60.29 Subd. 3. **Extraction and concentration.** (a) A business licensed or authorized to
60.30 manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or
60.31 artificially derived cannabinoids must obtain an endorsement from the office.

61.1 (b) A business licensed or authorized to manufacture cannabis products must inform the
61.2 office of all methods of extraction and concentration that the manufacturer intends to use
61.3 and identify the volatile chemicals, if any, that will be involved in the creation of cannabis
61.4 concentrate or hemp concentrate. A cannabis manufacturer may not use a method of
61.5 extraction and concentration or a volatile chemical without approval by the office.

61.6 (c) A business licensed or authorized to manufacture cannabis products must inform the
61.7 office of all methods of conversion that the manufacturer will use, including any specific
61.8 catalysts that the manufacturer will employ, to create artificially derived cannabinoids and
61.9 the molecular nomenclature of all cannabinoids or other chemical compounds that the
61.10 manufacturer will create. A business licensed or authorized to manufacture cannabis products
61.11 may not use a method of conversion or a catalyst without approval by the office.

61.12 (d) A business licensed or authorized to manufacture cannabis products must obtain a
61.13 certification from an independent third-party industrial hygienist or professional engineer
61.14 approving:

61.15 (1) all electrical, gas, fire suppression, and exhaust systems; and

61.16 (2) the plan for safe storage and disposal of hazardous substances, including but not
61.17 limited to any volatile chemicals.

61.18 (e) A business licensed or authorized to manufacture cannabis products that manufactures
61.19 cannabis concentrate from cannabis flower received from an unlicensed person who is at
61.20 least 21 years of age must comply with all health and safety requirements established by
61.21 the office. At a minimum, the office shall require the manufacturer to:

61.22 (1) store the cannabis flower in an area that is segregated from cannabis flower and hemp
61.23 plant parts received from a licensed cannabis business;

61.24 (2) perform the extraction and concentration on equipment that is used exclusively for
61.25 extraction or concentration of cannabis flower received from unlicensed individuals;

61.26 (3) store any cannabis concentrate in an area that is segregated from cannabis concentrate,
61.27 hemp concentrate, or artificially derived cannabinoids derived or manufactured from cannabis
61.28 flower or hemp plant parts received from a licensed cannabis business; and

61.29 (4) provide any cannabis concentrate only to the person who provided the cannabis
61.30 flower.

61.31 (f) Upon the sale of cannabis concentrate, hemp concentrate, or artificially derived
61.32 cannabinoids to any person, cooperative, or business, a business licensed or authorized to
61.33 manufacture cannabis products must provide a statement to the buyer that discloses the

62.1 method of extraction and concentration or conversion used and any solvents, gases, or
62.2 catalysts, including but not limited to any volatile chemicals, involved in that method.

62.3 Subd. 4. **Production of consumer products.** (a) A business licensed or authorized to
62.4 manufacture cannabis products that produces edible cannabis products or lower-potency
62.5 hemp edibles must obtain an edible cannabinoid product handler endorsement from the
62.6 office.

62.7 (b) A business licensed or authorized to manufacture cannabis products must obtain an
62.8 endorsement from the office to produce:

62.9 (1) cannabis products other than edible cannabis products; or

62.10 (2) hemp-derived consumer products other than lower-potency hemp edibles.

62.11 (c) All areas within the licensed premises of a business licensed or authorized to
62.12 manufacture cannabis products producing cannabis products, lower-potency hemp edibles,
62.13 or hemp-derived consumer products must meet the sanitary standards specified in rules
62.14 adopted by the office.

62.15 (d) A business licensed or authorized to manufacture cannabis products may only add
62.16 chemicals or compounds approved by the office to cannabis concentrate, hemp concentrate,
62.17 or artificially derived cannabinoids.

62.18 (e) Upon the sale of any cannabis product, lower-potency hemp edible, or hemp-derived
62.19 consumer product to a cannabis business or hemp business, a business licensed or authorized
62.20 to manufacture cannabis products must provide a statement to the buyer that discloses the
62.21 product's ingredients, including but not limited to any chemicals or compounds and any
62.22 major food allergens declared by name.

62.23 (f) A business licensed or authorized to manufacture cannabis products shall not add
62.24 any cannabis flower, cannabis concentrate, artificially derived cannabinoid, hemp plant
62.25 part, or hemp concentrate to a product where the manufacturer of the product holds a
62.26 trademark to the product's name, except that a business licensed or authorized to manufacture
62.27 cannabis products may use a trademarked food product if the manufacturer uses the product
62.28 as a component or as part of a recipe and where the business licensed or authorized to
62.29 manufacture cannabis products does not state or advertise to the customer that the final
62.30 retail cannabis product, lower-potency hemp edible, or hemp-derived consumer product
62.31 contains a trademarked food product.

62.32 Subd. 5. **Exception.** Nothing in this section applies to the operations of a lower-potency
62.33 hemp edible manufacturer.

63.1 Sec. 27. **[342.27] RETAIL SALE OF CANNABIS FLOWER AND PRODUCTS;**
63.2 **GENERAL REQUIREMENTS.**

63.3 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement
63.4 authorizing the retail sale of cannabis flower or cannabis products must comply with the
63.5 requirements of this section.

63.6 Subd. 2. **Sale of cannabis and cannabinoid products.** (a) A cannabis business with a
63.7 license or endorsement authorizing the retail sale of cannabis flower or cannabis products
63.8 may only sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
63.9 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to
63.10 individuals who are at least 21 years of age.

63.11 (b) A cannabis business with a license or endorsement authorizing the retail sale of
63.12 cannabis flower or cannabis products may sell immature cannabis plants and seedlings,
63.13 adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and
63.14 hemp-derived consumer products that:

63.15 (1) are obtained from a business licensed under this chapter; and

63.16 (2) meet all applicable packaging and labeling requirements.

63.17 (c) A cannabis business with a license or endorsement authorizing the retail sale of
63.18 cannabis flower or cannabis products may sell up to two ounces of adult-use cannabis flower
63.19 or hemp-derived consumer products consisting primarily of hemp plant parts, up to eight
63.20 grams of adult-use cannabis concentrate or hemp-derived consumer products consisting
63.21 primarily of hemp concentrate or artificially derived cannabinoids, and edible cannabis
63.22 products and lower-potency hemp edibles infused with up to 800 milligrams of
63.23 tetrahydrocannabinol during a single transaction to a customer.

63.24 (d) Edible cannabis products and hemp-derived consumer products intended to be eaten
63.25 or consumed as a beverage may not include more than ten milligrams of tetrahydrocannabinol
63.26 per serving and a single package may not include more than a total of 100 milligrams of
63.27 tetrahydrocannabinol. A package may contain multiple servings of ten milligrams of
63.28 tetrahydrocannabinol provided that each serving is indicated by scoring, wrapping, or other
63.29 indicators designating the individual serving size.

63.30 Subd. 3. **Sale of other products.** (a) A cannabis business with a license or endorsement
63.31 authorizing the retail sale of cannabis flower or cannabis products may sell cannabis
63.32 paraphernalia, including but not limited to childproof packaging containers and other devices
63.33 designed to ensure the safe storage and monitoring of cannabis flower, cannabis products,

64.1 lower-potency hemp edibles, and hemp-derived consumer products in the home to prevent
64.2 access by individuals under 21 years of age.

64.3 (b) A cannabis business with a license or endorsement authorizing the retail sale of
64.4 cannabis flower or cannabis products may sell hemp-derived topical products.

64.5 (c) A cannabis business with a license or endorsement authorizing the retail sale of
64.6 cannabis flower or cannabis products may sell the following products that do not contain
64.7 cannabis flower, cannabis concentrate, hemp concentrate, artificially derived cannabinoids,
64.8 or tetrahydrocannabinol:

64.9 (1) drinks that do not contain alcohol and are packaged in sealed containers labeled for
64.10 retail sale;

64.11 (2) books and videos on the cultivation and use of cannabis flower and products that
64.12 contain cannabinoids;

64.13 (3) magazines and other publications published primarily for information and education
64.14 on cannabis plants, cannabis flower, and products that contain cannabinoids;

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

64.16 (5) clothing marked with the specific name, brand, or identifying logo of the retailer;
64.17 and

64.18 (6) hemp fiber products and products that contain hemp grain.

64.19 Subd. 4. **Age verification.** (a) Prior to initiating a sale, an employee of a cannabis
64.20 business with a license or endorsement authorizing the retail sale of cannabis flower or
64.21 cannabis products must verify that the customer is at least 21 years of age.

64.22 (b) Proof of age may be established only by one of the following:

64.23 (1) a valid driver's license or identification card issued by Minnesota, another state, or
64.24 a province of Canada, and including the photograph and date of birth of the licensed person;

64.25 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

64.26 (3) a valid passport issued by the United States;

64.27 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
64.28 purchase adult-use cannabis or adult-use cannabinoid products, that includes a photograph
64.29 and the date of birth of the person issued the permit; or

64.30 (5) in the case of a foreign national, by a valid passport.

65.1 (c) A retailer may seize a form of identification listed under paragraph (b) if the cannabis
65.2 retailer has reasonable grounds to believe that the form of identification has been altered or
65.3 falsified or is being used to violate any law. A retailer that seizes a form of identification
65.4 as authorized under this paragraph must deliver it to a law enforcement agency within 24
65.5 hours of seizing it.

65.6 Subd. 5. **Display of cannabis flower and products.** (a) A cannabis business with a
65.7 license or endorsement authorizing the retail sale of cannabis flower or cannabis products
65.8 must designate a retail area where customers are permitted. The retail area shall include the
65.9 portion of the premises where samples of cannabis flower and cannabis products available
65.10 for sale are displayed. All other cannabis flower and cannabis products must be stored in
65.11 the secure storage area.

65.12 (b) A cannabis business with a license or endorsement authorizing the retail sale of
65.13 cannabis flower or cannabis products may display one sample of each type of cannabis
65.14 flower or cannabis product available for sale. Samples of cannabis flower and cannabis
65.15 products must be stored in a sample jar or display case and be accompanied by a label or
65.16 notice containing the information required to be affixed to the packaging or container
65.17 containing cannabis flower and cannabis products sold to customers. A sample may not
65.18 contain more than eight grams of adult-use cannabis flower or adult-use cannabis concentrate
65.19 or an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol.
65.20 A cannabis retailer may allow customers to smell the cannabis flower or cannabis product
65.21 before purchase.

65.22 (c) A cannabis business with a license or endorsement authorizing the retail sale of
65.23 cannabis flower or cannabis products may not sell cannabis flower or cannabis products
65.24 used as a sample for display. If the retailer uses display samples of lower-potency hemp
65.25 edibles or hemp-derived consumer products, the retailer may not sell the product used as a
65.26 sample for display.

65.27 Subd. 6. **Posting of notices.** A cannabis business with a license or endorsement
65.28 authorizing the retail sale of cannabis flower or cannabis products must post all notices as
65.29 required by the office, including but not limited to:

65.30 (1) information about any product recall;

65.31 (2) a statement that operating a motor vehicle under the influence of intoxicating
65.32 cannabinoids is illegal; and

66.1 (3) a statement that cannabis flower, cannabis products, lower-potency hemp edibles,
66.2 and hemp-derived consumer products are only intended for consumption by individuals
66.3 who are at least 21 years of age.

66.4 Subd. 7. **Hours of operation.** (a) Except as provided by paragraph (b), a cannabis
66.5 business with a license or endorsement authorizing the retail sale of cannabis flower or
66.6 cannabis products may not sell cannabis flower, cannabis products, lower-potency hemp
66.7 edibles, or hemp-derived consumer products between 2:00 a.m. and 8:00 a.m. on the days
66.8 of Monday through Saturday nor between 2:00 a.m. and 10:00 a.m. on Sunday.

66.9 (b) A city or county may adopt an ordinance to prohibit sales for any period between
66.10 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days
66.11 of Monday through Saturday.

66.12 (c) A cannabis business with a license or endorsement authorizing the retail sale of
66.13 cannabis flower or cannabis products may not be open to the public or sell any other products
66.14 at times when the cannabis business is prohibited from selling cannabis flower, cannabis
66.15 products, lower-potency hemp edibles, and hemp-derived consumer products.

66.16 Subd. 8. **Building conditions.** (a) A cannabis business with a license or endorsement
66.17 authorizing the retail sale of cannabis flower or cannabis products shall maintain compliance
66.18 with state and local building, fire, and zoning requirements or regulations.

66.19 (b) A cannabis business with a license or endorsement authorizing the retail sale of
66.20 cannabis flower or cannabis products shall ensure that the licensed premises is maintained
66.21 in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

66.22 Subd. 9. **Security.** A cannabis business with a license or endorsement authorizing the
66.23 retail sale of cannabis flower or cannabis products shall maintain compliance with security
66.24 requirements established by the office, including but not limited to requirements for
66.25 maintaining video surveillance records, using specific locking mechanisms, establishing
66.26 secure entries, and the number of employees working at all times.

66.27 Subd. 10. **Lighting.** A cannabis business with a license or endorsement authorizing the
66.28 retail sale of cannabis flower or cannabis products must keep all lighting outside and inside
66.29 the dispensary in good working order and sufficient wattage for security cameras.

66.30 Subd. 11. **Deliveries.** A cannabis business with a license or endorsement authorizing
66.31 the retail sale of cannabis flower or cannabis products may only accept deliveries of cannabis
66.32 flower, cannabis products, and hemp-derived consumer products in a limited access area.

67.1 Deliveries may not be accepted through the public access areas unless otherwise approved
67.2 by the office.

67.3 Subd. 12. **Prohibitions.** A cannabis business with a license or endorsement authorizing
67.4 the retail sale of cannabis flower or cannabis products shall not:

67.5 (1) sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
67.6 consumer products to a person who is visibly intoxicated;

67.7 (2) knowingly sell more cannabis flower, cannabis products, lower-potency hemp edibles,
67.8 or hemp-derived consumer products than a customer is legally permitted to possess;

67.9 (3) give away immature cannabis plants or seedlings, cannabis flower, cannabis products,
67.10 lower-potency hemp edibles, or hemp-derived consumer products;

67.11 (4) operate a drive-through window;

67.12 (5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
67.13 lower-potency hemp edibles, or hemp-derived consumer products in vending machines; or

67.14 (6) sell cannabis plants, cannabis flower, or cannabis products if the cannabis retailer
67.15 knows that any required security or statewide monitoring systems are not operational.

67.16 Subd. 13. **Adult-use and medical cannabis; colocation.** (a) A cannabis business with
67.17 a license or endorsement authorizing the retail sale of adult-use cannabis flower or adult-use
67.18 cannabis products that is also a licensed medical cannabis retailer may sell medical cannabis
67.19 flower and medical cannabinoid products on a portion of the business's premises.

67.20 (b) The portion of the premises of the cannabis business where medical cannabis flower
67.21 and medical cannabinoid products are sold must be definite and distinct from all other areas
67.22 of the cannabis retailer and must provide an appropriate space for a pharmacist employee
67.23 of the medical cannabis retailer to consult with a patient to determine the proper type of
67.24 medical cannabis flower and medical cannabinoid products and proper dosage for the patient.

67.25 Subd. 14. **Exception.** Nothing in this section applies to the operations of a lower-potency
67.26 hemp edible retailer.

67.27 Sec. 28. **[342.28] CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.**

67.28 Subdivision 1. **Authorized actions.** A cannabis microbusiness license, consistent with
67.29 the specific license endorsement or endorsements, entitles the license holder to perform any
67.30 or all of the following within the limits established by this section:

68.1 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
68.2 cannabis flower from a mature plant;

68.3 (2) make cannabis concentrate;

68.4 (3) make hemp concentrate, including hemp concentrate with a delta-9
68.5 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

68.6 (4) manufacture artificially derived cannabinoids;

68.7 (5) manufacture adult-use cannabis products, lower-potency hemp edibles, and
68.8 hemp-derived consumer products for public consumption;

68.9 (6) purchase immature cannabis plants and seedlings, cannabis flower, and hemp plant
68.10 parts from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis
68.11 manufacturer, a cannabis wholesaler, or an industrial hemp grower;

68.12 (7) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids
68.13 from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer,
68.14 a cannabis wholesaler, or a licensed hemp grower for use in manufacturing adult-use cannabis
68.15 products, lower-potency hemp edibles, or hemp-derived consumer products;

68.16 (8) package and label adult-use cannabis flower, adult-use cannabis products,
68.17 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;

68.18 (9) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
68.19 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
68.20 other products authorized by law to other cannabis businesses and to customers;

68.21 (10) operate an establishment that permits on-site consumption of edible cannabis
68.22 products and lower-potency hemp edibles; and

68.23 (11) perform other actions approved by the office.

68.24 Subd. 2. **Size limitations.** (a) A cannabis microbusiness that cultivates cannabis at an
68.25 indoor facility may cultivate up to 2,000 square feet of plant canopy unless the office, by
68.26 rule, increases that limit. The office may, by rule, increase the limit on plant canopy to no
68.27 more than 5,000 square feet if the office determines that expansion is consistent with the
68.28 goals identified in section 342.02, subdivision 1. Limitations on plant canopy apply to the
68.29 area in which mature, flowering plants are cultivated. A cannabis microbusiness may not
68.30 operate multiple tiers of cultivation.

68.31 (b) A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate
68.32 up to one-half acre of mature, flowering plants unless the office, by rule, increases that limit.

69.1 The office may, by rule, increase the limit to no more than one acre if the office determines
69.2 that expansion is consistent with the goals identified in section 342.02, subdivision 1.

69.3 (c) The office shall, by rule, establish a limit on the manufacturing of cannabis products,
69.4 lower-potency hemp edibles, or hemp-derived consumer products a cannabis microbusiness
69.5 that manufactures such products may perform. The limit must be equivalent to the amount
69.6 of cannabis flower that can be harvested from a facility with a plant canopy of 2,000 square
69.7 feet in a year, but may be increased to the amount that can be harvested from a facility with
69.8 up to 5,000 square feet of plant canopy if the office expands the allowable area of cultivation
69.9 under paragraph (a).

69.10 (d) A cannabis microbusiness with the appropriate endorsement may operate one retail
69.11 location.

69.12 Subd. 3. **Additional information required.** In addition to the information required to
69.13 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
69.14 a person, cooperative, or business seeking a cannabis microbusiness license must submit
69.15 the following information in a form approved by the office:

69.16 (1) an operating plan demonstrating the proposed layout of the facility, including a
69.17 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
69.18 any cultivation or manufacturing activities; plans for providing electricity, water, and other
69.19 utilities necessary for the normal operation of any cultivation or manufacturing activities;
69.20 plans for compliance with applicable building codes and federal and state environmental
69.21 and workplace safety requirements and policies; and plans to avoid sales to unlicensed
69.22 cannabis businesses and individuals under 21 years of age;

69.23 (2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
69.24 cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
69.25 cultivation facility that will be used exclusively for cultivation, including the total amount
69.26 of plant canopy;

69.27 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
69.28 concentrate, or artificial cannabinoids, information identifying all methods of extraction,
69.29 concentration, or conversion that the applicant intends to use and the volatile chemicals and
69.30 catalysts, if any, that will be involved in extraction, concentration, or creation; and

69.31 (4) evidence that the applicant will comply with the applicable operation requirements
69.32 for the license being sought.

70.1 Subd. 4. **Exception.** The requirement of an attestation signed by a bona fide labor
70.2 organization stating that the applicant has entered into a labor peace agreement is not required
70.3 as part of an application for a cannabis microbusiness license.

70.4 Subd. 5. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
70.5 cannabis microbusiness license may also hold a cannabis event organizer license.

70.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
70.7 cannabis microbusiness license may own or operate any other cannabis business or hemp
70.8 business or hold more than one cannabis microbusiness license.

70.9 (c) For purposes of this subdivision, a restriction on the number or type of license that
70.10 a business may hold applies to every cooperative member or every director, manager, and
70.11 general partner of a cannabis business.

70.12 Subd. 6. **Cultivation endorsement.** A cannabis microbusiness that cultivates cannabis
70.13 plants and harvests cannabis flower must comply with the requirements in section 342.25.

70.14 Subd. 7. **Extraction and concentration endorsement.** A cannabis microbusiness that
70.15 creates cannabis concentrate must comply with the requirements in section 342.26,
70.16 subdivisions 2 and 3.

70.17 Subd. 8. **Production of customer products endorsement.** A cannabis microbusiness
70.18 that manufactures edible cannabis products, lower-potency hemp products, or hemp-derived
70.19 consumer products must comply with the requirements in section 342.26, subdivisions 2
70.20 and 4.

70.21 Subd. 9. **Retail operations endorsement.** A cannabis microbusiness that operates a
70.22 retail location must comply with the requirements in section 342.27.

70.23 Subd. 10. **On-site consumption endorsement.** (a) A cannabis microbusiness may permit
70.24 on-site consumption of edible cannabis products and lower-potency hemp edibles on a
70.25 portion of its premises.

70.26 (b) The portion of the premises of the cannabis microbusiness where on-site consumption
70.27 is permitted must be definite and distinct from all other areas of the microbusiness and must
70.28 be accessed through a distinct entrance.

70.29 (c) Edible cannabis products and lower-potency hemp edibles sold for on-site
70.30 consumption must comply with this chapter and rules adopted pursuant to this chapter
70.31 regarding the testing, packaging, and labeling of cannabinoid products.

71.1 (d) Edible cannabinoid products and lower-potency hemp edibles sold for on-site
71.2 consumption must be served in the required packaging but may be removed from the
71.3 products' packaging by customers and consumed on site.

71.4 (e) Food and beverages not otherwise prohibited by this subdivision may be prepared
71.5 and sold on site provided that the cannabis microbusiness complies with all relevant state
71.6 and local laws, ordinances, licensing requirements, and zoning requirements.

71.7 (f) A cannabis microbusiness shall ensure that the display and consumption of any edible
71.8 cannabis product or lower-potency hemp edible is not visible from outside of the licensed
71.9 premises of the business.

71.10 (g) A cannabis microbusiness may offer recorded or live entertainment, provided that
71.11 the cannabis microbusiness complies with all relevant state and local laws, ordinances,
71.12 licensing requirements, and zoning requirements.

71.13 (h) A cannabis microbusiness may not:

71.14 (1) sell an edible cannabis product or a lower-potency hemp edible to an individual who
71.15 is under 21 years of age;

71.16 (2) permit an individual who is under 21 years of age to enter the premises;

71.17 (3) sell more than one single serving of an edible cannabis product or a lower-potency
71.18 hemp edible to a customer;

71.19 (4) sell an edible cannabis product or a lower-potency hemp edible to a person who is
71.20 visibly intoxicated;

71.21 (5) sell or allow the sale or consumption of alcohol or tobacco on the premises;

71.22 (6) sell products that are intended to be eaten or consumed as a drink, other than packaged
71.23 and labeled edible cannabis products and lower-potency hemp edibles, that contain cannabis
71.24 flower or hemp plant parts or are infused with cannabis concentrate, hemp concentrate, or
71.25 artificially derived cannabinoids;

71.26 (7) permit edible cannabis products or lower-potency hemp edibles sold in the portion
71.27 of the area designated for on-site consumption to be removed from that area;

71.28 (8) permit adult-use cannabis flower, adult-use cannabis products, hemp-derived consumer
71.29 products, or tobacco to be consumed through smoking or a vaporized delivery method on
71.30 the premises; or

71.31 (9) distribute or allow free samples of cannabis flower, cannabis products, lower-potency
71.32 hemp edibles, or hemp-derived consumer products.

72.1 Sec. 29. **[342.29] CANNABIS MEZZOBUSINESS LICENSING AND OPERATIONS.**

72.2 Subdivision 1. **Authorized actions.** A cannabis mezzobusiness license, consistent with
72.3 the specific license endorsement or endorsements, entitles the license holder to perform any
72.4 or all of the following within the limits established by this section:

72.5 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
72.6 cannabis flower from a mature plant;

72.7 (2) make cannabis concentrate;

72.8 (3) make hemp concentrate, including hemp concentrate with a delta-9
72.9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

72.10 (4) manufacture artificially derived cannabinoids;

72.11 (5) manufacture adult-use cannabis products, lower-potency hemp edibles, and
72.12 hemp-derived consumer products for public consumption;

72.13 (6) purchase immature cannabis plants and seedlings, cannabis flower, and hemp plant
72.14 parts from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis
72.15 manufacturer, a cannabis wholesaler, or an industrial hemp grower;

72.16 (7) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids
72.17 from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis manufacturer,
72.18 a cannabis wholesaler, or a licensed hemp grower for use in manufacturing adult-use cannabis
72.19 products, lower-potency hemp edibles, or hemp-derived consumer products;

72.20 (8) package and label adult-use cannabis flower, adult-use cannabis products,
72.21 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;

72.22 (9) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
72.23 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
72.24 other products authorized by law to other cannabis businesses and to customers; and

72.25 (10) perform other actions approved by the office.

72.26 Subd. 2. **Size limitations.** (a) A cannabis mezzobusiness that cultivates cannabis at an
72.27 indoor facility may cultivate up to 5,000 square feet of plant canopy unless the office, by
72.28 rule, increases that limit. The office may, by rule, increase the limit on plant canopy to no
72.29 more than 15,000 cubic feet if the office determines that expansion is consistent with the
72.30 goals identified in section 342.02, subdivision 1. Limitations on plant canopy apply to the
72.31 area in which mature, flowering plants are cultivated. A cannabis mezzobusiness may not
72.32 operate multiple tiers of cultivation unless authorized by the office.

73.1 (b) A cannabis mezzobusiness that cultivates cannabis at an outdoor location may
73.2 cultivate up to one acre of mature, flowering plants unless the office, by rule, increases that
73.3 limit. The office may, by rule, increase the limit to no more than three acres if the office
73.4 determines that expansion is consistent with the goals identified in section 342.02, subdivision
73.5 1.

73.6 (c) The office shall, by rule, establish a limit on the manufacturing of cannabis products,
73.7 lower-potency hemp edibles, or hemp-derived consumer products a cannabis mezzobusiness
73.8 that manufactures such products may perform. The limit must be equivalent to the amount
73.9 of cannabis flower that can be harvested from a facility with a plant canopy of 5,000 square
73.10 feet in a year but may be increased to the amount that can be harvested from a facility with
73.11 up to 15,000 cubic feet of plant canopy if the office expands the allowable area of cultivation
73.12 under paragraph (a).

73.13 (d) A cannabis mezzobusiness with the appropriate endorsement may operate up to three
73.14 retail locations.

73.15 Subd. 3. **Additional information required.** In addition to the information required to
73.16 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
73.17 a person, cooperative, or business seeking a cannabis mezzobusiness license must submit
73.18 the following information in a form approved by the office:

73.19 (1) an operating plan demonstrating the proposed layout of the facility, including a
73.20 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
73.21 any cultivation or manufacturing activities; plans for providing electricity, water, and other
73.22 utilities necessary for the normal operation of any cultivation or manufacturing activities;
73.23 plans for compliance with applicable building code and federal and state environmental and
73.24 workplace safety requirements and policies; and plans to avoid sales to unlicensed cannabis
73.25 businesses and individuals under 21 years of age;

73.26 (2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
73.27 cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
73.28 cultivation facility that will be used exclusively for cultivation, including the total amount
73.29 of plant canopy;

73.30 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
73.31 concentrate, or artificial cannabinoids, information identifying all methods of extraction,
73.32 concentration, or conversion that the applicant intends to use and the volatile chemicals and
73.33 catalysts, if any, that will be involved in extraction, concentration, or creation; and

74.1 (4) evidence that the applicant will comply with the applicable operation requirements
74.2 for the license being sought.

74.3 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
74.4 cannabis mezzobusiness license may also hold a cannabis event organizer license.

74.5 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
74.6 cannabis mezzobusiness license may own or operate any other cannabis business or hemp
74.7 business or hold more than one cannabis mezzobusiness license.

74.8 (d) For purposes of this subdivision, a restriction on the number or type of license that
74.9 a business may hold applies to every cooperative member or every director, manager, and
74.10 general partner of a cannabis business.

74.11 Subd. 5. **Cultivation endorsement.** A cannabis mezzobusiness that cultivates cannabis
74.12 plants and harvests cannabis flower must comply with the requirements in section 342.25.

74.13 Subd. 6. **Extraction and concentration endorsement.** A cannabis mezzobusiness that
74.14 creates cannabis concentrate must comply with the requirements in section 342.26,
74.15 subdivisions 2 and 3.

74.16 Subd. 7. **Production of customer products endorsement.** A cannabis mezzobusiness
74.17 that manufactures edible cannabis products, lower-potency hemp products, or hemp-derived
74.18 consumer products must comply with the requirements in section 342.26, subdivisions 2
74.19 and 4.

74.20 Subd. 8. **Retail operations endorsement.** A cannabis mezzobusiness that operates a
74.21 retail location must comply with the requirements in section 342.27.

74.22 Sec. 30. **[342.30] CANNABIS CULTIVATOR LICENSING AND OPERATIONS.**

74.23 Subdivision 1. **Authorized actions.** A cannabis cultivator license entitles the license
74.24 holder to grow cannabis plants within the approved amount of space from seed or immature
74.25 plant to mature plant, harvest cannabis flower from a mature plant, package and label
74.26 immature cannabis plants and seedlings and cannabis flower for sale to other cannabis
74.27 businesses, transport cannabis flower to a cannabis manufacturer located on the same
74.28 premises, and perform other actions approved by the office.

74.29 Subd. 2. **Size limitations.** (a) A cannabis cultivator that cultivates cannabis at an indoor
74.30 facility may cultivate up to 15,000 square feet of plant canopy unless the office, by rule,
74.31 increases that limit. The office may, by rule, increase the limit on plant canopy to no more
74.32 than 30,000 cubic feet if the office determines that expansion is consistent with the goals

75.1 identified in section 342.02, subdivision 1. Limitations on plant canopy apply to the area
75.2 in which mature, flowering plants are cultivated. A cannabis cultivator may not operate
75.3 multiple tiers of cultivation unless authorized by the office.

75.4 (b) A cannabis cultivator that cultivates cannabis at an outdoor location may cultivate
75.5 up to two acres of mature, flowering plants unless the office, by rule, increases that limit.
75.6 The office may, by rule, increase the limit to no more than four acres if the office determines
75.7 that expansion is consistent with the goals identified in section 342.02, subdivision 1.

75.8 Subd. 3. **Additional information required.** In addition to the information required to
75.9 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
75.10 a person, cooperative, or business seeking a cannabis cultivator license must submit the
75.11 following information in a form approved by the office:

75.12 (1) an operating plan demonstrating the proposed size and layout of the cultivation
75.13 facility; plans for wastewater and waste disposal for the cultivation facility; plans for
75.14 providing electricity, water, and other utilities necessary for the normal operation of the
75.15 cultivation facility; and plans for compliance with the applicable building code and federal
75.16 and state environmental and workplace safety requirements;

75.17 (2) a cultivation plan demonstrating the proposed size and layout of the cultivation
75.18 facility that will be used exclusively for cultivation including the total amount of plant
75.19 canopy; and

75.20 (3) evidence that the business will comply with the applicable operation requirements
75.21 for the license being sought.

75.22 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
75.23 cannabis cultivator license may also hold a cannabis manufacturing license, medical cannabis
75.24 cultivator license, medical cannabis producer license, license to grow industrial hemp, and
75.25 cannabis event organizer license.

75.26 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
75.27 cannabis cultivator license may own or operate any other cannabis business or hemp business.
75.28 This prohibition does not prevent the transportation of cannabis flower from a cannabis
75.29 cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
75.30 and located on the same premises.

75.31 (c) The office by rule may limit the number of cannabis cultivator licenses a person,
75.32 cooperative, or business may hold.

76.1 (d) For purposes of this subdivision, a restriction on the number or type of license a
76.2 business may hold applies to every cooperative member or every director, manager, and
76.3 general partner of a cannabis business.

76.4 Subd. 5. **Cultivation operations.** A cannabis cultivator must comply with the
76.5 requirements in section 342.25.

76.6 Sec. 31. **[342.31] CANNABIS MANUFACTURER LICENSING AND OPERATIONS.**

76.7 Subdivision 1. **Authorized actions.** A cannabis manufacturer license, consistent with
76.8 the specific license endorsement or endorsements, entitles the license holder to:

76.9 (1) purchase cannabis flower, cannabis products, hemp plant parts, hemp concentrate,
76.10 and artificially derived cannabinoids from a cannabis microbusiness, a cannabis
76.11 mezzobusiness, a cannabis cultivator, another cannabis manufacturer, a cannabis wholesaler,
76.12 or an industrial hemp grower;

76.13 (2) accept cannabis flower from unlicensed persons who are at least 21 years of age
76.14 provided that the cannabis manufacturer does not accept more than two ounces from an
76.15 individual on a single occasion;

76.16 (3) make cannabis concentrate;

76.17 (4) make hemp concentrate, including hemp concentrate with a delta-9
76.18 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

76.19 (5) manufacture artificially derived cannabinoids;

76.20 (6) manufacture adult-use cannabis products, lower-potency hemp edibles, and
76.21 hemp-derived consumer products for public consumption;

76.22 (7) package and label adult-use cannabis products, lower-potency hemp edibles, and
76.23 hemp-derived consumer products for sale to customers;

76.24 (8) sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids,
76.25 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to
76.26 other cannabis businesses; and

76.27 (9) perform other actions approved by the office.

76.28 Subd. 2. **Size limitations.** The office shall, by rule, establish a limit on the manufacturing
76.29 of cannabis products, lower-potency hemp edibles, or hemp-derived consumer products a
76.30 cannabis manufacturer may perform. The limit must be equivalent to the amount of cannabis
76.31 flower that can be harvested from a facility with a plant canopy of 15,000 square feet in a

77.1 year, but may be increased to the amount that can be harvested from a facility with up to
77.2 30,000 cubic feet of plant canopy if the office expands the allowable area of cultivation
77.3 under section 342.30, subdivision 2.

77.4 Subd. 3. **Additional information required.** In addition to the information required to
77.5 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
77.6 a person, cooperative, or business seeking a cannabis manufacturer license must submit the
77.7 following information in a form approved by the office:

77.8 (1) an operating plan demonstrating the proposed layout of the facility, including a
77.9 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
77.10 the manufacturing facility; plans for providing electricity, water, and other utilities necessary
77.11 for the normal operation of the manufacturing facility; and plans for compliance with
77.12 applicable building code and federal and state environmental and workplace safety
77.13 requirements; and

77.14 (2) evidence that the business will comply with the applicable operation requirements
77.15 for the endorsement being sought.

77.16 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
77.17 cannabis manufacturer license may also hold a cannabis cultivator license, a medical cannabis
77.18 cultivator license, a medical cannabis processor license, and a cannabis event organizer
77.19 license.

77.20 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
77.21 cannabis manufacturer license may own or operate any other cannabis business or hemp
77.22 business. This prohibition does not prevent transportation of cannabis flower from a cannabis
77.23 cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
77.24 and located on the same premises.

77.25 (c) The office by rule may limit the number of cannabis manufacturer licenses that a
77.26 person or business may hold.

77.27 (d) For purposes of this subdivision, a restriction on the number or type of license that
77.28 a business may hold applies to every cooperative member or every director, manager, and
77.29 general partner of a cannabis business.

77.30 Subd. 5. **Cultivation operations.** A cannabis manufacturer must comply with the
77.31 requirements in section 342.26.

78.1 **Sec. 32. [342.32] CANNABIS RETAILER LICENSING AND OPERATIONS.**

78.2 **Subdivision 1. Authorized actions.** A cannabis retailer license entitles the license holder
78.3 to:

78.4 (1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products,
78.5 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
78.6 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
78.7 cannabis wholesalers, and industrial hemp growers;

78.8 (2) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
78.9 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
78.10 other products authorized by law to customers; and

78.11 (3) perform other actions approved by the office.

78.12 **Subd. 2. Size limitations.** A cannabis retailer may operate up to five retail locations.

78.13 **Subd. 3. Additional information required.** In addition to the information required to
78.14 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
78.15 a person, cooperative, or business seeking a cannabis retail license must submit the following
78.16 information in a form approved by the office:

78.17 (1) a list of every retail license held by the applicant and, if the applicant is a business,
78.18 every retail license held, either as an individual or as part of another business, by each
78.19 officer, director, manager, and general partner of the cannabis business;

78.20 (2) an operating plan demonstrating the proposed layout of the facility, including a
78.21 diagram of ventilation and filtration systems; policies to avoid sales to individuals who are
78.22 under 21 years of age; identification of a restricted area for storage; and plans to prevent
78.23 the visibility of cannabis flower, cannabinoid products, and hemp-derived consumer products
78.24 to individuals outside the retail location; and

78.25 (3) evidence that the business will comply with the applicable operation requirements
78.26 for the license being sought.

78.27 **Subd. 4. Multiple licenses; limits.** (a) A person, cooperative, or business holding a
78.28 cannabis retailer license may also hold a cannabis delivery service license, a medical cannabis
78.29 retailer license, and a cannabis event organizer license.

78.30 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
78.31 cannabis retailer license may own or operate any other cannabis business or hemp business.

79.1 (c) No person, cooperative, or business may hold a license to own or operate more than
79.2 one cannabis retail business in one city or county.

79.3 (d) The office by rule may limit the number of cannabis retailer licenses a person,
79.4 cooperative, or business may hold.

79.5 (e) For purposes of this subdivision, a restriction on the number or type of license a
79.6 business may hold applies to every cooperative member or every director, manager, and
79.7 general partner of a cannabis business.

79.8 Subd. 5. **Municipal or county cannabis store.** A city or county may establish, own,
79.9 and operate a municipal cannabis store subject to the restrictions in this chapter.

79.10 Sec. 33. **[342.33] CANNABIS WHOLESALER LICENSING.**

79.11 Subdivision 1. **Authorized actions.** A cannabis wholesaler license entitles the license
79.12 holder to:

79.13 (1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products,
79.14 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
79.15 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
79.16 lower-potency hemp edible manufacturers, and industrial hemp growers;

79.17 (2) sell immature cannabis plants and seedlings, cannabis flower, cannabis products,
79.18 lower-potency hemp edibles, and hemp-derived consumer products to cannabis
79.19 microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers;

79.20 (3) sell lower-potency hemp edibles to lower-potency hemp edible retailers;

79.21 (4) import lower-potency hemp edibles and hemp-derived consumer products that contain
79.22 hemp concentrate or artificially derived cannabinoids that are derived from hemp plants or
79.23 hemp plant parts; and

79.24 (5) perform other actions approved by the office.

79.25 Subd. 2. **Additional information required.** In addition to the information required to
79.26 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
79.27 a person, cooperative, or business seeking a cannabis wholesaler license must submit the
79.28 following information in a form approved by the office:

79.29 (1) an operating plan demonstrating the proposed layout of the facility including a
79.30 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed
79.31 cannabis businesses; and

80.1 (2) evidence that the business will comply with the applicable operation requirements
80.2 for the license being sought.

80.3 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
80.4 cannabis wholesaler license may also hold a cannabis transporter license, a cannabis delivery
80.5 service license, and a cannabis event organizer license.

80.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
80.7 cannabis wholesaler license may own or operate any other cannabis business or hemp
80.8 business.

80.9 (c) The office by rule may limit the number of cannabis wholesaler licenses a person or
80.10 business may hold.

80.11 (d) For purposes of this subdivision, a restriction on the number or type of license a
80.12 business may hold applies to every cooperative member or every director, manager, and
80.13 general partner of a cannabis business.

80.14 Sec. 34. **[342.34] CANNABIS WHOLESALER OPERATIONS.**

80.15 Subdivision 1. **Separation of products.** A cannabis wholesaler must ensure that cannabis
80.16 plants, cannabis flower, and cannabis products are physically separated from all other
80.17 products, including but not limited to lower-potency hemp edibles and hemp-derived
80.18 consumer products, in a manner that prevents any cross-contamination.

80.19 Subd. 2. **Records and labels.** A cannabis wholesaler must maintain accurate records
80.20 and ensure that appropriate labels remain affixed to cannabis plants, cannabis flower,
80.21 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

80.22 Subd. 3. **Building conditions.** (a) A cannabis wholesaler shall maintain compliance
80.23 with state and local building, fire, and zoning requirements or regulations.

80.24 (b) A cannabis wholesaler shall ensure that the licensed premises is maintained in a
80.25 clean and sanitary condition, free from infestation by insects, rodents, or other pests.

80.26 Subd. 4. **Sale of other products.** A cannabis wholesaler may purchase and sell other
80.27 products or items for which the cannabis wholesaler has a license or authorization or that
80.28 do not require a license or authorization. Products for which no license or authorization is
80.29 required include but are not limited to industrial hemp products, products that contain hemp
80.30 grain, hemp-derived topical products, and cannabis paraphernalia, including but not limited
80.31 to childproof packaging containers and other devices designed to ensure the safe storage

81.1 and monitoring of cannabis flower and cannabis products in the home to prevent access by
81.2 individuals under 21 years of age.

81.3 Subd. 5. **Importation of hemp-derived products.** (a) A cannabis wholesaler that imports
81.4 lower-potency hemp edibles or hemp-derived consumer products that are manufactured
81.5 outside the boundaries of the state of Minnesota with the intent to sell the products to a
81.6 cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or lower-potency hemp
81.7 edible retailer must obtain a hemp-derived product importer endorsement from the office.

81.8 (b) A cannabis wholesaler with a hemp-derived product importer endorsement may sell
81.9 products manufactured outside the boundaries of the state of Minnesota if:

81.10 (1) the manufacturer is licensed in another jurisdiction and subject to regulations designed
81.11 to protect the health and safety of consumers that the office determines are substantially
81.12 similar to the regulations in this state; or

81.13 (2) the cannabis wholesaler establishes, to the satisfaction of the office, that the
81.14 manufacturer engages in practices that are substantially similar to the practices required for
81.15 licensure of manufacturers in this state.

81.16 (c) The cannabis wholesaler must enter all relevant information regarding an imported
81.17 hemp-derived consumer product into the statewide monitoring system before the product
81.18 may be distributed. Relevant information includes information regarding the cultivation,
81.19 processing, and testing of the industrial hemp used in the manufacture of the product and
81.20 information regarding the testing of the hemp-derived consumer product. If information
81.21 regarding the industrial hemp or hemp-derived consumer product was submitted to a
81.22 statewide monitoring system used in another state, the office may require submission of
81.23 any information provided to that statewide monitoring system and shall assist in the transfer
81.24 of data from another state as needed and in compliance with any data classification
81.25 established by either state.

81.26 (d) The office may suspend, revoke, or cancel the endorsement of a distributor who is
81.27 prohibited from distributing products containing cannabinoids in any other jurisdiction,
81.28 convicted of an offense involving the distribution of products containing cannabinoids in
81.29 any other jurisdiction, or found liable for distributing any product that injured customers in
81.30 any other jurisdiction. A cannabis wholesaler shall disclose all relevant information related
81.31 to actions in another jurisdiction. Failure to disclose relevant information may result in
81.32 disciplinary action by the office, including the suspension, revocation, or cancellation of
81.33 an endorsement or license.

82.1 (e) Notwithstanding any law to the contrary, it shall not be a defense in any civil or
82.2 criminal action that a licensed wholesaler relied on information on a product label or
82.3 otherwise provided by a manufacturer who is not licensed in this state.

82.4 Sec. 35. [342.35] CANNABIS TRANSPORTER LICENSING.

82.5 Subdivision 1. **Authorized actions.** A cannabis transporter license entitles the license
82.6 holder to transport immature cannabis plants and seedlings, cannabis flower, cannabis
82.7 products, artificially derived cannabinoids, hemp plant parts, hemp concentrate,
82.8 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
82.9 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
82.10 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers,
82.11 medical cannabis processors, and industrial hemp growers to cannabis microbusinesses,
82.12 cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis
82.13 wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis
82.14 processors, and medical cannabis retailers and perform other actions approved by the office.

82.15 Subd. 2. **Additional information required.** In addition to the information required to
82.16 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
82.17 a person, cooperative, or business seeking a cannabis transporter license must submit the
82.18 following information in a form approved by the office:

82.19 (1) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer,
82.20 or other securities or agreements, in the amount of not less than \$300,000, for loss of or
82.21 damage to cargo;

82.22 (2) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer,
82.23 or other securities or agreements, in the amount of not less than \$1,000,000, for injury to
82.24 one or more persons in any one accident and, if an accident has resulted in injury to or
82.25 destruction of property, of not less than \$100,000 because of such injury to or destruction
82.26 of property of others in any one accident;

82.27 (3) the number and type of equipment the business will use to transport immature cannabis
82.28 plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids,
82.29 hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived
82.30 consumer products;

82.31 (4) a loading, transporting, and unloading plan;

82.32 (5) a description of the applicant's experience in the distribution or security business;
82.33 and

83.1 (6) evidence that the business will comply with the applicable operation requirements
83.2 for the license being sought.

83.3 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
83.4 cannabis transporter license may also hold a cannabis wholesaler license, a cannabis delivery
83.5 service license, and a cannabis event organizer license.

83.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
83.7 cannabis transporter license may own or operate any other cannabis business.

83.8 (c) The office by rule may limit the number of cannabis transporter licenses a person or
83.9 business may hold.

83.10 (d) For purposes of this subdivision, restrictions on the number or type of license a
83.11 business may hold apply to every cooperative member or every director, manager, and
83.12 general partner of a cannabis business.

83.13 Sec. 36. **[342.36] CANNABIS TRANSPORTER OPERATIONS.**

83.14 Subdivision 1. **Manifest required.** Before transporting immature cannabis plants and
83.15 seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant
83.16 parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products,
83.17 a cannabis transporter shall obtain a shipping manifest on a form established by the office.
83.18 The manifest must be kept with the products at all times and the cannabis transporter must
83.19 maintain a copy of the manifest in its records.

83.20 Subd. 2. **Records of transportation.** Records of transportation must be kept for a
83.21 minimum of three years at the cannabis transporter's place of business and are subject to
83.22 inspection upon request by the office or law enforcement agency. Records of transportation
83.23 include the following:

83.24 (1) copies of transportation manifests for all deliveries;

83.25 (2) a transportation log documenting the chain of custody for each delivery, including
83.26 every employee and vehicle used during transportation; and

83.27 (3) financial records showing payment for transportation services.

83.28 Subd. 3. **Storage compartment.** Immature cannabis plants and seedlings, cannabis
83.29 flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp
83.30 concentrate, lower-potency hemp edibles, and hemp-derived consumer products must be
83.31 transported in a locked, safe, and secure storage compartment that is part of the motor vehicle

84.1 or in a locked storage container that has a separate key or combination pad. Items being
84.2 transported may not be visible from outside the motor vehicle.

84.3 Subd. 4. **Identifying logos or business names prohibited.** No vehicle or trailer may
84.4 contain an image depicting the types of items being transported, including but not limited
84.5 to an image depicting a cannabis or hemp leaf, or a name suggesting that the vehicle is used
84.6 in transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
84.7 artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp
84.8 edibles, or hemp-derived consumer products.

84.9 Subd. 5. **Randomized deliveries.** A cannabis transporter shall ensure that all delivery
84.10 times and routes are randomized.

84.11 Subd. 6. **Multiple employees.** All cannabis transporter vehicles transporting immature
84.12 cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived
84.13 cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
84.14 hemp-derived consumer products must be staffed with a minimum of two employees. At
84.15 least one delivery team member shall remain with the motor vehicle at all times that the
84.16 motor vehicle contains immature cannabis plants and seedlings, cannabis flower, cannabis
84.17 products, artificially derived cannabinoids, hemp plant parts, hemp concentrate,
84.18 lower-potency hemp edibles, or hemp-derived consumer products.

84.19 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by
84.20 or contracted with the cannabis transporter and who is at least 21 years of age may transport
84.21 immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially
84.22 derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
84.23 hemp-derived consumer products. All passengers in a vehicle must be cannabis workers
84.24 employed by or contracted with the cannabis transporter.

84.25 Subd. 8. **Drivers license required.** All drivers must carry a valid driver's license with
84.26 the proper endorsements when operating a vehicle transporting immature cannabis plants
84.27 and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp
84.28 plant parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer
84.29 products.

84.30 Subd. 9. **Vehicles subject to inspection.** Any vehicle assigned for the purposes of
84.31 transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
84.32 artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp
84.33 edibles, or hemp-derived consumer products is subject to inspection and may be stopped
84.34 or inspected at any licensed cannabis business or while en route during transportation.

85.1 **Sec. 37. [342.37] CANNABIS TESTING FACILITY LICENSING.**

85.2 **Subdivision 1. Authorized actions.** A cannabis testing facility license entitles the license
85.3 holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis
85.4 products, hemp plant parts, hemp concentrate, artificially derived cannabinoids,
85.5 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
85.6 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
85.7 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis
85.8 cultivators, medical cannabis processors, and industrial hemp growers.

85.9 **Subd. 2. Additional information required.** In addition to the information required to
85.10 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
85.11 a person, cooperative, or business seeking a cannabis testing facility license must submit
85.12 the following information in a form approved by the office:

85.13 (1) an operating plan demonstrating the proposed layout of the facility, including a
85.14 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed
85.15 businesses;

85.16 (2) proof of accreditation by a laboratory accrediting organization approved by the office
85.17 that, at a minimum, requires a laboratory to operate formal management systems under the
85.18 International Organization for Standardization; and

85.19 (3) evidence that the business will comply with the applicable operation requirements
85.20 for the license being sought.

85.21 **Subd. 3. Multiple licenses; limits.** (a) A person, cooperative, or business holding a
85.22 cannabis testing facility license may not own or operate, or be employed by, any other
85.23 cannabis business or hemp business.

85.24 (b) The office by rule may limit the number of cannabis testing facility licenses a person
85.25 or business may hold.

85.26 (c) For purposes of this subdivision, a restriction on the number of licenses a business
85.27 may hold applies to every cooperative member or every director, manager, and general
85.28 partner of a cannabis business.

85.29 **Sec. 38. [342.38] CANNABIS TESTING FACILITY OPERATIONS.**

85.30 **Subdivision 1. Testing services.** A cannabis testing facility shall provide some or all
85.31 testing services required under section 342.61 and rules adopted pursuant to that section.

86.1 Subd. 2. **Testing protocols.** A cannabis testing facility shall follow all testing protocols,
86.2 standards, and criteria adopted by rule by the office for the testing of different forms of
86.3 cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp
86.4 edibles, hemp-derived consumer products, hemp plant parts, hemp concentrate, and artificially
86.5 derived cannabinoids; determining batch size; sampling; testing validity; and approval and
86.6 disapproval of tested items.

86.7 Subd. 3. **Records.** Records of all business transactions and testing results; records
86.8 required to be maintained pursuant to any applicable standards for accreditation; and records
86.9 relevant to testing protocols, standards, and criteria adopted by the office must be kept for
86.10 a minimum of three years at the cannabis testing facility's place of business and are subject
86.11 to inspection upon request by the office or law enforcement agency.

86.12 Subd. 4. **Disposal of cannabis flower and products.** A testing facility shall dispose of
86.13 or destroy used, unused, and waste cannabis plants and seedlings, cannabis flower, cannabis
86.14 products, lower-potency hemp edibles, hemp-derived consumer products, hemp plant parts,
86.15 hemp concentrate, and artificially derived cannabinoids pursuant to rules adopted by the
86.16 office.

86.17 **Sec. 39. [342.39] CANNABIS EVENT ORGANIZER LICENSING.**

86.18 Subdivision 1. **Authorized actions.** A cannabis event organizer license entitles the
86.19 license holder to organize a temporary cannabis event lasting no more than four days.

86.20 Subd. 2. **Additional information required.** (a) In addition to the information required
86.21 to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that
86.22 section, a person, cooperative, or business seeking a cannabis event organizer license must
86.23 submit the following information in a form approved by the office:

86.24 (1) the type and number of any other cannabis business license held by the applicant;

86.25 (2) the address and location where the temporary cannabis event will take place;

86.26 (3) the name of the temporary cannabis event;

86.27 (4) a diagram of the physical layout of the temporary cannabis event showing where the
86.28 event will take place on the grounds, all entrances and exits that will be used by participants
86.29 during the event, all cannabis consumption areas, all cannabis retail areas where cannabis
86.30 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
86.31 will be sold, the location where cannabis waste will be stored, and any location where
86.32 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
86.33 products will be stored;

87.1 (5) a list of the name, number, and type of cannabis businesses and hemp businesses
87.2 that will sell cannabis plants, adult-use cannabis flower, adult-use cannabis products,
87.3 lower-potency hemp edibles, and hemp-derived consumer products at the event, which may
87.4 be supplemented or amended within 72 hours of the time at which the cannabis event begins;

87.5 (6) the dates and hours during which the cannabis event will take place;

87.6 (7) proof of local approval for the cannabis event; and

87.7 (8) evidence that the business will comply with the applicable operation requirements
87.8 for the license being sought.

87.9 (b) A person, cooperative, or business seeking a cannabis event organizer license may
87.10 also disclose whether the person or any officer, director, manager, and general partner of a
87.11 cannabis business is serving or has previously served in the military.

87.12 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
87.13 cannabis event organizer license may not hold a cannabis testing facility license, a
87.14 lower-potency hemp edible manufacturer license, or a lower-potency hemp edible retailer
87.15 license.

87.16 (b) The office by rule may limit the number of cannabis event licenses that a person or
87.17 business may hold.

87.18 (c) For purposes of this subdivision, restrictions on the number or type of license that a
87.19 business may hold apply to every cooperative member or every director, manager, and
87.20 general partner of a cannabis business.

87.21 **Sec. 40. [342.40] CANNABIS EVENT ORGANIZER OPERATIONS.**

87.22 Subdivision 1. **Local approval.** A cannabis event organizer must receive local approval,
87.23 including obtaining any necessary permits or licenses issued by a local unit of government,
87.24 before holding a cannabis event.

87.25 Subd. 2. **Charging fees.** (a) A cannabis event organizer may charge an entrance fee to
87.26 a cannabis event.

87.27 (b) A cannabis event organizer may charge a fee to a cannabis business or hemp business
87.28 in exchange for space to display and sell cannabis plants, adult-use cannabis flower, adult-use
87.29 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. Any
87.30 fee paid for participation in a cannabis event shall not be based on or tied to the sale of
87.31 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
87.32 hemp edibles, or hemp-derived consumer products.

88.1 Subd. 3. **Security.** A cannabis event organizer must hire or contract for licensed security
88.2 personnel to provide security services at the cannabis event. All security personnel hired or
88.3 contracted for shall be at least 21 years of age and present on the licensed event premises
88.4 at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products,
88.5 lower-potency hemp edibles, or hemp-derived consumer products are available for sale or
88.6 consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
88.7 edibles, or hemp-derived consumer products is allowed. The security personnel shall not
88.8 consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
88.9 consumer products for at least 24 hours before the event or during the event.

88.10 Subd. 4. **Limited access to event.** A cannabis event organizer shall ensure that access
88.11 to an event is limited to individuals who are at least 21 years of age. At or near each public
88.12 entrance to any area where the sale or consumption of adult-use cannabis flower, adult-use
88.13 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is
88.14 allowed, a cannabis event organizer shall maintain a clearly visible and legible sign consisting
88.15 of the following statement: "No persons under 21 allowed." The lettering of the sign shall
88.16 be not less than one inch in height.

88.17 Subd. 5. **Cannabis waste.** A cannabis event organizer shall ensure that all used, unused,
88.18 and waste cannabis plants, adult-use cannabis flower, adult-use cannabis products,
88.19 lower-potency hemp edibles, and hemp-derived consumer products that are not removed
88.20 by a customer, cannabis business, or hemp business are disposed of in a manner approved
88.21 by the office.

88.22 Subd. 6. **Transportation of cannabis plants, flower, and products.** All transportation
88.23 of cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
88.24 hemp edibles, and hemp-derived consumer products intended for display or sale and all
88.25 such items used for display or not sold during the cannabis event must be transported to
88.26 and from the cannabis event by a licensed cannabis transporter.

88.27 Subd. 7. **Cannabis event sales.** (a) Cannabis microbusinesses with a retail endorsement,
88.28 cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and lower-potency
88.29 hemp edible retailers, including the cannabis event organizer, may be authorized to sell
88.30 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
88.31 hemp edibles, and hemp-derived consumer products to customers at a cannabis event.

88.32 (b) All sales of cannabis plants, adult-use cannabis flower, adult-use cannabis products,
88.33 lower-potency hemp edibles, and hemp-derived consumer products at a cannabis event must
88.34 take place in a retail area as designated in the premises diagram.

89.1 (c) Authorized retailers may only conduct sales within their specifically assigned area.

89.2 (d) Authorized retailers must verify the age of all customers pursuant to section 342.27,
89.3 subdivision 4, before completing a sale and may not sell cannabis plants, adult-use cannabis
89.4 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
89.5 products to an individual under 21 years of age.

89.6 (e) Authorized retailers may display one sample of each type of cannabis plant, adult-use
89.7 cannabis flower, adult-use cannabis product, lower-potency hemp edible, and hemp-derived
89.8 consumer product available for sale. Samples of adult-use cannabis and adult-use cannabis
89.9 products must be stored in a sample jar or display case and be accompanied by a label or
89.10 notice containing the information required to be affixed to the packaging or container
89.11 containing adult-use cannabis flower and adult-use cannabis products sold to customers. A
89.12 sample may not consist of more than eight grams of adult-use cannabis flower or adult-use
89.13 cannabis concentrate, or an edible cannabis product infused with more than 100 milligrams
89.14 of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the adult-use
89.15 cannabis flower or adult-use cannabis product before purchase.

89.16 (f) The notice requirements under section 342.27, subdivision 6, apply to authorized
89.17 retailers offering cannabis plants, adult-use cannabis flower, adult-use cannabinoid products,
89.18 and hemp-derived consumer products for sale at a cannabis event.

89.19 (g) Authorized retailers may not:

89.20 (1) sell adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
89.21 edibles, or hemp-derived consumer products to a person who is visibly intoxicated;

89.22 (2) knowingly sell more cannabis plants, adult-use cannabis flower, adult-use cannabis
89.23 products, lower-potency hemp edibles, or hemp-derived consumer products than a customer
89.24 is legally permitted to possess;

89.25 (3) sell medical cannabis flower or medical cannabinoid products;

89.26 (4) give away cannabis plants, cannabis flower, cannabis products, lower-potency hemp
89.27 edibles, or hemp-derived consumer products; or

89.28 (5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
89.29 lower-potency hemp edibles, or hemp-derived consumer products in vending machines.

89.30 (h) Except for samples of a cannabis plant, adult-use cannabis flower, adult-use cannabis
89.31 product, lower-potency hemp edible, and hemp-derived consumer product, all cannabis
89.32 plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,
89.33 and hemp-derived consumer products for sale at a cannabis event must be stored in a secure,

90.1 locked container that is not accessible to the public. Such items being stored at a cannabis
90.2 event shall not be left unattended.

90.3 (i) All cannabis plants, adult-use cannabis flower, adult-use cannabis products,
90.4 lower-potency hemp edibles, and hemp-derived consumer products for sale at a cannabis
90.5 event must comply with this chapter and rules adopted pursuant to this chapter regarding
90.6 the testing, packaging, and labeling of those items.

90.7 (j) All cannabis plants, adult-use cannabis flower, and adult-use cannabis products sold,
90.8 damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring
90.9 system.

90.10 Subd. 8. **Cannabis event on-site consumption.** (a) If approved by the local unit of
90.11 government, a cannabis event may designate an area for consumption of adult-use cannabis
90.12 flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer
90.13 products, or any combination of those items.

90.14 (b) Access to areas where consumption of adult-use cannabis flower, adult-use cannabis
90.15 products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall
90.16 be restricted to individuals who are at least 21 years of age.

90.17 (c) The cannabis event organizer shall ensure that consumption of adult-use cannabis
90.18 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
90.19 products within a designated consumption area is not visible from any public place.

90.20 (d) The cannabis event organizer shall not permit consumption of alcohol or tobacco.

90.21 **Sec. 41. [342.41] CANNABIS DELIVERY SERVICE LICENSING.**

90.22 Subdivision 1. **Authorized actions.** A cannabis delivery service license entitles the
90.23 license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles,
90.24 and hemp-derived consumer products from licensed cannabis microbusinesses with a retail
90.25 endorsement, cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and
90.26 medical cannabis retailers; transport and deliver cannabis flower, cannabis products,
90.27 lower-potency hemp edibles, and hemp-derived consumable products to customers; and
90.28 perform other actions approved by the office.

90.29 Subd. 2. **Additional information required.** In addition to the information required to
90.30 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
90.31 a person, cooperative, or business seeking a cannabis delivery service license must submit
90.32 the following information in a form approved by the office:

91.1 (1) a list of all vehicles to be used in the delivery of cannabis flower, cannabis products,
91.2 lower-potency hemp edibles, and hemp-derived consumer products including:

91.3 (i) the vehicle make, model, and color;

91.4 (ii) the vehicle identification number; and

91.5 (iii) the license plate number;

91.6 (2) proof of insurance for each vehicle;

91.7 (3) a business plan demonstrating policies to avoid sales of cannabis flower, cannabis
91.8 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
91.9 who are under 21 years of age and plans to prevent the visibility of cannabis flower, cannabis
91.10 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
91.11 outside the delivery vehicle; and

91.12 (4) evidence that the business will comply with the applicable operation requirements
91.13 for the license being sought.

91.14 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
91.15 cannabis delivery service license may also hold a cannabis retailer license, a cannabis
91.16 wholesaler license, a cannabis transporter license, a cannabis event organizer license, and
91.17 a medical cannabis retailer license subject to the ownership limitations that apply to those
91.18 licenses.

91.19 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
91.20 cannabis delivery service license may own or operate any other cannabis business or hemp
91.21 business.

91.22 (c) The office by rule may limit the number of cannabis delivery service licenses that a
91.23 person or business may hold.

91.24 (d) For purposes of this subdivision, a restriction on the number or type of license that
91.25 a business may hold applies to every cooperative member or every director, manager, and
91.26 general partner of a cannabis business.

91.27 **Sec. 42. [342.42] CANNABIS DELIVERY SERVICE OPERATIONS.**

91.28 Subdivision 1. **Age or registry verification.** Prior to completing a delivery, a cannabis
91.29 delivery service shall verify that the customer is at least 21 years of age or is enrolled in the
91.30 registry program. Section 342.27, subdivision 4, applies to the verification of a customer's
91.31 age. Registry verification issued by the Division of Medical Cannabis may be considered
91.32 evidence that the person is enrolled in the registry program.

92.1 Subd. 2. **Records.** The office by rule shall establish record-keeping requirements for a
92.2 cannabis delivery service, including but not limited to proof of delivery to individuals who
92.3 are at least 21 years of age or enrolled in the registry program.

92.4 Subd. 3. **Amount to be transported.** The office by rule shall establish limits on the
92.5 amount of cannabis flower, cannabis products, lower-potency hemp edibles, and
92.6 hemp-derived consumer products that a cannabis delivery service may transport.

92.7 Subd. 4. **Statewide monitoring system.** Receipt of cannabis flower and cannabis products
92.8 by the cannabis delivery service and a delivery to a customer must be recorded in the
92.9 statewide monitoring system within the time established by rule.

92.10 Subd. 5. **Storage compartment.** Cannabis flower, cannabis products, lower-potency
92.11 hemp edibles, and hemp-derived consumer products must be transported in a locked, safe,
92.12 and secure storage compartment that is part of the cannabis delivery service vehicle or in a
92.13 locked storage container that has a separate key or combination pad. Cannabis flower,
92.14 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products may
92.15 not be visible from outside the cannabis delivery service vehicle.

92.16 Subd. 6. **Identifying logos or business names prohibited.** No cannabis delivery service
92.17 vehicle or trailer may contain an image depicting the types of items being transported,
92.18 including but not limited to an image depicting a cannabis or hemp leaf, or a name suggesting
92.19 that the cannabis delivery service vehicle is used for transporting cannabis flower, cannabis
92.20 products, lower-potency hemp edibles, and hemp-derived consumer products.

92.21 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by
92.22 or contracted with the cannabis delivery service and who is at least 21 years of age may
92.23 transport cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
92.24 consumer products. All passengers in a cannabis delivery service vehicle must be cannabis
92.25 workers employed by or contracted with the cannabis delivery service.

92.26 Subd. 8. **Vehicles subject to inspection.** Any cannabis delivery service vehicle is subject
92.27 to inspection and may be stopped or inspected at any licensed cannabis business or while
92.28 en route during transportation.

92.29 Sec. 43. [342.43] **HEMP BUSINESS LICENSE TYPES; MULTIPLE LICENSES.**

92.30 Subdivision 1. **License types.** The office shall issue the following types of hemp business
92.31 licenses:

92.32 (1) lower-potency hemp edible manufacturer; and

93.1 (2) lower-potency hemp edible retailer.

93.2 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business may hold both
93.3 a lower-potency hemp edible manufacturer and lower-potency hemp edible retailer license.

93.4 (b) Nothing in this section prohibits a person, cooperative, or business from holding a
93.5 lower-potency hemp edible manufacturer license, a lower-potency hemp edible retailer
93.6 license, or both, and also holding a license to cultivate industrial hemp issued pursuant to
93.7 chapter 18K.

93.8 (c) Nothing in this section prohibits a person, cooperative, or business from holding a
93.9 lower-potency hemp edible manufacturer license, a lower-potency hemp edible retailer
93.10 license, or both, and also holding any other license, including but not limited to a license
93.11 to prepare or sell food; sell tobacco, tobacco-related devices, electronic delivery devices as
93.12 defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as
93.13 described in section 609.6855; or manufacture or sell alcoholic beverages as defined in
93.14 section 340A.101, subdivision 2.

93.15 (d) A person, cooperative, or business holding a lower-potency hemp edible manufacturer
93.16 license, a lower-potency hemp edible retailer license, or both, may not hold a cannabis
93.17 business license.

93.18 Sec. 44. **[342.44] HEMP BUSINESS LICENSES; APPLICATIONS AND ISSUANCE.**

93.19 Subdivision 1. **Application; contents.** (a) Except as otherwise provided in this
93.20 subdivision, the provisions of this chapter relating to license applications, license selection
93.21 criteria, general ownership disqualifications and requirements, and general operational
93.22 requirements do not apply to hemp businesses.

93.23 (b) The office, by rule, shall establish forms and procedures for the processing of hemp
93.24 licenses issued under this chapter. At a minimum, any application to obtain or renew a hemp
93.25 license shall include the following information, if applicable:

93.26 (1) the name, address, and date of birth of the applicant;

93.27 (2) the address and legal property description of the business;

93.28 (3) proof of trade name registration;

93.29 (4) certification that the applicant will comply with the requirements of this chapter
93.30 relating to the ownership and operation of a hemp business;

93.31 (5) identification of one or more controlling persons or managerial employees as agents
93.32 who shall be responsible for dealing with the office on all matters; and

94.1 (6) a statement that the applicant agrees to respond to the office's supplemental requests
94.2 for information.

94.3 (c) An application on behalf of a corporation or association shall be signed by at least
94.4 two officers or managing agents of that entity.

94.5 Subd. 2. **Issuance; eligibility; prohibition on transfer.** (a) The office may issue a hemp
94.6 license to an applicant who:

94.7 (1) is at least 21 years of age;

94.8 (2) has completed an application for licensure or application for renewal and has fully
94.9 and truthfully complied with all information requests relating to license application and
94.10 renewal;

94.11 (3) has paid the applicable application and license fees pursuant to section 342.11;

94.12 (4) is not employed by the office or any state agency with regulatory authority over this
94.13 chapter; and

94.14 (5) does not hold any cannabis business license.

94.15 (b) Licenses must be renewed annually.

94.16 (c) Licenses may not be transferred.

94.17 Sec. 45. **[342.45] LOWER-POTENCY HEMP EDIBLE MANUFACTURER.**

94.18 Subdivision 1. **Authorized actions.** A lower-potency hemp edible manufacturer license
94.19 entitles the license holder to:

94.20 (1) purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids
94.21 from cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis
94.22 wholesalers, other lower-potency hemp edible manufacturers, and industrial hemp growers;

94.23 (2) make hemp concentrate;

94.24 (3) manufacture artificially derived cannabinoids;

94.25 (4) manufacture lower-potency hemp edibles for public consumption;

94.26 (5) package and label lower-potency hemp edibles for sale to customers;

94.27 (6) sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp
94.28 edibles to other cannabis businesses and hemp businesses; and

94.29 (7) perform other actions approved by the office.

95.1 Subd. 2. **All manufacturer operations.** (a) All hemp manufacturing must take place in
95.2 a facility and on equipment that meets the applicable health and safety requirements
95.3 established by the office, including requirements for cleaning and testing machinery between
95.4 production of different products.

95.5 (b) A lower-potency hemp edible manufacturer must comply with all applicable
95.6 packaging, labeling, and testing requirements.

95.7 Subd. 3. **Extraction and concentration.** (a) A lower-potency hemp edible manufacturer
95.8 that creates hemp concentrate or artificially derived cannabinoids must obtain an endorsement
95.9 from the office.

95.10 (b) A lower-potency hemp edible manufacturer seeking an endorsement to create hemp
95.11 concentrate must inform the office of all methods of extraction and concentration that the
95.12 manufacturer intends to use and identify the volatile chemicals, if any, that will be involved
95.13 in the creation of hemp concentrate. A lower-potency hemp edible manufacturer may not
95.14 use a method of extraction and concentration or a volatile chemical without approval by
95.15 the office.

95.16 (c) A lower-potency hemp edible manufacturer seeking an endorsement to create
95.17 artificially derived cannabinoids must inform the office of all methods of conversion that
95.18 the manufacturer will use, including any specific catalysts that the manufacturer will employ,
95.19 to create artificially derived cannabinoids and the molecular nomenclature of all cannabinoids
95.20 or other chemical compounds that the manufacturer will create. A business licensed or
95.21 authorized to manufacture lower-potency hemp edibles may not use a method of conversion
95.22 or a catalyst without approval by the office.

95.23 (d) A lower-potency hemp edible manufacturer must obtain a certification from an
95.24 independent third-party industrial hygienist or professional engineer approving:

95.25 (1) all electrical, gas, fire suppression, and exhaust systems; and

95.26 (2) the plan for safe storage and disposal of hazardous substances, including but not
95.27 limited to any volatile chemicals.

95.28 (e) Upon the sale of hemp concentrate or artificially derived cannabinoids to any person,
95.29 cooperative, or business, a lower-potency hemp edible manufacturer must provide a statement
95.30 to the buyer that discloses the method of extraction and concentration or conversion used
95.31 and any solvents, gases, or catalysts, including but not limited to any volatile chemicals
95.32 involved in that method.

96.1 Subd. 4. Production of consumer products. (a) A lower-potency hemp edible
96.2 manufacturer that produces lower-potency hemp edibles must obtain an edible cannabinoid
96.3 product handler endorsement from the office.

96.4 (b) All areas within the premises of a lower-potency hemp edible manufacturer used for
96.5 producing lower-potency hemp edibles must meet the sanitary standards specified in rules
96.6 adopted by the office.

96.7 (c) A lower-potency hemp edible manufacturer may only add chemicals or compounds
96.8 approved by the office to hemp concentrate or artificially derived cannabinoids.

96.9 (d) Upon the sale of any lower-potency hemp edible to a cannabis business or hemp
96.10 business, a lower-potency hemp edible manufacturer must provide a statement to the buyer
96.11 that discloses the product's ingredients, including but not limited to any chemicals or
96.12 compounds and any major food allergens declared by name.

96.13 (e) A lower-potency hemp edible manufacturer shall not add any artificially derived
96.14 cannabinoid, hemp plant part, or hemp concentrate to a product if the manufacturer of the
96.15 product holds a trademark to the product's name, except that a lower-potency hemp edible
96.16 manufacturer may use a trademarked food product if the manufacturer uses the product as
96.17 a component or as part of a recipe and if the lower-potency hemp edible manufacturer does
96.18 not state or advertise to the customer that the final retail lower-potency hemp edible contains
96.19 a trademarked food product.

96.20 (f) A lower-potency hemp edible manufacturer shall not add any cannabis flower,
96.21 cannabis concentrate, or cannabinoid derived from cannabis flower or cannabis concentrate
96.22 to a product.

96.23 Subd. 5. Transportation of hemp concentrate, artificially derived cannabinoids,
96.24 and lower-potency hemp edibles. (a) A lower-potency hemp edible manufacturer may
96.25 transport hemp concentrate, artificially derived cannabinoids, and lower-potency hemp
96.26 edibles on public roadways provided:

96.27 (1) the artificially derived cannabinoids, hemp concentrate, or lower-potency hemp
96.28 edibles are in a locked, safe, and secure storage compartment that is part of the motor vehicle
96.29 or in a locked storage container that has a separate key or combination pad;

96.30 (2) the artificially derived cannabinoids, hemp concentrate, or lower-potency hemp
96.31 edibles are packaged in tamper-evident containers that are not visible or recognizable from
96.32 outside the transporting vehicle;

97.1 (3) the lower-potency hemp edible manufacturer has a shipping manifest in the
97.2 lower-potency hemp edible manufacturer's possession that describes the contents of all
97.3 tamper-evident containers;

97.4 (4) the transporting vehicle does not bear any markings to indicate that the vehicle
97.5 contains artificially derived cannabinoids, hemp concentrate, or lower-potency hemp edibles
97.6 and does not bear the name or logo of the lower-potency hemp edible manufacturer;

97.7 (5) all departures, arrivals, and stops are appropriately documented;

97.8 (6) at least two designated employees staff any vehicle used to transport artificially
97.9 derived cannabinoids, hemp concentrate, or lower-potency hemp edibles and at least one
97.10 employee remains with the vehicle at all times that the vehicle is transporting artificially
97.11 derived cannabinoids, hemp concentrate, or lower-potency hemp edibles;

97.12 (7) no person other than a designated employee enters a vehicle at any time that the
97.13 vehicle is transporting artificially derived cannabinoids, hemp concentrate, or lower-potency
97.14 hemp edibles; and

97.15 (8) the lower-potency hemp edible manufacturer complies with any other rules adopted
97.16 by the office.

97.17 (b) Any vehicle assigned for the purposes of transporting artificially derived cannabinoids,
97.18 hemp concentrate, or lower-potency hemp edibles is subject to inspection and may be
97.19 stopped or inspected at any point of delivery or while en route during transportation.

97.20 **Sec. 46. [342.46] LOWER-POTENCY HEMP EDIBLE RETAILER.**

97.21 Subdivision 1. **Sale of lower-potency hemp edibles.** (a) A lower-potency hemp edible
97.22 retailer may sell lower-potency hemp edibles to individuals who are at least 21 years of age.

97.23 (b) A lower-potency hemp edible retailer may sell lower-potency hemp edibles that:

97.24 (1) are obtained from a licensed Minnesota cannabis microbusiness, cannabis
97.25 mezzobusiness, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible
97.26 manufacturer; and

97.27 (2) meet all applicable packaging and labeling requirements.

97.28 Subd. 2. **Sale of other products.** A lower-potency hemp edible retailer may sell other
97.29 products or items for which the lower-potency hemp edible retailer has a license or
97.30 authorization or that do not require a license or authorization.

98.1 Subd. 3. **Age verification.** Prior to initiating a sale, an employee of the lower-potency
98.2 hemp edible retailer must verify that the customer is at least 21 years of age. Section 342.27,
98.3 subdivision 4, applies to the verification of a customer's age.

98.4 Subd. 4. **Display and storage of lower-potency hemp edibles.** A lower-potency hemp
98.5 edible retailer shall ensure that all lower-potency hemp edibles are displayed behind a
98.6 checkout counter where the public is not permitted. All lower-potency hemp edibles that
98.7 are not displayed must be stored in a secure area.

98.8 Subd. 5. **Transportation of lower-potency hemp edibles.** (a) A lower-potency hemp
98.9 edible retailer may transport lower-potency hemp edibles on public roadways provided:

98.10 (1) the lower-potency hemp edibles are in final packaging;

98.11 (2) the lower-potency hemp edibles are packaged in tamper-evident containers that are
98.12 not visible or recognizable from outside the transporting vehicle;

98.13 (3) the lower-potency hemp edible retailer has a shipping manifest in the lower-potency
98.14 hemp edible retailer's possession that describes the contents of all tamper-evident containers;

98.15 (4) the transporting vehicle does not bear any markings to indicate that the vehicle
98.16 contains lower-potency hemp edibles and does not bear the name or logo of the lower-potency
98.17 hemp edible retailer;

98.18 (5) all departures, arrivals, and stops are appropriately documented;

98.19 (6) at least two designated employees staff any vehicle used to transport lower-potency
98.20 hemp edibles and at least one employee remains with the vehicle at all times that the vehicle
98.21 is transporting lower-potency hemp edibles;

98.22 (7) no person other than a designated employee enters a vehicle at any time that the
98.23 vehicle is transporting lower-potency hemp edibles; and

98.24 (8) the lower-potency hemp edible retailer complies with any other rules adopted by the
98.25 office.

98.26 (b) Any vehicle assigned for the purposes of transporting lower-potency hemp edibles
98.27 is subject to inspection and may be stopped or inspected at any point of delivery or while
98.28 en route during transportation.

98.29 Subd. 6. **Compliant products.** (a) A lower-potency hemp edible retailer shall ensure
98.30 that all lower-potency hemp edibles offered for sale comply with the limits on the amount
98.31 and types of cannabinoids that a lower-potency hemp edible can contain, including but not
98.32 limited to the requirement that lower-potency hemp edibles:

99.1 (1) consist of servings that contain no more than five milligrams of delta-9
99.2 tetrahydrocannabinol, no more than 25 milligrams of cannabidiol, no more than 25 milligrams
99.3 of cannabigerol, or any combination of those cannabinoids that does not exceed the identified
99.4 amounts;

99.5 (2) do not contain more than a combined total of 0.5 milligrams of all other cannabinoids
99.6 per serving; and

99.7 (3) do not contain an artificially derived cannabinoid other than delta-9
99.8 tetrahydrocannabinol.

99.9 (b) If a lower-potency hemp edible is packaged in a manner that includes more than a
99.10 single serving, the lower-potency edible product must indicate each serving by scoring,
99.11 wrapping, or other indicators that appear on the lower-potency hemp edible designating the
99.12 individual serving size. If the lower-potency hemp edible is meant to be consumed as a
99.13 beverage or it is not possible to indicate a single serving by scoring or use of another indicator
99.14 that appears on the product, the lower-potency hemp edible may not be packaged in a manner
99.15 that includes more than a single serving in each container.

99.16 (c) A single package containing multiple servings of a lower-potency edible product
99.17 must contain no more than 50 milligrams of delta-9 tetrahydrocannabinol, 250 milligrams
99.18 of cannabidiol, 250 milligrams of cannabigerol, or any combination of those cannabinoids
99.19 that does not exceed the identified amounts.

99.20 Subd. 7. **Prohibitions.** A lower-potency edible product retailer may not:

99.21 (1) sell lower-potency hemp edibles to an individual who is under 21 years of age;

99.22 (2) sell a lower-potency hemp edible to a person who is visibly intoxicated;

99.23 (3) sell cannabis flower, cannabis products, or hemp-derived consumer products;

99.24 (4) allow for the dispensing of lower-potency hemp edibles in vending machines; or

99.25 (5) distribute or allow free samples of lower-potency hemp edibles.

99.26 Subd. 8. **On-site consumption.** (a) A lower-potency hemp edible retailer may permit
99.27 on-site consumption of lower-potency hemp edibles on a portion of its premises if it has an
99.28 on-site consumption endorsement.

99.29 (b) The office shall issue an on-site consumption endorsement to any lower-potency
99.30 hemp edible retailer that also holds an on-sale license issued under chapter 340A.

100.1 (c) A lower-potency hemp edible retailer must ensure that lower-potency hemp edibles
100.2 sold for on-site consumption comply with this chapter and rules adopted pursuant to this
100.3 chapter regarding testing.

100.4 (d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency
100.5 hemp edibles that are intended to be consumed as a beverage, must be served in the required
100.6 packaging, but may be removed from the products' packaging by customers and consumed
100.7 on site.

100.8 (e) Lower-potency hemp edibles that are intended to be consumed as a beverage may
100.9 be served outside of their packaging provided that the information that is required to be
100.10 contained on the label of a lower-potency hemp edible is posted or otherwise displayed by
100.11 the lower-potency hemp edible retailer. Hemp workers who serve beverages under this
100.12 paragraph are not required to obtain an edible cannabinoid product handler endorsement
100.13 under section 342.07, subdivision 3.

100.14 (f) Food and beverages not otherwise prohibited by this subdivision may be prepared
100.15 and sold on site provided that the lower-potency hemp edible retailer complies with all
100.16 relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

100.17 (g) A lower-potency hemp edible retailer may offer recorded or live entertainment
100.18 provided that the lower-potency hemp edible retailer complies with all relevant state and
100.19 local laws, ordinances, licensing requirements, and zoning requirements.

100.20 (h) In addition to the prohibitions under subdivision 6, a lower-potency hemp edible
100.21 retailer with an on-site consumption endorsement may not:

100.22 (1) sell lower-potency hemp edibles to a customer who the lower-potency hemp edible
100.23 retailer knows or reasonably should know has consumed alcohol sold or provided by the
100.24 lower-potency hemp edible retailer within the previous five hours;

100.25 (2) sell lower-potency hemp edibles that are designed or reasonably expected to be mixed
100.26 with an alcoholic beverage; or

100.27 (3) permit lower-potency hemp edibles that have been removed from the products'
100.28 packaging to be removed from the premises of the lower-potency hemp edible retailer.

100.29 Subd. 9. **Posting of notices.** A lower-potency hemp edible retailer must post all notices
100.30 as provided in section 342.27, subdivision 6.

100.31 Subd. 10. **Building conditions.** (a) A lower-potency hemp edible retailer shall maintain
100.32 compliance with state and local building, fire, and zoning codes, requirements, or regulations.

101.1 (b) A lower-potency hemp edible retailer shall ensure that the licensed premises is
101.2 maintained in a clean and sanitary condition, free from infestation by insects, rodents, or
101.3 other pests.

101.4 Subd. 11. **Enforcement.** The office shall inspect lower-potency hemp edible retailers
101.5 and take enforcement action as provided in sections 342.19 and 342.21.

101.6 Sec. 47. **[342.47] MEDICAL CANNABIS BUSINESS LICENSES.**

101.7 Subdivision 1. **License types.** (a) The office shall issue the following types of medical
101.8 cannabis business licenses:

101.9 (1) medical cannabis cultivator;

101.10 (2) medical cannabis processor; and

101.11 (3) medical cannabis retailer.

101.12 (b) The Division of Medical Cannabis may oversee the licensing and regulation of
101.13 medical cannabis businesses.

101.14 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business holding:

101.15 (1) a medical cannabis cultivator license may also hold a medical cannabis processor
101.16 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event
101.17 organizer license subject to the ownership limitations that apply to those licenses;

101.18 (2) a medical cannabis processor license may also hold a medical cannabis cultivator
101.19 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event
101.20 organizer license subject to the ownership limitations that apply to those licenses; or

101.21 (3) a medical cannabis retailer license may also hold a cannabis retailer license, a cannabis
101.22 delivery service license, and a cannabis event organizer license subject to the ownership
101.23 limitations that apply to those licenses.

101.24 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
101.25 medical cannabis license may own or operate any other cannabis business or hemp business.

101.26 (c) The office by rule may limit the number of medical cannabis business licenses that
101.27 a person or business may hold.

101.28 (d) For purposes of this subdivision, a restriction on the number of licenses or type of
101.29 license that a business may hold applies to every cooperative member or every director,
101.30 manager, and general partner of a medical cannabis business.

102.1 Subd. 3. Registered medical cannabis manufacturers. (a) As used in this subdivision,
102.2 "medical cannabis manufacturer" means either of the two in-state manufacturers of medical
102.3 cannabis registered with the commissioner of health pursuant to section 152.25 as of July
102.4 1, 2023.

102.5 (b) Notwithstanding any law to the contrary, the registration or reregistration period of
102.6 a medical cannabis manufacturer expires on July 1, 2024.

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

102.8 Sec. 48. [342.48] MEDICAL CANNABIS BUSINESS APPLICATIONS.

102.9 In addition to the information required to be submitted under section 342.14, subdivision
102.10 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a
102.11 medical cannabis business license must submit the following information in a form approved
102.12 by the office:

102.13 (1) for medical cannabis cultivator license applicants:

102.14 (i) an operating plan demonstrating the proposed size and layout of the cultivation facility;
102.15 plans for wastewater and waste disposal for the cultivation facility; plans for providing
102.16 electricity, water, and other utilities necessary for the normal operation of the cultivation
102.17 facility; and plans for compliance with applicable building code and federal and state
102.18 environmental and workplace safety requirements;

102.19 (ii) a cultivation plan demonstrating the proposed size and layout of the cultivation
102.20 facility that will be used exclusively for cultivation for medical cannabis, including the total
102.21 amount of plant canopy; and

102.22 (iii) evidence that the business will comply with the applicable operation requirements
102.23 for the license being sought;

102.24 (2) for medical cannabis processor license applicants:

102.25 (i) an operating plan demonstrating the proposed layout of the facility, including a
102.26 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
102.27 the manufacturing facility; plans for providing electricity, water, and other utilities necessary
102.28 for the normal operation of the manufacturing facility; and plans for compliance with
102.29 applicable building code and federal and state environmental and workplace safety
102.30 requirements;

102.31 (ii) all methods of extraction and concentration that the applicant intends to use and the
102.32 volatile chemicals, if any, that are involved in extraction or concentration;

103.1 (iii) if the applicant is seeking an endorsement to manufacture products infused with
103.2 cannabinoids for consumption by patients enrolled in the registry program, proof of an
103.3 edible cannabinoid product handler endorsement from the office; and

103.4 (iv) evidence that the applicant will comply with the applicable operation requirements
103.5 for the license being sought; or

103.6 (3) for medical cannabis retailer license applicants:

103.7 (i) a list of every retail license held by the applicant and, if the applicant is a business,
103.8 every retail license held, either as an individual or as part of another business, by each
103.9 officer, director, manager, and general partner of the cannabis business;

103.10 (ii) an operating plan demonstrating the proposed layout of the facility, including a
103.11 diagram of ventilation and filtration systems, policies to avoid sales to individuals who are
103.12 not authorized to receive the distribution of medical cannabis flower or medical cannabinoid
103.13 products, identification of a restricted area for storage, and plans to prevent the visibility of
103.14 cannabis flower and cannabinoid products;

103.15 (iii) if the applicant holds or is applying for a cannabis retailer license, a diagram showing
103.16 the portion of the premises in which medical cannabis flower and medical cannabinoid
103.17 products will be sold and distributed and identifying an area that is definite and distinct
103.18 from all other areas of the cannabis retailer, is accessed through a distinct entrance, and
103.19 contains an appropriate space for a pharmacist employee of the medical cannabis retailer
103.20 to consult with the patient to determine the proper type of medical cannabis flower and
103.21 medical cannabinoid products and proper dosage for the patient; and

103.22 (iv) evidence that the applicant will comply with the applicable operation requirements
103.23 for the license being sought.

103.24 **Sec. 49. [342.49] MEDICAL CANNABIS CULTIVATORS.**

103.25 (a) A medical cannabis cultivator license entitles the license holder to grow cannabis
103.26 plants within the approved amount of space from seed or immature plant to mature plant,
103.27 harvest cannabis flower from a mature plant, package and label cannabis flower as medical
103.28 cannabis flower, sell medical cannabis flower to medical cannabis processors and medical
103.29 cannabis retailers, transport medical cannabis flower to a medical cannabis processor located
103.30 on the same premises, and perform other actions approved by the office.

103.31 (b) The office may, by rule, establish limits on the plant canopy in which a medical
103.32 cannabis cultivator can grow cannabis plants and on the use of tiers within the approved
103.33 plant canopy.

104.1 (c) A medical cannabis cultivator license holder must comply with all requirements of
104.2 section 342.25.

104.3 (d) A medical cannabis cultivator license holder must verify that every batch of medical
104.4 cannabis flower has passed safety, potency, and consistency testing at a cannabis testing
104.5 facility approved by the office for the testing of medical cannabis flower before the medical
104.6 cannabis cultivator may package, label, or sell the medical cannabis flower to any other
104.7 entity.

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

104.9 **Sec. 50. [342.50] MEDICAL CANNABIS PROCESSORS.**

104.10 (a) A medical cannabis processor license, consistent with the specific license endorsement
104.11 or endorsements, entitles the license holder to:

104.12 (1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts,
104.13 and hemp concentrate from medical cannabis cultivators, other medical cannabis processors,
104.14 and industrial hemp growers;

104.15 (2) make cannabis concentrate from medical cannabis flower;

104.16 (3) make hemp concentrate, including hemp concentrate with a delta-9
104.17 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

104.18 (4) manufacture medical cannabinoid products;

104.19 (5) package and label medical cannabinoid products for sale to other medical cannabis
104.20 processors and to medical cannabis retailers; and

104.21 (6) perform other actions approved by the office.

104.22 (b) A medical cannabis processor license holder must comply with all requirements of
104.23 section 342.26, including requirements to obtain specific license endorsements.

104.24 (c) A medical cannabis processor license holder must verify that every batch of medical
104.25 cannabinoid product has passed safety, potency, and consistency testing at a cannabis testing
104.26 facility approved by the office for the testing of medical cannabinoid products before the
104.27 medical cannabis processor may package, label, or sell the medical cannabinoid product to
104.28 any other entity.

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

105.1 **Sec. 51. [342.51] MEDICAL CANNABIS RETAILERS.**

105.2 **Subdivision 1. Authorized actions.** (a) A medical cannabis retailer license entitles the
105.3 license holder to purchase medical cannabis flower and medical cannabinoid products from
105.4 medical cannabis cultivators and medical cannabis processors and sell or distribute medical
105.5 cannabis flower and medical cannabinoid products to any person authorized to receive
105.6 medical cannabis flower or medical cannabinoid products.

105.7 (b) A medical cannabis retailer license holder must verify that all medical cannabis
105.8 flower and medical cannabinoid products have passed safety, potency, and consistency
105.9 testing at a cannabis testing facility approved by the office for the testing of medical cannabis
105.10 flower and medical cannabinoid products before the medical cannabis retailer may distribute
105.11 the medical cannabis flower or medical cannabinoid product to any person authorized to
105.12 receive medical cannabis flower or medical cannabinoid products.

105.13 **Subd. 2. Distribution requirements.** (a) Prior to distribution of medical cannabis flower
105.14 or medical cannabinoid products, a medical cannabis retailer licensee must:

105.15 (1) review and confirm the patient's registry verification;

105.16 (2) verify that the person requesting the distribution of medical cannabis flower or
105.17 medical cannabinoid products is the patient, the patient's registered designated caregiver,
105.18 or the patient's parent, legal guardian, or spouse using the procedures specified in section
105.19 152.11, subdivision 2d;

105.20 (3) ensure that a pharmacist employee of the medical cannabis retailer has consulted
105.21 with the patient if required according to subdivision 3; and

105.22 (4) apply a patient-specific label on the medical cannabis flower or medical cannabinoid
105.23 product that includes recommended dosage requirements and other information as required
105.24 by rules adopted by the office.

105.25 (b) A medical cannabis retailer may not deliver medical cannabis flower or medical
105.26 cannabinoid products unless the medical cannabis retailer also holds a cannabis delivery
105.27 service license. Delivery of medical cannabis flower and medical cannabinoid products are
105.28 subject to the provisions of section 342.42.

105.29 **Subd. 3. Final approval for distribution of medical cannabis flower and medical**
105.30 **cannabinoid products.** (a) A cannabis worker who is employed by a medical cannabis
105.31 retailer and who is licensed as a pharmacist pursuant to chapter 151 shall be the only person
105.32 who may give final approval for the distribution of medical cannabis flower and medical
105.33 cannabinoid products. Prior to the distribution of medical cannabis flower or medical

106.1 cannabinoid products, a pharmacist employed by the medical cannabis retailer must consult
106.2 with the patient to determine the proper type of medical cannabis flower, medical cannabinoid
106.3 product, or medical cannabis paraphernalia and proper dosage for the patient after reviewing
106.4 the range of chemical compositions of medical cannabis flower or medical cannabinoid
106.5 product. For purposes of this subdivision, a consultation may be conducted remotely by
106.6 secure videoconference, telephone, or other remote means, as long as:

106.7 (1) the pharmacist engaging in the consultation is able to confirm the identity of the
106.8 patient; and

106.9 (2) the consultation adheres to patient privacy requirements that apply to health care
106.10 services delivered through telemedicine.

106.11 (b) Notwithstanding paragraph (a), a pharmacist consultation is not required prior to the
106.12 distribution of medical cannabis flower or medical cannabinoid products when a medical
106.13 cannabis retailer is distributing medical cannabis flower or medical cannabinoid products
106.14 to a patient according to a patient-specific dosage plan established with that medical cannabis
106.15 retailer and is not modifying the dosage or product being distributed under that plan. Medical
106.16 cannabis flower or medical cannabinoid products distributed under this paragraph must be
106.17 distributed by a pharmacy technician employed by the medical cannabis retailer.

106.18 Subd. 4. **90-day supply.** A medical cannabis retailer shall not distribute more than a
106.19 90-day supply of medical cannabis flower or medical cannabinoid products to a patient,
106.20 registered designated caregiver, or parent, legal guardian, or spouse of a patient according
106.21 to the dosages established for the individual patient.

106.22 Subd. 5. **Distribution to recipient in a motor vehicle.** A medical cannabis retailer may
106.23 distribute medical cannabis flower and medical cannabinoid products to a patient, registered
106.24 designated caregiver, or parent, legal guardian, or spouse of a patient who is at a dispensary
106.25 location but remains in a motor vehicle, provided that:

106.26 (1) staff receive payment and distribute medical cannabis flower and medical cannabinoid
106.27 products in a designated zone that is as close as feasible to the front door of the facility;

106.28 (2) the medical cannabis retailer ensures that the receipt of payment and distribution of
106.29 medical cannabis flower and medical cannabinoid products are visually recorded by a
106.30 closed-circuit television surveillance camera and provides any other necessary security
106.31 safeguards;

106.32 (3) the medical cannabis retailer does not store medical cannabis flower or medical
106.33 cannabinoid products outside a restricted access area and staff transport medical cannabis

107.1 flower and medical cannabinoid products from a restricted access area to the designated
107.2 zone for distribution only after confirming that the patient, designated caregiver, or parent,
107.3 guardian, or spouse has arrived in the designated zone;

107.4 (4) the payment and distribution of medical cannabis flower and medical cannabinoid
107.5 products take place only after a pharmacist consultation takes place, if required under
107.6 subdivision 3;

107.7 (5) immediately following distribution of medical cannabis flower or medical cannabinoid
107.8 products, staff enter the transaction in the statewide monitoring system; and

107.9 (6) immediately following distribution of medical cannabis flower and medical
107.10 cannabinoid products, staff take the payment received into the facility.

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

107.12 Sec. 52. **[342.52] PATIENT REGISTRY PROGRAM.**

107.13 Subdivision 1. **Administration.** The Division of Medical Cannabis must administer the
107.14 medical cannabis registry program.

107.15 Subd. 2. **Application procedure for patients.** (a) A patient seeking to enroll in the
107.16 registry program must submit to the Division of Medical Cannabis an application established
107.17 by the Division of Medical Cannabis and a copy of the certification specified in paragraph
107.18 (b) or, if the patient is a veteran who receives care from the United States Department of
107.19 Veterans Affairs, the information required pursuant to subdivision 3. The patient must
107.20 provide at least the following information in the application:

107.21 (1) the patient's name, mailing address, and date of birth;

107.22 (2) the name, mailing address, and telephone number of the patient's health care
107.23 practitioner;

107.24 (3) the name, mailing address, and date of birth of the patient's registered designated
107.25 caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian,
107.26 or spouse will be acting as the patient's caregiver;

107.27 (4) a disclosure signed by the patient that includes:

107.28 (i) a statement that, notwithstanding any law to the contrary, the Office of Cannabis
107.29 Management, the Division of Medical Cannabis, or an employee of the Office of Cannabis
107.30 Management or Division of Medical Cannabis may not be held civilly or criminally liable
107.31 for any injury, loss of property, personal injury, or death caused by an act or omission while
107.32 acting within the employee's scope of office or employment under this section; and

108.1 (ii) the patient's acknowledgment that enrollment in the registry program is conditional
108.2 on the patient's agreement to meet all other requirements of this section; and

108.3 (5) all other information required by the Division of Medical Cannabis.

108.4 (b) As part of the application under this subdivision, a patient must submit a copy of a
108.5 certification from the patient's health care practitioner that is dated within 90 days prior to
108.6 the submission of the application and that certifies that the patient has been diagnosed with
108.7 a qualifying medical condition.

108.8 (c) A patient's health care practitioner may submit a statement to the Division of Medical
108.9 Cannabis declaring that the patient is no longer diagnosed with a qualifying medical
108.10 condition. Within 30 days after receipt of a statement from a patient's health care practitioner,
108.11 the Division of Medical Cannabis must provide written notice to a patient stating that the
108.12 patient's enrollment in the registry program will be revoked in 30 days unless the patient
108.13 submits a certification from a health care practitioner that the patient is currently diagnosed
108.14 with a qualifying medical condition or, if the patient is a veteran, the patient submits
108.15 confirmation that the patient is currently diagnosed with a qualifying medical condition in
108.16 a form and manner consistent with the information required for an application made pursuant
108.17 to subdivision 3. If the Division of Medical Cannabis revokes a patient's enrollment in the
108.18 registry program pursuant to this paragraph, the division must provide notice to the patient
108.19 and to the patient's health care practitioner.

108.20 Subd. 3. **Application procedure for veterans.** (a) The Division of Medical Cannabis
108.21 shall establish an alternative certification procedure for veterans who receive care from the
108.22 United States Department of Veterans Affairs to confirm that the veteran has been diagnosed
108.23 with a qualifying medical condition.

108.24 (b) A patient who is also a veteran and is seeking to enroll in the registry program must
108.25 submit to the Division of Medical Cannabis an application established by the Division of
108.26 Medical Cannabis that includes the information identified in subdivision 2, paragraph (a),
108.27 and the additional information required by the Division of Medical Cannabis to certify that
108.28 the patient has been diagnosed with a qualifying medical condition.

108.29 Subd. 4. **Enrollment; denial of enrollment; revocation.** (a) Within 30 days after the
108.30 receipt of an application and certification or other documentation of a diagnosis with a
108.31 qualifying medical condition, the Division of Medical Cannabis must approve or deny a
108.32 patient's enrollment in the registry program. If the Division of Medical Cannabis approves
108.33 a patient's enrollment in the registry program, the office must provide notice to the patient
108.34 and to the patient's health care practitioner.

109.1 (b) A patient's enrollment in the registry program must only be denied if the patient:

109.2 (1) does not submit a certification from a health care practitioner or, if the patient is a
109.3 veteran, the documentation required under subdivision 3 that the patient has been diagnosed
109.4 with a qualifying medical condition;

109.5 (2) has not signed the disclosure required in subdivision 2;

109.6 (3) does not provide the information required by the Division of Medical Cannabis;

109.7 (4) provided false information on the application; or

109.8 (5) at the time of application, is also enrolled in a federally approved clinical trial for
109.9 the treatment of a qualifying medical condition with medical cannabis.

109.10 (c) If the Division of Medical Cannabis denies a patient's enrollment in the registry
109.11 program, the Division of Medical Cannabis must provide written notice to a patient of all
109.12 reasons for denying enrollment. Denial of enrollment in the registry program is considered
109.13 a final decision of the office and is subject to judicial review under chapter 14.

109.14 (d) A patient's enrollment in the registry program may be revoked only:

109.15 (1) pursuant to subdivision 2, paragraph (c);

109.16 (2) upon the death of the patient;

109.17 (3) if the patient's certifying health care practitioner has filed a declaration under
109.18 subdivision 2, paragraph (c), that the patient's qualifying diagnosis no longer exists and the
109.19 patient does not submit another certification within 30 days;

109.20 (4) if the patient does not comply with subdivision 6; or

109.21 (5) if the patient intentionally sells or diverts medical cannabis flower or medical
109.22 cannabinoid products in violation of this chapter.

109.23 If a patient's enrollment in the registry program has been revoked due to a violation of
109.24 subdivision 6, the patient may apply for enrollment 12 months after the date on which the
109.25 patient's enrollment was revoked. The office must process such an application in accordance
109.26 with this subdivision.

109.27 Subd. 5. **Registry verification.** When a patient is enrolled in the registry program, the
109.28 Division of Medical Cannabis must assign the patient a patient registry number and must
109.29 issue the patient and the patient's registered designated caregiver, parent, legal guardian, or
109.30 spouse, if applicable, a registry verification. The Division of Medical Cannabis must also

110.1 make the registry verification available to medical cannabis retailers. The registry verification
110.2 must include:

110.3 (1) the patient's name and date of birth;

110.4 (2) the patient registry number assigned to the patient; and

110.5 (3) the name and date of birth of the patient's registered designated caregiver, if any, or
110.6 the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or
110.7 spouse will act as a caregiver.

110.8 Subd. 6. **Conditions of continued enrollment.** As conditions of continued enrollment,
110.9 a patient must:

110.10 (1) continue to receive regularly scheduled treatment for the patient's qualifying medical
110.11 condition from the patient's health care practitioner; and

110.12 (2) report changes in the patient's qualifying medical condition to the patient's health
110.13 care practitioner.

110.14 Subd. 7. **Enrollment period.** Enrollment in the registry program is valid for one year.
110.15 To re-enroll, a patient must submit the information required in subdivision 2 and a patient
110.16 who is also a veteran must submit the information required in subdivision 3.

110.17 Subd. 8. **Allowable delivery methods.** A patient in the registry program may receive
110.18 medical cannabis flower and medical cannabinoid products. The office may approve
110.19 additional delivery methods to expand the types of products that qualify as medical
110.20 cannabinoid products.

110.21 Subd. 9. **Registered designated caregiver.** (a) The Division of Medical Cannabis must
110.22 register a designated caregiver for a patient if the patient requires assistance in administering
110.23 medical cannabis flower or medical cannabinoid products or in obtaining medical cannabis
110.24 flower, medical cannabinoid products, or medical cannabis paraphernalia from a medical
110.25 cannabis retailer.

110.26 (b) In order to serve as a designated caregiver, a person must:

110.27 (1) be at least:

110.28 (i) 18 years of age to obtain or assist with medical cannabinoid products or medical
110.29 cannabis paraphernalia; and

110.30 (ii) 21 years of age to obtain or assist with medical cannabis flower;

111.1 (2) agree to only possess the patient's medical cannabis flower and medical cannabinoid
111.2 products for purposes of assisting the patient; and

111.3 (3) agree that if the application is approved, the person will not serve as a registered
111.4 designated caregiver for more than six registered patients at one time. Patients who reside
111.5 in the same residence count as one patient.

111.6 (c) The office shall conduct a criminal background check on the designated caregiver
111.7 prior to registration to ensure that the person does not have a conviction for a disqualifying
111.8 felony offense. Any cost of the background check shall be paid by the person seeking
111.9 registration as a designated caregiver. A designated caregiver must have the criminal
111.10 background check renewed every two years.

111.11 (d) Nothing in this section shall be construed to prevent a registered designated caregiver
111.12 from being enrolled in the registry program as a patient and possessing and administering
111.13 medical cannabis flower or medical cannabinoid products as a patient.

111.14 Subd. 10. **Parents, legal guardians, spouses.** A parent, legal guardian, or spouse of a
111.15 patient may act as the caregiver for a patient. The parent, legal guardian, or spouse who is
111.16 acting as a caregiver must follow all requirements for parents, legal guardians, and spouses
111.17 under this chapter. Nothing in this section limits any legal authority that a parent, legal
111.18 guardian, or spouse may have for the patient under any other law.

111.19 Subd. 11. **Notice of change of name or address.** Patients and registered designated
111.20 caregivers must notify the Division of Medical Cannabis of any address or name change
111.21 within 30 days of the change having occurred. A patient or registered designated caregiver
111.22 is subject to a \$100 fine for failure to notify the office of the change.

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

111.24 Sec. 53. **[342.53] DUTIES OF OFFICE OF CANNABIS MANAGEMENT;**
111.25 **REGISTRY PROGRAM.**

111.26 The office may add an allowable form of medical cannabinoid product, and may add or
111.27 modify a qualifying medical condition upon its own initiative, upon a petition from a member
111.28 of the public or from the Cannabis Advisory Council or as directed by law. The office must
111.29 evaluate all petitions and must make the addition or modification if the office determines
111.30 that the addition or modification is warranted by the best available evidence and research.
111.31 If the office wishes to add an allowable form or add or modify a qualifying medical condition,
111.32 the office must notify the chairs and ranking minority members of the legislative committees
111.33 and divisions with jurisdiction over health finance and policy by January 15 of the year in

112.1 which the change becomes effective. In this notification, the office must specify the proposed
112.2 addition or modification, the reasons for the addition or modification, any written comments
112.3 received by the office from the public about the addition or modification, and any guidance
112.4 received from the Cannabis Advisory Council. An addition or modification by the office
112.5 under this subdivision becomes effective on August 1 of that year unless the legislature by
112.6 law provides otherwise.

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

112.8 **Sec. 54. [342.54] DUTIES OF DIVISION OF MEDICAL CANNABIS; REGISTRY**
112.9 **PROGRAM.**

112.10 Subdivision 1. **Duties related to health care practitioners.** The Division of Medical
112.11 Cannabis must:

112.12 (1) provide notice of the registry program to health care practitioners in the state;

112.13 (2) allow health care practitioners to participate in the registry program if they request
112.14 to participate and meet the program's requirements;

112.15 (3) provide explanatory information and assistance to health care practitioners to
112.16 understand the nature of the therapeutic use of medical cannabis flower and medical
112.17 cannabinoid products within program requirements;

112.18 (4) make available to participating health care practitioners a certification form in which
112.19 a health care practitioner certifies that a patient has a qualifying medical condition; and

112.20 (5) supervise the participation of health care practitioners in the registry reporting system
112.21 in which health care practitioners report patient treatment and health records information
112.22 to the office in a manner that ensures stringent security and record keeping requirements
112.23 and that prevents the unauthorized release of private data on individuals as defined in section
112.24 13.02.

112.25 Subd. 2. **Duties related to the registry program.** The Division of Medical Cannabis
112.26 must:

112.27 (1) administer the registry program according to section 342.52;

112.28 (2) provide information to patients enrolled in the registry program on the existence of
112.29 federally approved clinical trials for the treatment of the patient's qualifying medical condition
112.30 with medical cannabis flower or medical cannabinoid products as an alternative to enrollment
112.31 in the registry program;

113.1 (3) maintain safety criteria with which patients must comply as a condition of participation
113.2 in the registry program to prevent patients from undertaking any task under the influence
113.3 of medical cannabis flower or medical cannabinoid products that would constitute negligence
113.4 or professional malpractice;

113.5 (4) review and publicly report on existing medical and scientific literature regarding the
113.6 range of recommended dosages for each qualifying medical condition, the range of chemical
113.7 compositions of medical cannabis flower and medical cannabinoid products that will likely
113.8 be medically beneficial for each qualifying medical condition, and any risks of noncannabis
113.9 drug interactions. This information must be updated by December 1 of each year. The office
113.10 may consult with an independent laboratory under contract with the office or other experts
113.11 in reporting and updating this information; and

113.12 (5) annually consult with cannabis businesses about medical cannabis that the businesses
113.13 cultivate, manufacture, and offer for sale and post on the Division of Medical Cannabis
113.14 website a list of the medical cannabis flower and medical cannabinoid products offered for
113.15 sale by each medical cannabis retailer.

113.16 Subd. 3. **Research.** (a) The Division of Medical Cannabis must conduct or contract with
113.17 a third party to conduct research and studies using data from health records submitted to
113.18 the registry program under section 342.55, subdivision 2, and data submitted to the registry
113.19 program under section 342.52, subdivisions 2 and 3. If the division contracts with a third
113.20 party for research and studies, the third party must provide the division with access to all
113.21 research and study results. The division must submit reports on intermediate or final research
113.22 results to the legislature and major scientific journals. All data used by the division or a
113.23 third party under this subdivision must be used or reported in an aggregated nonidentifiable
113.24 form as part of a scientific peer-reviewed publication of research or in the creation of
113.25 summary data, as defined in section 13.02, subdivision 19.

113.26 (b) The Division of Medical Cannabis may submit medical research based on the data
113.27 collected under sections 342.55, subdivision 2, and data collected through the statewide
113.28 monitoring system to any federal agency with regulatory or enforcement authority over
113.29 medical cannabis flower and medical cannabinoid products to demonstrate the effectiveness
113.30 of medical cannabis flower or medical cannabinoid products for treating or alleviating the
113.31 symptoms of a qualifying medical condition.

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

114.1 Sec. 55. [342.55] DUTIES OF HEALTH CARE PRACTITIONERS; REGISTRY
114.2 PROGRAM.

114.3 Subdivision 1. Health care practitioner duties before patient enrollment. Before a
114.4 patient's enrollment in the registry program, a health care practitioner must:

114.5 (1) determine, in the health care practitioner's medical judgment, whether a patient has
114.6 a qualifying medical condition and, if so determined, provide the patient with a certification
114.7 of that diagnosis;

114.8 (2) advise patients, registered designated caregivers, and parents, legal guardians, and
114.9 spouses acting as caregivers of any nonprofit patient support groups or organizations;

114.10 (3) provide to patients explanatory information from the Division of Medical Cannabis,
114.11 including information about the experimental nature of the therapeutic use of medical
114.12 cannabis flower and medical cannabinoid products; the possible risks, benefits, and side
114.13 effects of the proposed treatment; and the application and other materials from the office;

114.14 (4) provide to patients a Tennessee warning as required under section 13.04, subdivision
114.15 2; and

114.16 (5) agree to continue treatment of the patient's qualifying medical condition and to report
114.17 findings to the Division of Medical Cannabis.

114.18 Subd. 2. Duties upon patient's enrollment in registry program. Upon receiving
114.19 notification from the Division of Medical Cannabis of the patient's enrollment in the registry
114.20 program, a health care practitioner must:

114.21 (1) participate in the patient registry reporting system under the guidance and supervision
114.22 of the Division of Medical Cannabis;

114.23 (2) report to the Division of Medical Cannabis patient health records throughout the
114.24 patient's ongoing treatment in a manner determined by the office and in accordance with
114.25 subdivision 4;

114.26 (3) determine on a yearly basis if the patient continues to have a qualifying medical
114.27 condition and, if so, issue the patient a new certification of that diagnosis. The patient
114.28 assessment conducted under this clause may be conducted via telehealth, as defined in
114.29 section 62A.673, subdivision 2; and

114.30 (4) otherwise comply with requirements established by the Office of Cannabis
114.31 Management and the Division of Medical Cannabis.

115.1 Subd. 3. **Participation not required.** Nothing in this section requires a health care
115.2 practitioner to participate in the registry program.

115.3 Subd. 4. **Data.** Data on patients collected by a health care practitioner and reported to
115.4 the registry program, including data on patients who are veterans who receive care from
115.5 the United States Department of Veterans Affairs, are health records under section 144.291
115.6 and are private data on individuals under section 13.02 but may be used or reported in an
115.7 aggregated nonidentifiable form as part of a scientific peer-reviewed publication of research
115.8 conducted under section 342.54 or in the creation of summary data, as defined in section
115.9 13.02, subdivision 19.

115.10 Subd. 5. **Exception.** The requirements of this section do not apply to a patient who is a
115.11 veteran who receives care from the United States Department of Veterans Affairs or a health
115.12 care practitioner employed by the United States Department of Veterans Affairs. Such a
115.13 patient must meet the certification requirements developed pursuant to section 342.52,
115.14 subdivision 3, before the patient's enrollment in the registry program. The Division of
115.15 Medical Cannabis may establish policies and procedures to obtain medical records and other
115.16 relevant data from a health care practitioner employed by the United States Department of
115.17 Veterans Affairs, provided that those policies and procedures are consistent with this section.

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

115.19 Sec. 56. **[342.56] LIMITATIONS.**

115.20 Subdivision 1. **Limitations on consumption; locations of consumption.** Nothing in
115.21 sections 342.47 to 342.60 permits any person to engage in, and does not prevent the
115.22 imposition of any civil, criminal, or other penalties for:

115.23 (1) undertaking a task under the influence of medical cannabis flower or medical
115.24 cannabinoid products that would constitute negligence or professional malpractice;

115.25 (2) possessing or consuming medical cannabis flower or medical cannabinoid products:

115.26 (i) on a school bus or van;

115.27 (ii) in a correctional facility;

115.28 (iii) in a state-operated treatment program, including the Minnesota sex offender program;

115.29 or

115.30 (iv) on the grounds of a child care facility or family or group family day care program;

115.31 (3) vaporizing or smoking medical cannabis;

- 116.1 (i) on any form of public transportation;
116.2 (ii) where the vapor would be inhaled by a nonpatient minor or where the smoke would
116.3 be inhaled by a minor; or
116.4 (iii) in any public place, including any indoor or outdoor area used by or open to the
116.5 general public or a place of employment, as defined in section 144.413, subdivision 1b; and
116.6 (4) operating, navigating, or being in actual physical control of a motor vehicle, aircraft,
116.7 train, or motorboat or working on transportation property, equipment, or facilities while
116.8 under the influence of medical cannabis flower or a medical cannabinoid product.

116.9 Subd. 2. **Health care facilities.** (a) Health care facilities licensed under chapter 144A;
116.10 hospice providers licensed under chapter 144A; boarding care homes or supervised living
116.11 facilities licensed under section 144.50; assisted living facilities licensed under chapter
116.12 144G; facilities owned, controlled, managed, or under common control with hospitals
116.13 licensed under chapter 144; and other health care facilities licensed by the commissioner
116.14 of health may adopt reasonable restrictions on the use of medical cannabis flower or medical
116.15 cannabinoid products by a patient enrolled in the registry program who resides at or is
116.16 actively receiving treatment or care at the facility. The restrictions may include a provision
116.17 that the facility must not store or maintain a patient's supply of medical cannabis flower or
116.18 medical cannabinoid products, that the facility is not responsible for providing medical
116.19 cannabis flower or medical cannabinoid products for patients, and that medical cannabis
116.20 flower or medical cannabinoid products are used only in a location specified by the facility
116.21 or provider.

116.22 (b) An employee or agent of a facility or provider listed in this subdivision or a person
116.23 licensed under chapter 144E is not violating this chapter or chapter 152 for the possession
116.24 of medical cannabis flower or medical cannabinoid products while carrying out employment
116.25 duties, including providing or supervising care to a patient enrolled in the registry program,
116.26 or distribution of medical cannabis flower or medical cannabinoid products to a patient
116.27 enrolled in the registry program who resides at or is actively receiving treatment or care at
116.28 the facility or from the provider with which the employee or agent is affiliated. Nothing in
116.29 this subdivision requires facilities and providers listed in this subdivision to adopt such
116.30 restrictions. No facility or provider listed in this subdivision may unreasonably limit a
116.31 patient's access to or use of medical cannabis flower or medical cannabinoid products to
116.32 the extent that such use is authorized under sections 342.47 to 342.60.

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

117.1 **Sec. 57. [342.57] PROTECTIONS FOR REGISTRY PROGRAM PARTICIPANTS.**

117.2 Subdivision 1. **Presumption.** There is a presumption that a patient enrolled in the registry
117.3 program is engaged in the authorized use of medical cannabis flower and medical cannabinoid
117.4 products. This presumption may be rebutted by evidence that the patient's use of medical
117.5 cannabis flower or medical cannabinoid products was not for the purpose of treating or
117.6 alleviating the patient's qualifying medical condition or symptoms associated with the
117.7 patient's qualifying medical condition.

117.8 Subd. 2. **Criminal and civil protections.** (a) Subject to section 342.56, the following
117.9 are not violations of this chapter or chapter 152:

117.10 (1) use or possession of medical cannabis flower, medical cannabinoid products, or
117.11 medical cannabis paraphernalia by a patient enrolled in the registry program or by a visiting
117.12 patient to whom medical cannabis flower or medical cannabinoid products are distributed
117.13 under section 342.51, subdivision 5;

117.14 (2) possession of medical cannabis flower, medical cannabinoid products, or medical
117.15 cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or
117.16 spouse of a patient enrolled in the registry program; or

117.17 (3) possession of medical cannabis flower, medical cannabinoid products, or medical
117.18 cannabis paraphernalia by any person while carrying out duties required under sections
117.19 342.47 to 342.60.

117.20 (b) The Office of Cannabis Management, members of the Cannabis Advisory Council,
117.21 Office of Cannabis Management employees, agents or contractors of the Office of Cannabis
117.22 Management, and health care practitioners participating in the registry program are not
117.23 subject to any civil penalties or disciplinary action by the Board of Medical Practice, the
117.24 Board of Nursing, or any business, occupational, or professional licensing board or entity
117.25 solely for participating in the registry program either in a professional capacity or as a
117.26 patient. A pharmacist licensed under chapter 151 is not subject to any civil penalties or
117.27 disciplinary action by the Board of Pharmacy when acting in accordance with sections
117.28 342.47 to 342.60 either in a professional capacity or as a patient. Nothing in this section
117.29 prohibits a professional licensing board from taking action in response to a violation of law.

117.30 (c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the
117.31 governor, or an employee of a state agency must not be held civilly or criminally liable for
117.32 any injury, loss of property, personal injury, or death caused by any act or omission while
117.33 acting within the scope of office or employment under sections 342.47 to 342.60.

118.1 (d) Federal, state, and local law enforcement authorities are prohibited from accessing
118.2 the registry except when acting pursuant to a valid search warrant. Notwithstanding section
118.3 13.09, a violation of this paragraph is a gross misdemeanor.

118.4 (e) Notwithstanding any law to the contrary, the office and employees of the office must
118.5 not release data or information about an individual contained in any report or document or
118.6 in the registry and must not release data or information obtained about a patient enrolled in
118.7 the registry program, except as provided in sections 342.47 to 342.60. Notwithstanding
118.8 section 13.09, a violation of this paragraph is a gross misdemeanor.

118.9 (f) No information contained in a report or document, contained in the registry, or
118.10 obtained from a patient under sections 342.47 to 342.60 may be admitted as evidence in a
118.11 criminal proceeding, unless:

118.12 (1) the information is independently obtained; or

118.13 (2) admission of the information is sought in a criminal proceeding involving a criminal
118.14 violation of sections 342.47 to 342.60.

118.15 (g) Possession of a registry verification or an application for enrollment in the registry
118.16 program:

118.17 (1) does not constitute probable cause or reasonable suspicion;

118.18 (2) must not be used to support a search of the person or property of the person with a
118.19 registry verification or application to enroll in the registry program; and

118.20 (3) must not subject the person or the property of the person to inspection by any
118.21 government agency.

118.22 Subd. 3. **School enrollment; rental property.** (a) No school may refuse to enroll a
118.23 patient as a pupil or otherwise penalize a patient solely because the patient is enrolled in
118.24 the registry program, unless failing to do so would violate federal law or regulations or
118.25 cause the school to lose a monetary or licensing-related benefit under federal law or
118.26 regulations.

118.27 (b) No landlord may refuse to lease to a patient or otherwise penalize a patient solely
118.28 because the patient is enrolled in the registry program, unless failing to do so would violate
118.29 federal law or regulations or cause the landlord to lose a monetary or licensing-related
118.30 benefit under federal law or regulations.

118.31 Subd. 4. **Medical care.** For purposes of medical care, including organ transplants, a
118.32 patient's use of medical cannabis flower or medical cannabinoid products according to

119.1 sections 342.47 to 342.60 is considered the equivalent of the authorized use of a medication
119.2 used at the discretion of a health care practitioner and does not disqualify a patient from
119.3 needed medical care.

119.4 Subd. 5. **Employment.** (a) Unless a failure to do so would violate federal or state law
119.5 or regulations or cause an employer to lose a monetary or licensing-related benefit under
119.6 federal law or regulations, an employer may not discriminate against a person in hiring,
119.7 termination, or any term or condition of employment, or otherwise penalize a person, if the
119.8 discrimination is based on:

119.9 (1) the person's status as a patient enrolled in the registry program; or

119.10 (2) a patient's positive drug test for cannabis components or metabolites, unless the
119.11 patient used, possessed, sold, transported, or was impaired by medical cannabis flower or
119.12 a medical cannabinoid product on work premises, during working hours, or while operating
119.13 an employer's machinery, vehicle, or equipment.

119.14 (b) An employee who is a patient and whose employer requires the employee to undergo
119.15 drug testing according to section 181.953 may present the employee's registry verification
119.16 as part of the employee's explanation under section 181.953, subdivision 6.

119.17 Subd. 6. **Custody; visitation; parenting time.** A person must not be denied custody of
119.18 a minor child or visitation rights or parenting time with a minor child based solely on the
119.19 person's status as a patient enrolled in the registry program. There must be no presumption
119.20 of neglect or child endangerment for conduct allowed under sections 342.47 to 342.60,
119.21 unless the person's behavior creates an unreasonable danger to the safety of the minor as
119.22 established by clear and convincing evidence.

119.23 Subd. 7. **Action for damages.** In addition to any other remedy provided by law, a patient
119.24 may bring an action for damages against any person who violates subdivision 3, 4, or 5. A
119.25 person who violates subdivision 3, 4, or 5 is liable to a patient injured by the violation for
119.26 the greater of the person's actual damages or a civil penalty of \$100 and reasonable attorney
119.27 fees.

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

119.29 Sec. 58. **[342.58] VIOLATION BY HEALTH CARE PRACTITIONER; CRIMINAL**
119.30 **PENALTY.**

119.31 A health care practitioner who knowingly refers patients to a medical cannabis business
119.32 or to a designated caregiver, who advertises as a retailer or producer of medical cannabis
119.33 flower or medical cannabinoid products, or who issues certifications while holding a financial

120.1 interest in a cannabis retailer or medical cannabis business is guilty of a misdemeanor and
120.2 may be sentenced to imprisonment for not more than 90 days or to payment of not more
120.3 than \$1,000, or both.

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

120.5 Sec. 59. **[342.59] DATA PRACTICES.**

120.6 Subdivision 1. **Data classification.** Patient health records maintained by the Office of
120.7 Cannabis Management or the Division of Medical Cannabis and government data in patient
120.8 health records maintained by a health care practitioner are classified as private data on
120.9 individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in
120.10 section 13.02, subdivision 9.

120.11 Subd. 2. **Allowable use; prohibited use.** Data specified in subdivision 1 may be used
120.12 to comply with chapter 13, to comply with a request from the legislative auditor or the state
120.13 auditor in the performance of official duties, and for purposes specified in sections 342.47
120.14 to 342.60. Data specified in subdivision 1 and maintained by the Office of Cannabis
120.15 Management or Division of Medical Cannabis must not be used for any purpose not specified
120.16 in sections 342.47 to 342.60 and must not be combined or linked in any manner with any
120.17 other list, dataset, or database. Data specified in subdivision 1 must not be shared with any
120.18 federal agency, federal department, or federal entity unless specifically ordered to do so by
120.19 a state or federal court.

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

120.21 Sec. 60. **[342.60] CLINICAL TRIALS.**

120.22 The Division of Medical Cannabis may conduct, or award grants to health care providers
120.23 or research organizations to conduct, clinical trials on the safety and efficacy of using
120.24 medical cannabis flower or medical cannabinoid products to treat a specific health condition.
120.25 A health care provider or research organization receiving a grant under this section must
120.26 provide the office with access to all data collected in a clinical trial funded under this section.
120.27 The office may use data from clinical trials conducted or funded under this section as
120.28 evidence to approve additional qualifying medical conditions or additional allowable forms
120.29 of medical cannabis.

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

121.1 Sec. 61. **[342.61] TESTING.**

121.2 Subdivision 1. **Testing required.** Cannabis businesses and hemp businesses shall not
121.3 sell or offer for sale cannabis flower, cannabis products, artificially derived cannabinoids,
121.4 lower-potency hemp edibles, or hemp-derived consumer products to another cannabis
121.5 business or hemp business, or to a customer or patient, or otherwise transfer cannabis flower,
121.6 cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or
121.7 hemp-derived consumer products to another cannabis business or hemp business, unless:

121.8 (1) a representative sample of the batch of cannabis flower, cannabis products, artificially
121.9 derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products
121.10 has been tested according to this section and rules adopted under this chapter;

121.11 (2) the testing was completed by a cannabis testing facility licensed under this chapter;
121.12 and

121.13 (3) the tested sample of cannabis flower, cannabis products, artificially derived
121.14 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products was found
121.15 to meet testing standards established by the office.

121.16 Subd. 2. **Procedures and standards established by office.** (a) The office shall by rule
121.17 establish procedures governing the sampling, handling, testing, storage, and transportation
121.18 of cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency
121.19 hemp edibles, or hemp-derived consumer products tested under this section; the contaminants
121.20 for which cannabis flower, cannabis products, artificially derived cannabinoids,
121.21 lower-potency hemp edibles, or hemp-derived consumer products must be tested; standards
121.22 for potency and homogeneity testing; and procedures applicable to cannabis businesses,
121.23 hemp businesses, and cannabis testing facilities regarding cannabis flower, cannabis products,
121.24 artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer
121.25 products that fail to meet the standards for allowable levels of contaminants established by
121.26 the office, that fail to meet the potency limits in this chapter, or that do not conform with
121.27 the content of the cannabinoid profile listed on the label.

121.28 (b) All testing required under this section must be performed in a manner that is consistent
121.29 with general requirements for testing and calibration activities.

121.30 Subd. 3. **Standards established by Office of Cannabis Management.** The office shall
121.31 by rule establish standards for allowable levels of contaminants in cannabis flower, cannabis
121.32 products, artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived
121.33 consumer products, and growing media. Contaminants for which the office must establish

122.1 allowable levels must include but are not limited to residual solvents, foreign material,
122.2 microbiological contaminants, heavy metals, pesticide residue, and mycotoxins.

122.3 Subd. 4. **Testing of samples; disclosures.** (a) On a schedule determined by the office,
122.4 every cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
122.5 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
122.6 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall
122.7 make each batch of cannabis flower, cannabis products, artificially derived cannabinoids,
122.8 lower-potency hemp edibles, or hemp-derived consumer products grown, manufactured, or
122.9 imported by the cannabis business or hemp business available to a cannabis testing facility.

122.10 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
122.11 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
122.12 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must
122.13 disclose all known information regarding pesticides, fertilizers, solvents, or other foreign
122.14 materials, including but not limited to catalysts used in creating artificially derived
122.15 cannabinoids, applied or added to the batch of cannabis flower, cannabis products, artificially
122.16 derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products
122.17 subject to testing. Disclosure must be made to the cannabis testing facility and must include
122.18 information about all applications by any person, whether intentional or accidental.

122.19 (c) The cannabis testing facility shall select one or more representative samples from
122.20 each batch, test the samples for the presence of contaminants, and test the samples for
122.21 potency and homogeneity and to allow the cannabis flower, cannabis product, artificially
122.22 derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product to be
122.23 accurately labeled with its cannabinoid profile. Testing for contaminants must include testing
122.24 for residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide
122.25 residue, mycotoxins, and any items identified pursuant to paragraph (b), and may include
122.26 testing for other contaminants. A cannabis testing facility must destroy or return to the
122.27 cannabis business or hemp business any part of the sample that remains after testing.

122.28 Subd. 5. **Test results.** (a) If a sample meets the applicable testing standards, a cannabis
122.29 testing facility shall issue a certification to a cannabis microbusiness, cannabis
122.30 mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis wholesaler with an
122.31 endorsement to import products, lower-potency hemp edible manufacturer, medical cannabis
122.32 cultivator, or medical cannabis processor, and the cannabis business or hemp business may
122.33 then sell or transfer the batch of cannabis flower, cannabis products, artificially derived
122.34 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products from which
122.35 the sample was taken to another cannabis business or hemp business, or offer the cannabis

123.1 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
123.2 for sale to customers or patients. If a sample does not meet the applicable testing standards
123.3 or if the testing facility is unable to test for a substance identified pursuant to subdivision
123.4 4, paragraph (b), the batch from which the sample was taken shall be subject to procedures
123.5 established by the office for such batches, including destruction, remediation, or retesting.
123.6 A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
123.7 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
123.8 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must
123.9 maintain the test results for cannabis flower, cannabis products, artificially derived
123.10 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products grown,
123.11 manufactured, or imported by that cannabis business or hemp business for at least five years
123.12 after the date of testing.

123.13 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
123.14 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
123.15 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall
123.16 make test results maintained by that cannabis business or hemp business available for review
123.17 by any member of the public, upon request. Test results made available to the public must
123.18 be in plain language.

123.19 **Sec. 62. [342.62] PACKAGING.**

123.20 Subdivision 1. **General.** All cannabis flower, cannabis products, lower-potency hemp
123.21 edibles, and hemp-derived consumer products sold to customers or patients must be packaged
123.22 as required by this section and rules adopted under this chapter.

123.23 Subd. 2. **Packaging requirements.** (a) Except as provided in paragraph (b), all cannabis
123.24 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
123.25 sold to customers or patients must be:

123.26 (1) prepackaged in packaging or a container that is plain, child-resistant, tamper-evident,
123.27 and opaque; or

123.28 (2) placed in packaging or a container that is plain, child-resistant, tamper-evident, and
123.29 opaque at the final point of sale to a customer.

123.30 (b) The requirement that packaging be child-resistant does not apply to a lower-potency
123.31 hemp edible that is sold pursuant to section 342.46, subdivision 8, paragraph (e), or:

123.32 (1) is intended to be consumed as a beverage;

123.33 (2) contains nonintoxicating cannabinoids;

124.1 (3) does not contain more than a combined total of 0.25 milligrams of intoxicating
124.2 cannabinoids; and

124.3 (4) does not contain an artificially derived cannabinoid.

124.4 (c) If a cannabis product, lower-potency hemp edible, or a hemp-derived consumer
124.5 product is packaged in a manner that includes more than a single serving, each serving must
124.6 be indicated by scoring, wrapping, or other indicators designating the individual serving
124.7 size. If the item is a lower-potency hemp edible, serving indicators must meet the
124.8 requirements of section 342.46, subdivision 6, paragraph (b).

124.9 (d) Edible cannabis products and lower-potency hemp edibles containing more than a
124.10 single serving must be prepackaged or placed at the final point of sale in packaging or a
124.11 container that is resealable.

124.12 Subd. 3. **Packaging prohibitions.** (a) Cannabis flower, cannabis products, lower-potency
124.13 hemp edibles, or hemp-derived consumer products sold to customers or patients must not
124.14 be packaged in a manner that:

124.15 (1) bears a reasonable resemblance to any commercially available product that does not
124.16 contain cannabinoids, whether the manufacturer of the product holds a registered trademark
124.17 or has registered the trade dress; or

124.18 (2) is designed to appeal to persons under 21 years of age.

124.19 (b) Packaging for cannabis flower, cannabis products, lower-potency hemp edibles, and
124.20 hemp-derived consumer products must not contain or be coated with any perfluoroalkyl
124.21 substance.

124.22 (c) Edible cannabis products and lower-potency hemp edibles must not be packaged in
124.23 a material that is not approved by the United States Food and Drug Administration for use
124.24 in packaging food.

124.25 Sec. 63. **[342.63] LABELING.**

124.26 Subdivision 1. **General.** All cannabis flower, cannabis products, lower-potency hemp
124.27 edibles, and hemp-derived consumer products sold to customers or patients must be labeled
124.28 as required by this section and rules adopted under this chapter.

124.29 Subd. 2. **Content of label; cannabis.** All cannabis flower and hemp-derived consumer
124.30 products that consist of hemp plant parts sold to customers or patients must have affixed
124.31 on the packaging or container of the cannabis flower or hemp-derived consumer product a
124.32 label that contains at least the following information:

125.1 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
125.2 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower where the
125.3 cannabis flower or hemp plant part was cultivated;

125.4 (2) the net weight or volume of cannabis flower or hemp plant parts in the package or
125.5 container;

125.6 (3) the batch number;

125.7 (4) the cannabinoid profile;

125.8 (5) a universal symbol established by the office indicating that the package or container
125.9 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a
125.10 hemp-derived consumer product;

125.11 (6) verification that the cannabis flower or hemp plant part was tested according to
125.12 section 342.61 and that the cannabis flower or hemp plant part complies with the applicable
125.13 standards;

125.14 (7) the maximum dose, quantity, or consumption that may be considered medically safe
125.15 within a 24-hour period;

125.16 (8) the following statement: "Keep this product out of reach of children."; and

125.17 (9) any other statements or information required by the office.

125.18 Subd. 3. **Content of label; cannabinoid products.** (a) All cannabis products,
125.19 lower-potency hemp edibles, hemp-derived consumer products other than products subject
125.20 to the requirements under subdivision 2, medical cannabinoid products, and hemp-derived
125.21 topical products sold to customers or patients must have affixed to the packaging or container
125.22 of the cannabis product a label that contains at least the following information:

125.23 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
125.24 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower that cultivated
125.25 the cannabis flower or hemp plant parts used in the cannabis product, lower-potency hemp
125.26 edible, hemp-derived consumer product, or medical cannabinoid product;

125.27 (2) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
125.28 cannabis manufacturer, lower-potency hemp edible manufacturer, medical cannabis
125.29 processor, or industrial hemp grower that manufactured the cannabis concentrate, hemp
125.30 concentrate, or artificially derived cannabinoid and, if different, the name and license number
125.31 of the cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer,

- 126.1 lower-potency hemp edible manufacturer, or medical cannabis processor that manufactured
126.2 the product;
- 126.3 (3) the net weight or volume of the cannabis product, lower-potency hemp edible, or
126.4 hemp-derived consumer product in the package or container;
- 126.5 (4) the type of cannabis product, lower-potency hemp edible, or hemp-derived consumer
126.6 product;
- 126.7 (5) the batch number;
- 126.8 (6) the serving size;
- 126.9 (7) the cannabinoid profile per serving and in total;
- 126.10 (8) a list of ingredients;
- 126.11 (9) a universal symbol established by the office indicating that the package or container
126.12 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a
126.13 hemp-derived consumer product;
- 126.14 (10) a warning symbol developed by the office in consultation with the commissioner
126.15 of health and the Minnesota Poison Control System that:
- 126.16 (i) is at least three-quarters of an inch tall and six-tenths of an inch wide;
- 126.17 (ii) is in a highly visible color;
- 126.18 (iii) includes a visual element that is commonly understood to mean a person should
126.19 stop;
- 126.20 (iv) indicates that the product is not for children; and
- 126.21 (v) includes the phone number of the Minnesota Poison Control System;
- 126.22 (11) verification that the cannabis product, lower-potency hemp edible, hemp-derived
126.23 consumer product, or medical cannabinoid product was tested according to section 342.61
126.24 and that the cannabis product, lower-potency hemp edible, hemp-derived consumer product,
126.25 or medical cannabinoid product complies with the applicable standards;
- 126.26 (12) the maximum dose, quantity, or consumption that may be considered medically
126.27 safe within a 24-hour period;
- 126.28 (13) the following statement: "Keep this product out of reach of children."; and
- 126.29 (14) any other statements or information required by the office.

127.1 (b) The office may by rule establish alternative labeling requirements for lower-potency
127.2 edible products that are imported into the state provided that those requirements provide
127.3 consumers with information that is substantially similar to the information described in
127.4 paragraph (a).

127.5 Subd. 4. **Additional content of label; medical cannabis flower and medical**
127.6 **cannabinoid products.** In addition to the applicable requirements for labeling under
127.7 subdivision 2 or 3, all medical cannabis flower and medical cannabinoid products must
127.8 include at least the following information on the label affixed to the packaging or container
127.9 of the medical cannabis flower or medical cannabinoid product:

127.10 (1) the patient's name and date of birth;

127.11 (2) the name and date of birth of the patient's registered designated caregiver or, if listed
127.12 on the registry verification, the name of the patient's parent, legal guardian, or spouse, if
127.13 applicable; and

127.14 (3) the patient's registry identification number.

127.15 Subd. 5. **Content of label; hemp-derived topical products.** (a) All hemp-derived topical
127.16 products sold to customers must have affixed to the packaging or container of the product
127.17 a label that contains at least the following information:

127.18 (1) the manufacturer name, location, phone number, and website;

127.19 (2) the name and address of the independent, accredited laboratory used by the
127.20 manufacturer to test the product;

127.21 (3) the net weight or volume of the product in the package or container;

127.22 (4) the type of topical product;

127.23 (5) the amount or percentage of cannabidiol, cannabigerol, or any other cannabinoid,
127.24 derivative, or extract of hemp, per serving and in total;

127.25 (6) a list of ingredients;

127.26 (7) a statement that the product does not claim to diagnose, treat, cure, or prevent any
127.27 disease and that the product has not been evaluated or approved by the United States Food
127.28 and Drug Administration, unless the product has been so approved; and

127.29 (8) any other statements or information required by the office.

127.30 (b) The information required in paragraph (a), clauses (1), (2), and (5), may be provided
127.31 through the use of a scannable barcode or matrix barcode that links to a page on a website

128.1 maintained by the manufacturer or distributor if that page contains all of the information
128.2 required by this subdivision.

128.3 Subd. 6. **Additional warnings.** The office shall review medical and scientific literature
128.4 to determine whether it is appropriate to require additional health and safety warnings
128.5 regarding the impact of cannabis flower, cannabis products, lower-potency hemp edibles,
128.6 and hemp-derived consumer products. The review must specifically include the identification
128.7 of any risks associated with use by pregnant or breastfeeding women or by women planning
128.8 to become pregnant, and the effects use has on brain development for those under the age
128.9 of 25. Any additional labeling requirement must contain only information that is supported
128.10 by credible science and is helpful to consumers in considering potential health risks.

128.11 Subd. 7. **Additional information.** (a) A cannabis microbusiness, cannabis mezzobusiness,
128.12 cannabis retailer, or medical cannabis retailer must provide customers and patients with the
128.13 following information:

128.14 (1) factual information about impairment effects and the expected timing of impairment
128.15 effects, side effects, adverse effects, and health risks of cannabis flower, cannabis products,
128.16 lower-potency hemp edibles, and hemp-derived consumer products;

128.17 (2) a statement that customers and patients must not operate a motor vehicle or heavy
128.18 machinery while under the influence of cannabis flower, cannabis products, lower-potency
128.19 hemp edibles, and hemp-derived consumer products;

128.20 (3) resources customers and patients may consult to answer questions about cannabis
128.21 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
128.22 products, and any side effects and adverse effects;

128.23 (4) contact information for the poison control center and a safety hotline or website for
128.24 customers to report and obtain advice about side effects and adverse effects of cannabis
128.25 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
128.26 products; and

128.27 (5) any other information specified by the office.

128.28 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or medical
128.29 cannabis retailer may include the information described in paragraph (a) on the label affixed
128.30 to the packaging or container of cannabis flower, cannabis products, lower-potency hemp
128.31 edibles, and hemp-derived consumer products by:

128.32 (1) posting the information in the premises of the cannabis microbusiness, cannabis
128.33 mezzobusiness, cannabis retailer, or medical cannabis retailer; or

129.1 (2) providing the information on a separate document or pamphlet provided to customers
129.2 or patients when the customer purchases cannabis flower, a cannabis product, a lower-potency
129.3 hemp edible, or a hemp-derived consumer product.

129.4 Sec. 64. **[342.64] ADVERTISEMENT.**

129.5 Subdivision 1. Limitations applicable to all advertisements. Cannabis businesses,
129.6 hemp businesses, and other persons shall not publish or cause to be published an
129.7 advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product,
129.8 a lower-potency hemp edible, or a hemp-derived consumer product in a manner that:

129.9 (1) contains false or misleading statements;

129.10 (2) contains unverified claims about the health or therapeutic benefits or effects of
129.11 consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a
129.12 hemp-derived consumer product;

129.13 (3) promotes the overconsumption of cannabis flower, a cannabis product, a
129.14 lower-potency hemp edible, or a hemp-derived consumer product;

129.15 (4) depicts a person under 21 years of age consuming cannabis flower, a cannabis product,
129.16 a lower-potency hemp edible, or a hemp-derived consumer product; or

129.17 (5) includes an image designed or likely to appeal to individuals under 21 years of age,
129.18 including cartoons, toys, animals, or children, or any other likeness to images, characters,
129.19 or phrases that is designed to be appealing to individuals under 21 years of age or encourage
129.20 consumption by individuals under 21 years of age.

129.21 Subd. 2. Outdoor advertisements; cannabis business signs. (a) Except as provided in
129.22 paragraph (c), an outdoor advertisement of a cannabis business, a hemp business, cannabis
129.23 flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer
129.24 product is prohibited.

129.25 (b) Cannabis businesses and hemp businesses may erect up to two fixed outdoor signs
129.26 on the exterior of the building or property of the cannabis business or hemp business. A
129.27 fixed outdoor sign:

129.28 (1) may contain the name of the cannabis business and the address and nature of the
129.29 cannabis business; and

129.30 (2) shall not include a logo or an image of any kind.

129.31 (c) The prohibition under paragraph (a) does not apply to an outdoor advertisement for
129.32 a hemp business, or the goods or services the business offers, that is not related to the

130.1 manufacture or sale of lower-potency hemp edibles and does not include an image,
130.2 description, or any reference to the manufacture or sale of lower-potency hemp edibles.

130.3 Subd. 3. **Audience under 21 years of age.** Cannabis businesses, hemp businesses, and
130.4 other persons shall not publish or cause to be published an advertisement for a cannabis
130.5 business, a hemp business, cannabis flower, a cannabis product, a lower-potency hemp
130.6 edible, or a hemp-derived consumer product in any print publication or on radio, television,
130.7 or any other medium if 30 percent or more of the audience of that medium is reasonably
130.8 expected to be individuals who are under 21 years of age, as determined by reliable, current
130.9 audience composition data.

130.10 Subd. 4. **Certain unsolicited advertising.** Cannabis businesses, hemp businesses, and
130.11 other persons shall not utilize unsolicited pop-up advertisements on the internet to advertise
130.12 a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency
130.13 hemp edible, or a hemp-derived consumer product.

130.14 Subd. 5. **Advertising using direct, individualized communication or dialogue.** Before
130.15 a cannabis business, hemp business, or another person may advertise a cannabis business,
130.16 a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a
130.17 hemp-derived consumer product through direct, individualized communication or dialogue
130.18 controlled by the cannabis business, hemp business, or other person, the cannabis business,
130.19 hemp business, or other person must use a method of age affirmation to verify that the
130.20 recipient of the direct, individualized communication or dialogue is 21 years of age or older.
130.21 For purposes of this subdivision, the method of age affirmation may include user
130.22 confirmation, birth date disclosure, or another similar registration method.

130.23 Subd. 6. **Advertising using location-based devices.** Cannabis businesses, hemp
130.24 businesses, and other persons shall not advertise a cannabis business, a hemp business,
130.25 cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived
130.26 consumer product with advertising directed toward location-based devices, including but
130.27 not limited to cellular telephones, unless:

130.28 (1) the advertising occurs via a mobile device application that is installed on the device
130.29 by the device's owner and includes a permanent and easy to implement opt-out feature; and

130.30 (2) the owner of the device is 21 years of age or older.

130.31 Subd. 7. **Advertising restrictions for health care practitioners under the medical**
130.32 **cannabis program.** (a) A health care practitioner shall not publish or cause to be published
130.33 an advertisement that:

- 131.1 (1) contains false or misleading statements about the registry program;
- 131.2 (2) uses colloquial terms to refer to medical cannabis flower or medical cannabinoid
131.3 products, such as pot, weed, or grass;
- 131.4 (3) states or implies that the health care practitioner is endorsed by the office, the Division
131.5 of Medical Cannabis, or the registry program;
- 131.6 (4) includes images of cannabis flower, hemp plant parts, or images of paraphernalia
131.7 commonly used to smoke cannabis flower; or
- 131.8 (5) contains medical symbols that could reasonably be confused with symbols of
131.9 established medical associations or groups.
- 131.10 (b) A health care practitioner found by the office to have violated this subdivision is
131.11 prohibited from certifying that patients have a qualifying medical condition for purposes
131.12 of patient participation in the registry program. A decision by the office that a health care
131.13 practitioner has violated this subdivision is a final decision and is not subject to the contested
131.14 case procedures in chapter 14.

131.15 **Sec. 65. [342.65] INDUSTRIAL HEMP.**

131.16 Nothing in this chapter shall limit the ability of a person licensed under chapter 18K to
131.17 grow industrial hemp for commercial or research purposes, process industrial hemp for
131.18 commercial purposes, sell hemp fiber products and hemp grain, manufacture hemp-derived
131.19 topical products, or perform any other actions authorized by the commissioner of agriculture.
131.20 For purposes of this section, "processing" has the meaning given in section 18K.02,
131.21 subdivision 5, and does not include the process of creating artificially derived cannabinoids.

131.22 **Sec. 66. [342.66] HEMP-DERIVED TOPICAL PRODUCTS.**

131.23 Subdivision 1. **Scope.** This section applies to the manufacture, marketing, distribution,
131.24 and sale of hemp-derived topical products.

131.25 Subd. 2. **License; not required.** No license is required to manufacture, market, distribute,
131.26 or sell hemp-derived topical products.

131.27 Subd. 3. **Approved cannabinoids.** (a) Products manufactured, marketed, distributed,
131.28 and sold under this section may contain cannabidiol or cannabigerol. Except as provided
131.29 in paragraph (c), products may not contain any other cannabinoid unless approved by the
131.30 office.

132.1 (b) The office may approve any cannabinoid, other than any tetrahydrocannabinol, and
132.2 authorize its use in manufacturing, marketing, distribution, and sales under this section if
132.3 the office determines that the cannabinoid is a nonintoxicating cannabinoid.

132.4 (c) A product manufactured, marketed, distributed, and sold under this section may
132.5 contain cannabinoids other than cannabidiol, cannabigerol, or any other cannabinoid approved
132.6 by the office provided that the cannabinoids are naturally occurring in hemp plants or hemp
132.7 plant parts and the total of all other cannabinoids present in a product does not exceed one
132.8 milligram per package.

132.9 Subd. 4. **Approved products.** Products sold to consumers under this section may only
132.10 be manufactured, marketed, distributed, intended, or generally expected to be used by
132.11 applying the product externally to a part of the body of a human or animal.

132.12 Subd. 5. **Labeling.** Hemp-derived topical products must meet the labeling requirements
132.13 in section 342.63, subdivision 5.

132.14 Subd. 6. **Prohibitions.** (a) A product sold to consumers under this section must not be
132.15 manufactured, marketed, distributed, or intended:

132.16 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
132.17 of disease in humans or other animals;

132.18 (2) to affect the structure or any function of the bodies of humans or other animals;

132.19 (3) to be consumed by combustion or vaporization of the product and inhalation of
132.20 smoke, aerosol, or vapor from the product;

132.21 (4) to be consumed through chewing; or

132.22 (5) to be consumed through injection or application to a mucous membrane or nonintact
132.23 skin.

132.24 (b) A product manufactured, marketed, distributed, or sold to consumers under this
132.25 section must not:

132.26 (1) consist, in whole or in part, of any filthy, putrid, or decomposed substance;

132.27 (2) have been produced, prepared, packed, or held under unsanitary conditions where
132.28 the product may have been rendered injurious to health, or where the product may have
132.29 been contaminated with filth;

132.30 (3) be packaged in a container that is composed, in whole or in part, of any poisonous
132.31 or deleterious substance that may render the contents injurious to health;

133.1 (4) contain any additives or excipients that have been found by the United States Food
133.2 and Drug Administration to be unsafe for human or animal consumption;

133.3 (5) contain a cannabinoid or an amount or percentage of cannabinoids that is different
133.4 than the information stated on the label;

133.5 (6) contain a cannabinoid, other than cannabidiol, cannabigerol, or a cannabinoid
133.6 approved by the office, in an amount that exceeds the standard established in subdivision
133.7 2, paragraph (c); or

133.8 (7) contain any contaminants for which testing is required by the office in amounts that
133.9 exceed the acceptable minimum standards established by the office.

133.10 (c) No product containing any cannabinoid may be sold to any individual who is under
133.11 21 years of age.

133.12 Subd. 7. **Enforcement.** The office may enforce this section under the relevant provisions
133.13 of section 342.19, including but not limited to issuing administrative orders, embargoing
133.14 products, and imposing civil penalties.

133.15 Sec. 67. **[342.67] LEGAL ASSISTANCE TO CANNABIS BUSINESSES AND HEMP**
133.16 **BUSINESSES.**

133.17 An attorney must not be subject to disciplinary action by the Minnesota Supreme Court
133.18 or professional responsibility board for providing legal assistance to prospective or licensed
133.19 cannabis businesses or hemp businesses, or others for activities that do not violate this
133.20 chapter or chapter 152.

133.21 Sec. 68. **[342.70] CANNABIS INDUSTRY COMMUNITY RENEWAL GRANTS.**

133.22 Subdivision 1. **Establishment.** The Office of Cannabis Management shall establish
133.23 CanRenew, a program to award grants to eligible organizations for investments in
133.24 communities where long-term residents are eligible to be social equity applicants.

133.25 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
133.26 meanings given.

133.27 (b) "Community investment" means a project or program designed to improve
133.28 community-wide outcomes or experiences and may include efforts targeting economic
133.29 development, violence prevention, youth development, or civil legal aid, among others.

133.30 (c) "Eligible community" means a community where long-term residents are eligible to
133.31 be social equity applicants.

134.1 (d) "Eligible organization" means any organization able to make an investment in a
134.2 community where long-term residents are eligible to be social equity applicants and may
134.3 include educational institutions, nonprofit organizations, private businesses, community
134.4 groups, units of local government, or partnerships between different types of organizations.

134.5 (e) "Program" means the CanRenew grant program.

134.6 (f) "Social equity applicant" means a person who meets the qualification requirements
134.7 in section 342.16.

134.8 Subd. 3. Grants to organizations. (a) The office must award grants to eligible
134.9 organizations through a competitive grant process.

134.10 (b) To receive grant money, an eligible organization must submit a written application
134.11 to the office, using a form developed by the office, explaining the community investment
134.12 the organization wants to make in an eligible community.

134.13 (c) An eligible organization's grant application must also include:

134.14 (1) an analysis of the community's need for the proposed investment;

134.15 (2) a description of the positive impact that the proposed investment is expected to
134.16 generate for that community;

134.17 (3) any evidence of the organization's ability to successfully achieve that positive impact;

134.18 (4) any evidence of the organization's past success in making similar community
134.19 investments;

134.20 (5) an estimate of the cost of the proposed investment;

134.21 (6) the sources and amounts of any nonstate funds or in-kind contributions that will
134.22 supplement grant money; and

134.23 (7) any additional information requested by the office.

134.24 (d) In awarding grants under this subdivision, the office shall give weight to applications
134.25 from organizations that demonstrate a history of successful community investments,
134.26 particularly in geographic areas that are now eligible communities. The office shall also
134.27 give weight to applications where there is demonstrated community support for the proposed
134.28 investment. The office shall fund investments in eligible communities throughout the state.

134.29 Subd. 4. Program outreach. The office shall make extensive efforts to publicize these
134.30 grants, including through partnerships with community organizations, particularly those
134.31 located in eligible communities.

135.1 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
135.2 the office must submit a report to the chairs and ranking minority members of the committees
135.3 of the house of representatives and the senate having jurisdiction over community
135.4 development that details awards given through the CanRenew program and the use of grant
135.5 money, including any measures of successful community impact from the grants.

135.6 Sec. 69. **[342.72] SUBSTANCE USE TREATMENT, RECOVERY, AND**
135.7 **PREVENTION GRANTS.**

135.8 Subdivision 1. **Account established; appropriation.** A substance use treatment, recovery,
135.9 and prevention grant account is created in the special revenue fund. Money in the account,
135.10 including interest earned, is appropriated to the office for the purposes specified in this
135.11 section. Of the amount transferred from the general fund to the account, the office may use
135.12 up to three percent for administrative expenses.

135.13 Subd. 2. **Acceptance of gifts and grants.** Notwithstanding sections 16A.013 to 16A.016,
135.14 the office may accept money contributed by individuals and may apply for grants from
135.15 charitable foundations to be used for the purposes identified in this section. The money
135.16 accepted under this section must be deposited in the substance use treatment, recovery, and
135.17 prevention grant account created under subdivision 1.

135.18 Subd. 3. **Disposition of money; grants.** (a) Money in the substance use treatment,
135.19 recovery, and prevention grant account must be distributed as follows:

135.20 (1) at least 75 percent of the money is for grants for substance use disorder and mental
135.21 health recovery and prevention programs. Funds must be used for recovery and prevention
135.22 activities and supplies that assist individuals and families to initiate, stabilize, and maintain
135.23 long-term recovery from substance use disorders and co-occurring mental health conditions.
135.24 Recovery and prevention activities may include prevention education, school-linked
135.25 behavioral health, school-based peer programs, peer supports, self-care and wellness,
135.26 culturally-specific healing, community public awareness, mutual aid networks, telephone
135.27 recovery checkups, mental health warm lines, harm reduction, recovery community
135.28 organization development, first episode psychosis programs, and recovery housing; and

135.29 (2) up to 25 percent of the money is for substance use disorder treatment programs, as
135.30 defined in chapter 245G and may be used to implement, strengthen, or expand supportive
135.31 services and activities that are not covered by Medical Assistance under chapter 256B,
135.32 MinnesotaCare under chapter 256L, or the behavioral health fund under chapter 254B.
135.33 Services and activities may include the adoption or expansion of evidence-based practices,
135.34 competency-based training, continuing education, culturally-specific and

136.1 culturally-responsive services, sober recreational activities, developing referral relationships,
136.2 family preservation and healing, and start-up or capacity funding for programs that specialize
136.3 in adolescent, culturally-specific, culturally-responsive, disability-specific, co-occurring
136.4 disorder, or family treatment services.

136.5 (b) The office shall consult with the commissioner of human services, the commissioner
136.6 of health, the Governor's Advisory Council on Opioids, Substance Use, and Addiction, and
136.7 the Substance Use Disorder Advisory Council to develop an appropriate application process,
136.8 establish grant requirements, determine what organizations are eligible to receive grants,
136.9 and establish reporting requirements for grant recipients.

136.10 Subd. 4. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
136.11 the office must submit a report to the chairs and ranking minority members of the committees
136.12 of the house of representatives and the senate having jurisdiction over health and human
136.13 services policy and finance that details grants awarded from the substance use treatment,
136.14 recovery, and prevention grant account, including the total amount awarded, total number
136.15 of recipients, and geographic distribution of those recipients.

136.16 Sec. 70. **[342.73] CANNABIS GROWER GRANTS.**

136.17 Subdivision 1. **Establishment.** The office, in consultation with the commissioner of
136.18 agriculture, shall establish CanGrow, a program to award grants to (1) eligible organizations
136.19 to help farmers navigate the regulatory structure of the legal cannabis industry, and (2)
136.20 nonprofit corporations to fund loans to farmers for expansion into the legal cannabis industry.

136.21 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
136.22 meanings given.

136.23 (b) "Eligible organization" means any organization capable of helping farmers navigate
136.24 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers
136.25 to education or employment, and may include educational institutions, nonprofit
136.26 organizations, private businesses, community groups, units of local government, or
136.27 partnerships between different types of organizations.

136.28 (c) "Industry" means the legal cannabis industry in the state of Minnesota.

136.29 (d) "Program" means the CanGrow grant program.

136.30 (e) "Social equity applicant" means a person who meets the qualification requirements
136.31 in section 342.16.

137.1 Subd. 3. **Technical assistance grants.** (a) Grant money awarded to eligible organizations
137.2 may be used for both developing technical assistance resources relevant to the regulatory
137.3 structure of the legal cannabis industry and for providing such technical assistance or
137.4 navigation services to farmers.

137.5 (b) The office must award grants to eligible organizations through a competitive grant
137.6 process.

137.7 (c) To receive grant money, an eligible organization must submit a written application
137.8 to the office, using a form developed by the office, explaining the organization's ability to
137.9 assist farmers in navigating the regulatory structure of the legal cannabis industry, particularly
137.10 farmers facing barriers to education or employment.

137.11 (d) An eligible organization's grant application must also include:

137.12 (1) a description of the proposed technical assistance or navigation services, including
137.13 the types of farmers targeted for assistance;

137.14 (2) any evidence of the organization's past success in providing technical assistance or
137.15 navigation services to farmers, particularly farmers who live in areas where long-term
137.16 residents are eligible to be social equity applicants;

137.17 (3) an estimate of the cost of providing the technical assistance;

137.18 (4) the sources and amounts of any nonstate funds or in-kind contributions that will
137.19 supplement grant money, including any amounts that farmers will be charged to receive
137.20 assistance; and

137.21 (5) any additional information requested by the office.

137.22 (e) In awarding grants under this subdivision, the office shall give weight to applications
137.23 from organizations that demonstrate a history of successful technical assistance or navigation
137.24 services, particularly for farmers facing barriers to education or employment. The office
137.25 shall also give weight to applications where the proposed technical assistance will serve
137.26 areas where long-term residents are eligible to be social equity applicants. The office shall
137.27 fund technical assistance to farmers throughout the state.

137.28 Subd. 4. **Loan financing grants.** (a) The office shall establish a revolving loan account
137.29 to make loan financing grants under the CanGrow program.

137.30 (b) The office must award grants to nonprofit corporations through a competitive grant
137.31 process. When selecting grant recipients under this subdivision, the office must utilize the

138.1 expertise of an employee of the office who is experienced in agricultural business
138.2 development.

138.3 (c) To receive grant money, a nonprofit corporation must submit a written application
138.4 to the office using a form developed by the office.

138.5 (d) In awarding grants under this subdivision, the office shall give weight to whether
138.6 the nonprofit corporation:

138.7 (1) has a board of directors that includes individuals experienced in agricultural business
138.8 development;

138.9 (2) has the technical skills to analyze projects;

138.10 (3) is familiar with other available public and private funding sources and economic
138.11 development programs;

138.12 (4) can initiate and implement economic development projects;

138.13 (5) can establish and administer a revolving loan account; and

138.14 (6) has established relationships with communities where long-term residents are eligible
138.15 to be social equity applicants.

138.16 The office shall make grants that will help farmers enter the legal cannabis industry
138.17 throughout the state.

138.18 (e) A nonprofit corporation that receives grants under the program must:

138.19 (1) establish an office-certified revolving loan account for the purpose of making eligible
138.20 loans; and

138.21 (2) enter into an agreement with the office that the office shall fund loans that the
138.22 nonprofit corporation makes to farmers entering the legal cannabis industry. The office shall
138.23 review existing agreements with nonprofit corporations every five years and may renew or
138.24 terminate an agreement based on that review. In making this review, the office shall consider,
138.25 among other criteria, the criteria in paragraph (d).

138.26 Subd. 5. **Loans to farmers.** (a) The criteria in this subdivision apply to loans made by
138.27 nonprofit corporations under the program.

138.28 (b) A loan must be used to support a farmer in entering the legal cannabis industry.
138.29 Priority must be given to loans to businesses owned by farmers who are eligible to be social
138.30 equity applicants and businesses located in communities where long-term residents are
138.31 eligible to be social equity applicants.

139.1 (c) Loans must be made to businesses that are not likely to undertake the project for
139.2 which loans are sought without assistance from the program.

139.3 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

139.4 (1) \$50,000; or

139.5 (2) \$150,000, if state contributions are matched by an equal or greater amount of new
139.6 private investment.

139.7 (e) Loan applications given preliminary approval by the nonprofit corporation must be
139.8 forwarded to the office for approval. The office must give final approval for each loan made
139.9 by the nonprofit corporation under the program.

139.10 (f) If the borrower has met lender criteria, including being current with all payments for
139.11 a minimum of three years, the office may approve either full or partial forgiveness of interest
139.12 or principal amounts.

139.13 Subd. 6. **Revolving loan account administration.** (a) The office shall establish a
139.14 minimum interest rate for loans or guarantees to ensure that necessary loan administration
139.15 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
139.16 section must not exceed the Wall Street Journal prime rate. For a loan under this section,
139.17 the nonprofit corporation may charge a loan origination fee equal to or less than one percent
139.18 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

139.19 (b) Loan repayment of principal must be paid to the office for deposit in the revolving
139.20 loan account. Loan interest payments must be deposited in a revolving loan account created
139.21 by the nonprofit corporation originating the loan being repaid for further distribution or use,
139.22 consistent with the criteria of this section.

139.23 (c) Administrative expenses of the nonprofit corporations with whom the office enters
139.24 into agreements, including expenses incurred by a nonprofit corporation in providing
139.25 financial, technical, managerial, and marketing assistance to a business receiving a loan
139.26 under this section, are eligible program expenses that the office may agree to pay under the
139.27 grant agreement.

139.28 Subd. 7. **Program outreach.** The office shall make extensive efforts to publicize these
139.29 grants, including through partnerships with community organizations, particularly those
139.30 located in areas where long-term residents are eligible to be social equity applicants.

139.31 Subd. 8. **Reporting requirements.** (a) A nonprofit corporation that receives a grant
139.32 under subdivision 4 shall:

140.1 (1) submit an annual report to the office by January 15 of each year that the nonprofit
140.2 corporation participates in the program that includes a description of agricultural businesses
140.3 supported by the grant program, an account of loans made during the calendar year, the
140.4 program's impact on farmers' ability to expand into the legal cannabis industry, the source
140.5 and amount of money collected and distributed by the program, the program's assets and
140.6 liabilities, and an explanation of administrative expenses; and

140.7 (2) provide for an independent annual audit to be performed in accordance with generally
140.8 accepted accounting practices and auditing standards and submit a copy of each annual
140.9 audit report to the office.

140.10 (b) By February 15, 2024, and each February 15 thereafter, the office must submit a
140.11 report to the chairs and ranking minority members of the committees of the house of
140.12 representatives and the senate having jurisdiction over agriculture that details awards given
140.13 through the CanGrow program and the use of grant money, including any measures of
140.14 success toward helping farmers enter the legal cannabis industry.

140.15 **Sec. 71. [342.79] SUBSTANCE USE DISORDER ADVISORY COUNCIL.**

140.16 Subdivision 1. **Establishment.** The Substance Use Disorder Advisory Council is
140.17 established to develop and implement a comprehensive and effective statewide approach
140.18 to substance use disorder prevention and treatment. The council shall:

140.19 (1) establish priorities to address public education and substance use disorder prevention
140.20 and treatment needs;

140.21 (2) make recommendations to the legislature on the amount of money to be allocated
140.22 for substance use disorder prevention and treatment initiatives;

140.23 (3) make recommendations to the commissioner of human services on grant and funding
140.24 options for money appropriated from the general fund to the commissioner of human services
140.25 for substance use disorder prevention and treatment;

140.26 (4) recommend to the commissioner of human services specific programs, projects, and
140.27 initiatives to be funded; and

140.28 (5) consult with the commissioners of human services, health, and management and
140.29 budget to develop measurable outcomes to determine the effectiveness of programs, projects,
140.30 and initiatives funded.

140.31 Subd. 2. **Membership.** (a) The council shall consist of the following members, appointed
140.32 by the commissioner of human services, except as otherwise specified:

- 141.1 (1) two members of the house of representatives, one from the majority party appointed
141.2 by the speaker and one from the minority party appointed by the minority leader of the
141.3 house of representatives;
- 141.4 (2) two members of the senate, one from the majority party appointed by the senate
141.5 majority leader and one from the minority party appointed by the senate minority leader;
- 141.6 (3) the commissioner of human services or a designee;
- 141.7 (4) the director of the Office of Cannabis Management or a designee;
- 141.8 (5) two members representing substance use disorder treatment programs licensed under
141.9 chapter 245G;
- 141.10 (6) one public member who is a Minnesota resident and in recovery from a substance
141.11 use disorder;
- 141.12 (7) one public member who is a family member of a person with a substance use disorder;
- 141.13 (8) one member who is a physician with experience in substance use disorders;
- 141.14 (9) one member who is a licensed psychologist, licensed professional clinical counselor,
141.15 licensed marriage and family therapist, or licensed social worker;
- 141.16 (10) one member of each federally recognized Tribal Nation within the geographical
141.17 boundaries of the state of Minnesota;
- 141.18 (11) one mental health advocate representing persons with mental illness;
- 141.19 (12) one member representing county social services agencies;
- 141.20 (13) one patient advocate;
- 141.21 (14) a representative from a community that experienced a disproportionate, negative
141.22 impact from cannabis prohibition;
- 141.23 (15) one veteran; and
- 141.24 (16) one parent of a medical cannabis patient who is under age 21.
- 141.25 (b) The commissioner of human services shall coordinate appointments to ensure the
141.26 geographic diversity of council members and shall ensure that at least one-third of council
141.27 members reside outside of the seven-county metropolitan area.
- 141.28 (c) The council is governed by section 15.059, except that members of the council shall
141.29 receive no compensation other than reimbursement for expenses. Notwithstanding section
141.30 15.059, subdivision 6, the council shall not expire.

142.1 (d) The chair shall convene the council on a quarterly basis and may convene other
142.2 meetings as necessary. The chair shall convene meetings at different locations in the state
142.3 to provide geographic access to members of the public.

142.4 (e) The commissioner of human services shall provide staff and administrative services
142.5 for the advisory council.

142.6 (f) The council is subject to chapter 13D.

142.7 Subd. 3. **Report and grants.** (a) The commissioner of human services shall submit a
142.8 report of the grants and funding recommended by the advisory council to be awarded for
142.9 the upcoming fiscal year to the chairs and ranking minority members of the legislative
142.10 committees with jurisdiction over health and human services policy and finance by March
142.11 1 of each year, beginning March 1, 2024.

142.12 (b) When awarding grants, the commissioner of human services shall consider the
142.13 programs, projects, and initiatives recommended by the council that address the priorities
142.14 established by the council, unless otherwise appropriated by the legislature.

142.15 **Sec. 72. [342.80] LAWFUL ACTIVITIES.**

142.16 (a) Notwithstanding any law to the contrary, the cultivation, manufacturing, possessing,
142.17 and selling of cannabis flower, cannabis products, artificially derived cannabinoids,
142.18 lower-potency hemp edibles, and hemp-derived consumer products by a licensed cannabis
142.19 business or hemp business in conformity with the rights granted by a cannabis business
142.20 license or hemp business license is lawful and may not be the grounds for the seizure or
142.21 forfeiture of property, arrest or prosecution, or search or inspections except as provided by
142.22 this chapter.

142.23 (b) A person acting as an agent of a cannabis microbusiness, cannabis mezzobusiness,
142.24 cannabis retailer, or lower-potency hemp edible retailer who sells or otherwise transfers
142.25 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
142.26 products to a person under 21 years of age is not subject to arrest, prosecution, or forfeiture
142.27 of property if the person complied with section 342.27, subdivision 4, and any rules
142.28 promulgated pursuant to this chapter.

142.29 **Sec. 73. [342.81] CIVIL ACTIONS.**

142.30 Subdivision 1. **Right of action.** A spouse, child, parent, guardian, employer, or other
142.31 person injured in person, property, or means of support or who incurs other pecuniary loss
142.32 by an intoxicated person or by the intoxication of another person, has a right of action in

143.1 the person's own name for all damages sustained against a person who caused the intoxication
143.2 of that person by illegally selling cannabis flower, cannabis products, lower-potency hemp
143.3 edibles, or hemp-derived consumer products. All damages recovered by a minor under this
143.4 section must be paid either to the minor or to the minor's parent, guardian, or next friend as
143.5 the court directs.

143.6 Subd. 2. **Actions.** All suits for damages under this section must be by civil action in a
143.7 court of this state having jurisdiction.

143.8 Subd. 3. **Comparative negligence.** Actions under this section are governed by section
143.9 604.01.

143.10 Subd. 4. **Defense.** It is a defense for the defendant to prove by a preponderance of the
143.11 evidence that the defendant reasonably and in good faith relied upon representations of
143.12 proof of age in selling, bartering, furnishing, or giving the cannabis flower, cannabis products,
143.13 lower-potency hemp edibles, or hemp-derived consumer products.

143.14 Subd. 5. **Subrogation claims denied.** There shall be no recovery by any insurance
143.15 company against any cannabis microbusiness, cannabis mezzobusiness, cannabis retailer,
143.16 or lower-potency hemp edible retailer under subrogation clauses of the uninsured,
143.17 underinsured, collision, or other first-party coverages of a motor vehicle insurance policy
143.18 as a result of payments made by the company to persons who have claims that arise in whole
143.19 or in part under this section. Section 65B.53, subdivision 3, does not apply to actions under
143.20 this section.

143.21 Subd. 6. **Common law claims.** Nothing in this chapter precludes common law tort claims
143.22 against any person 21 years old or older who knowingly provides or furnishes cannabis
143.23 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
143.24 to a person under the age of 21 years.

143.25 Sec. 74. **SUBSTANCE USE DISORDER ADVISORY COUNCIL FIRST MEETING.**

143.26 The commissioner of human services shall convene the first meeting of the Substance
143.27 Use Disorder Advisory Council established under Minnesota Statutes, section 342.79, no
143.28 later than October 1, 2023. The members shall elect a chair at the first meeting.

143.29 Sec. 75. **EFFECTIVE DATE.**

143.30 Except as otherwise provided, each section of this article is effective July 1, 2023.

144.1

ARTICLE 2

144.2

TAXES

144.3 Section 1. Minnesota Statutes 2022, section 270B.12, is amended by adding a subdivision
144.4 to read:

144.5 Subd. 4a. **Office of Cannabis Management.** The commissioner may disclose return
144.6 information to the Office of Cannabis Management for the purpose of and to the extent
144.7 necessary to administer section 270C.726.

144.8 **EFFECTIVE DATE.** This section is effective June 30, 2023.

144.9 Sec. 2. **[270C.726] POSTING OF TAX DELINQUENCY; SALE OF CANNABIS.**

144.10 Subdivision 1. **Posting; notice.** (a) Pursuant to the authority to disclose under section
144.11 270B.12, subdivision 4a, the commissioner shall, by the 15th of each month, submit to the
144.12 Office of Cannabis Management a list of all taxpayers subject to the tax imposed by section
144.13 295.81 that are required to pay, withhold, or collect the tax imposed by section 290.02,
144.14 290.0922, 290.92, 290.9727, 290.9728, 290.9729, 295.81, or 297A.62; a local sales and
144.15 use tax payable to the commissioner; or a local sales and use tax administered and collected
144.16 by the commissioner, and that are ten days or more delinquent in either filing a tax return
144.17 or paying the tax.

144.18 (b) The commissioner is under no obligation to list a taxpayer whose business is inactive.
144.19 At least ten days before notifying the Office of Cannabis Management, the commissioner
144.20 shall notify the taxpayer of the intended action.

144.21 (c) The Office of Cannabis Management shall post the list required by this section on
144.22 the Office of Cannabis Management website. The list must prominently show the date of
144.23 posting. If a previously listed taxpayer files all returns and pays all taxes specified in this
144.24 subdivision then due, the commissioner shall notify the Office of Cannabis Management
144.25 within two business days.

144.26 Subd. 2. **Sales prohibited.** Beginning the third business day after the list is posted, no
144.27 cannabis cultivator, cannabis manufacturer, cannabis microbusiness, cannabis mezzobusiness,
144.28 cannabis wholesaler, or industrial hemp grower as defined in chapter 342 may sell or deliver
144.29 any product to a taxpayer included on the posted list.

144.30 Subd. 3. **Penalty.** A cannabis cultivator, cannabis manufacturer, cannabis microbusiness,
144.31 cannabis mezzobusiness, cannabis wholesaler, or industrial hemp grower as defined in

145.1 chapter 342 who violates subdivision 2 of this section is subject to the penalties provided
145.2 in sections 342.19 and 342.21.

145.3 **EFFECTIVE DATE.** This section is effective June 30, 2023.

145.4 Sec. 3. Minnesota Statutes 2022, section 273.13, subdivision 24, is amended to read:

145.5 Subd. 24. **Class 3.** Commercial and industrial property and utility real and personal
145.6 property is class 3a.

145.7 (1) Except as otherwise provided, each parcel of commercial, industrial, or utility real
145.8 property has a classification rate of 1.5 percent of the first tier of market value, and 2.0
145.9 percent of the remaining market value. In the case of contiguous parcels of property owned
145.10 by the same person or entity, only the value equal to the first-tier value of the contiguous
145.11 parcels qualifies for the reduced classification rate, except that contiguous parcels owned
145.12 by the same person or entity shall be eligible for the first-tier value classification rate on
145.13 each separate business operated by the owner of the property, provided the business is
145.14 housed in a separate structure. For the purposes of this subdivision, the first tier means the
145.15 first \$150,000 of market value. Real property owned in fee by a utility for transmission line
145.16 right-of-way shall be classified at the classification rate for the higher tier.

145.17 For purposes of this subdivision, parcels are considered to be contiguous even if they
145.18 are separated from each other by a road, street, waterway, or other similar intervening type
145.19 of property. Connections between parcels that consist of power lines or pipelines do not
145.20 cause the parcels to be contiguous. Property owners who have contiguous parcels of property
145.21 that constitute separate businesses that may qualify for the first-tier classification rate shall
145.22 notify the assessor by July 1, for treatment beginning in the following taxes payable year.

145.23 (2) All personal property that is: (i) part of an electric generation, transmission, or
145.24 distribution system; or (ii) part of a pipeline system transporting or distributing water, gas,
145.25 crude oil, or petroleum products; and (iii) not described in clause (3), and all railroad
145.26 operating property has a classification rate as provided under clause (1) for the first tier of
145.27 market value and the remaining market value. In the case of multiple parcels in one county
145.28 that are owned by one person or entity, only one first tier amount is eligible for the reduced
145.29 rate.

145.30 (3) The entire market value of personal property that is: (i) tools, implements, and
145.31 machinery of an electric generation, transmission, or distribution system; (ii) tools,
145.32 implements, and machinery of a pipeline system transporting or distributing water, gas,
145.33 crude oil, or petroleum products; or (iii) the mains and pipes used in the distribution of

146.1 steam or hot or chilled water for heating or cooling buildings, has a classification rate as
146.2 provided under clause (1) for the remaining market value in excess of the first tier.

146.3 (4) Real property used for raising, cultivating, processing, or storing cannabis plants,
146.4 cannabis flower, or cannabis products for sale has a classification rate as provided under
146.5 clause (1) for the first tier of market value and the remaining market value. As used in this
146.6 paragraph, "cannabis plant" has the meaning given in section 342.01, subdivision 18,
146.7 "cannabis flower" has the meaning given in section 342.01, subdivision 15, and "cannabis
146.8 product" has the meaning given in section 342.01, subdivision 19.

146.9 **EFFECTIVE DATE.** This section is effective beginning with assessment year 2024
146.10 and thereafter.

146.11 Sec. 4. Minnesota Statutes 2022, section 275.025, subdivision 2, is amended to read:

146.12 Subd. 2. **Commercial-industrial tax capacity.** For the purposes of this section,
146.13 "commercial-industrial tax capacity" means the tax capacity of all taxable property classified
146.14 as class 3 or class 5(1) under section 273.13, excluding:

146.15 (1) the tax capacity attributable to the first \$150,000 of market value of each parcel of
146.16 commercial-industrial property as defined under section 273.13, subdivision 24, clauses (1)
146.17 ~~and~~, (2), and (4);

146.18 (2) electric generation attached machinery under class 3; and

146.19 (3) property described in section 473.625.

146.20 County commercial-industrial tax capacity amounts are not adjusted for the captured
146.21 net tax capacity of a tax increment financing district under section 469.177, subdivision 2,
146.22 the net tax capacity of transmission lines deducted from a local government's total net tax
146.23 capacity under section 273.425, or fiscal disparities contribution and distribution net tax
146.24 capacities under chapter 276A or 473F. For purposes of this subdivision, the procedures
146.25 for determining eligibility for tier 1 under section 273.13, subdivision 24, clauses (1) and
146.26 (2), shall apply in determining the portion of a property eligible to be considered within the
146.27 first \$150,000 of market value.

146.28 **EFFECTIVE DATE.** This section is effective beginning with assessment year 2024
146.29 and thereafter.

147.1 Sec. 5. **[289A.33] FILING REQUIREMENTS AND DUE DATES; SPECIAL RULES.**

147.2 (a) Upon the request of any cannabis business as defined by section 342.01, subdivision
147.3 13, required to collect and remit taxes imposed under section 295.81, chapter 290, or chapter
147.4 297A, the commissioner shall waive the requirement that payment of tax must be made
147.5 electronically if the failure to pay electronically is because the cannabis business is unable
147.6 to secure banking services and the inability to secure the services is due to its engagement
147.7 in cannabis-related business allowed under Minnesota law.

147.8 (b) If, in consultation with the commissioner of commerce, the commissioner determines
147.9 the inability to find banking services is widespread and enforcement of the electronic payment
147.10 requirement will significantly impede the ability of cannabis businesses to timely pay taxes
147.11 imposed under section 295.81, chapter 290, or chapter 297A, the commissioner may publish
147.12 notice on the department website that waives the requirement to pay the tax electronically.
147.13 If such notice is published, a cannabis business must file returns and pay taxes lawfully due
147.14 in the form and manner prescribed by the commissioner.

147.15 (c) Nothing in this subdivision relieves a cannabis business from timely filing and paying
147.16 taxes.

147.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

147.18 Sec. 6. Minnesota Statutes 2022, section 290.0132, subdivision 29, is amended to read:

147.19 Subd. 29. **Disallowed section 280E expenses; ~~medical cannabis manufacturers~~**
147.20 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined
147.21 under section ~~152.22, subdivision 7~~ 342.01, subdivision 51, related to the business of medical
147.22 cannabis under sections ~~152.21 to 152.37~~ 342.47 to 342.60, or a license holder under chapter
147.23 342 related to the business of nonmedical cannabis under that chapter, and not allowed for
147.24 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

147.25 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
147.26 31, 2022.

147.27 Sec. 7. Minnesota Statutes 2022, section 290.0134, subdivision 19, is amended to read:

147.28 Subd. 19. **Disallowed section 280E expenses; ~~medical cannabis manufacturers~~**
147.29 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined
147.30 under section ~~152.22, subdivision 7~~ 342.01, subdivision 51, related to the business of medical
147.31 cannabis under sections ~~152.21 to 152.37~~ 342.47 to 342.60, or a license holder under chapter

148.1 342 related to the business of nonmedical cannabis under that chapter, and not allowed for
148.2 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

148.3 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
148.4 31, 2022.

148.5 Sec. 8. **[295.81] CANNABIS GROSS RECEIPTS TAX.**

148.6 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
148.7 the meanings given.

148.8 (b) "Bundled transaction" means the retail sale of two or more products when the products
148.9 are otherwise distinct and identifiable and the products are sold for one nonitemized price.

148.10 (c) "Cannabis flower" has the meaning given in section 342.01, subdivision 15.

148.11 (d) "Cannabis product" has the meaning given in section 342.01, subdivision 19.

148.12 (e) "Cannabis solution product" means any cartridge, bottle, or other package that contains
148.13 a taxable cannabis product in a solution that is consumed or meant to be consumed through
148.14 the use of a heating element, power source, electronic circuit, or other electronic, chemical,
148.15 or mechanical means that produces vapor or aerosol. A cannabis solution product includes
148.16 any electronic delivery system, electronic vaping device, electronic vape pen, electronic
148.17 oral device, electronic delivery device, or similar product or device, and any batteries,
148.18 heating elements, or other components, parts, or accessories sold with and meant to be used
148.19 in the consumption of a solution containing a taxable cannabis product.

148.20 (f) "Cannabis mezzobusiness" means a cannabis business licensed under section 342.29.

148.21 (g) "Cannabis microbusiness" means a cannabis business licensed under section 342.28.

148.22 (h) "Cannabis retailer" means a cannabis business licensed under section 342.32.

148.23 (i) "Commissioner" means the commissioner of revenue.

148.24 (j) "Gross receipts" means the total amount received in money or by barter or exchange
148.25 for all taxable cannabis product sales at retail as measured by the sales price. Gross receipts
148.26 include but are not limited to delivery charges and packaging costs. Gross receipts do not
148.27 include:

148.28 (1) any taxes imposed directly on the customer that are separately stated on the invoice,
148.29 bill of sale, or similar document given to the purchaser; and

148.30 (2) discounts, including cash, terms, or coupons, that are not reimbursed by a third party
148.31 and that are allowed by the seller and taken by a purchaser on a sale.

149.1 (k) "Hemp-derived consumer product" has the meaning given in section 342.01,
149.2 subdivision 35.

149.3 (l) "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision
149.4 48.

149.5 (m) "Lower-potency hemp edible retailer" means a cannabis business licensed under
149.6 section 342.43, subdivision 1, clause (1).

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

149.8 (o) "Medical cannabinoid product" has the meaning given in section 342.10, subdivision
149.9 50.

149.10 (p) "Medical cannabis paraphernalia" has the meaning given in section 342.01,
149.11 subdivision 53.

149.12 (q) "Retail sale" has the meaning given in section 297A.61, subdivision 4.

149.13 (r) "Taxable cannabis product" means cannabis flower, cannabis product, cannabis
149.14 solution product, hemp-derived consumer product, lower-potency hemp edible, and any
149.15 substantially similar item.

149.16 (s) "Taxable cannabis product retailer" means a retailer that sells any taxable cannabis
149.17 product, and includes a cannabis retailer, cannabis microbusiness, cannabis mezzobusiness,
149.18 and lower-potency hemp edible retailer. Taxable cannabis product retailer includes but is
149.19 not limited to a:

149.20 (1) retailer maintaining a place of business in this state;

149.21 (2) marketplace provider maintaining a place of business in this state, as defined in
149.22 section 297A.66, subdivision 1, paragraph (a);

149.23 (3) retailer not maintaining a place of business in this state; and

149.24 (4) marketplace provider not maintaining a place of business in this state, as defined in
149.25 section 297A.66, subdivision 1, paragraph (b).

149.26 Subd. 2. **Gross receipts tax imposed.** (a) A tax equal to a rate established by subdivisions
149.27 2 and 3 of gross receipts from retail sales in Minnesota of taxable cannabis products is
149.28 imposed on any taxable cannabis product retailer that sells these products to customers:

149.29 (1) for sales and purchases made on July 1, 2023, through June 30, 2027, the rate is
149.30 equal to eight percent; and

150.1 (2) for sales and purchases made after June 30, 2027, the rate is equal to the amount
150.2 established under subdivision 3.

150.3 (b) A taxable cannabis product retailer may but is not required to collect the tax imposed
150.4 by this section from the purchaser as long as the tax is separately stated on the receipt,
150.5 invoice, bill of sale, or similar document given to the purchaser.

150.6 (c) If a product subject to the tax imposed under this section is included in a bundled
150.7 transaction, the entire sales price of the bundled transaction is subject to the tax imposed
150.8 under this section.

150.9 (d) The tax imposed under this section is in addition to any other tax imposed on the
150.10 sale or use of taxable cannabis products.

150.11 Subd. 3. **Tax rate adjustment.** (a) Beginning in March 2027, in each odd-numbered
150.12 year, the commissioner of management and budget shall use the February forecast of general
150.13 fund revenues and expenditures reflecting the most recently completed fiscal year to
150.14 determine that the conditions in paragraph (b) are met.

150.15 (b) Revenues raised by the tax imposed under this section combined with the tax imposed
150.16 under chapter 297A on taxable cannabis products exceed the projected expenditures related
150.17 to the ongoing regulation of cannabis for the upcoming biennium, including:

150.18 (1) the appropriations to the Office of Cannabis Management;

150.19 (2) the appropriations to the Department of Agriculture;

150.20 (3) the appropriations to the Cannabis Expungement Board;

150.21 (4) the appropriations to the Department of Commerce;

150.22 (5) the appropriations to the Department of Education;

150.23 (6) the appropriations to the Department of Employment and Economic Development;

150.24 (7) the appropriations to the Department of Health;

150.25 (8) the appropriations to the Department of Human Services;

150.26 (9) the appropriations to the Department of Labor and Industry;

150.27 (10) the appropriations to the Pollution Control Agency;

150.28 (11) the appropriations to the Department of Public Safety;

150.29 (12) the appropriations to the Department of Revenue;

150.30 (13) the transfers to the dual training account in the special revenue fund; and

151.1 (14) the transfers to the substance use treatment, recovery, and prevention grant account.

151.2 (c) The commissioner of management and budget shall report its determination to the
151.3 commissioner no later than March 15 in the same odd-numbered year.

151.4 (d) The commissioner shall adjust the tax rate so that the revenues described in paragraph
151.5 (a) equal or most closely exceed the expenditures in paragraph (b). The new rate must be
151.6 rounded to the nearest one-quarter of one percent. The commissioner must post the new
151.7 rate on the department website by April 1 of the same odd-numbered year. The new rate
151.8 applies to sales and purchases made after June 30 of the same odd-numbered year.

151.9 Subd. 4. **Use tax imposed; credit for taxes paid.** (a) A person that receives taxable
151.10 cannabis products for use or storage in Minnesota, other than from a taxable cannabis product
151.11 retailer that paid the tax under subdivision 2, is subject to tax at the rate imposed under
151.12 subdivision 2. Liability for the tax is incurred when the person has possession of the taxable
151.13 cannabis product in Minnesota. The tax must be remitted to the commissioner in the same
151.14 manner prescribed for taxes imposed under chapter 297A.

151.15 (b) A person that has paid taxes to another state or any subdivision thereof on the same
151.16 transaction and is subject to tax under this section is entitled to a credit for the tax legally
151.17 due and paid to another state or subdivision thereof to the extent of the lesser of (1) the tax
151.18 actually paid to the other state or subdivision thereof, or (2) the amount of tax imposed by
151.19 Minnesota on the transaction subject to tax in the other state or subdivision thereof.

151.20 Subd. 5. **Exemptions.** (a) The use tax imposed under subdivision 4, paragraph (a), does
151.21 not apply to the possession, use, or storage of taxable cannabis products if (1) the taxable
151.22 cannabis products have an aggregate cost in any calendar month to the customer of \$100
151.23 or less, and (2) the taxable cannabis products were carried into this state by the customer.

151.24 (b) The tax imposed under this section does not apply to sales of medical items purchased
151.25 by or for a patient enrolled in the registry program, including medical cannabis flower,
151.26 medical cannabinoid products, or medical cannabis paraphernalia.

151.27 (c) Unless otherwise specified in this section, the exemptions applicable to taxes imposed
151.28 under chapter 297A are not applicable to the taxes imposed under this section.

151.29 Subd. 6. **Local taxes prohibited.** A political subdivision of this state is prohibited from
151.30 imposing a local sales tax solely on the sale of taxable cannabis products.

151.31 Subd. 7. **Tax collection required.** A taxable cannabis product retailer with nexus in
151.32 Minnesota that is not subject to tax under subdivision 2 is required to collect the tax imposed
151.33 under subdivision 4 from the purchaser of the taxable cannabis product and give the purchaser

152.1 a receipt for the tax paid. The tax collected must be remitted to the commissioner in the
152.2 same manner prescribed for the taxes imposed under chapter 297A.

152.3 Subd. 8. **Taxes paid to another state or any subdivision thereof; credit.** A taxable
152.4 cannabis product retailer that has paid taxes to another state or any subdivision thereof
152.5 measured by gross receipts and is subject to tax under this section on the same gross receipts
152.6 is entitled to a credit for the tax legally due and paid to another state or any subdivision
152.7 thereof to the extent of the lesser of (1) the tax actually paid to the other state or any
152.8 subdivision thereof, or (2) the amount of tax imposed by Minnesota on the gross receipts
152.9 subject to tax in the other taxing state or any subdivision thereof.

152.10 Subd. 9. **Sourcing of sales.** Section 297A.668 applies to the taxes imposed by this
152.11 section.

152.12 Subd. 10. **Administration.** Unless specifically provided otherwise, the audit, assessment,
152.13 refund, penalty, interest, enforcement, collection remedies, appeal, and administrative
152.14 provisions of chapters 270C and 289A that are applicable to taxes imposed under chapter
152.15 297A, except the requirement to file returns and remit taxes due electronically if authorized
152.16 under section 289A.33, apply to the tax imposed under this section.

152.17 Subd. 11. **Returns; payment of tax.** (a) A taxable cannabis product retailer must report
152.18 the tax on a return prescribed by the commissioner and must remit the tax in a form and
152.19 manner prescribed by the commissioner. The return and the tax must be filed and paid using
152.20 the filing cycle and due dates provided for taxes imposed under section 289A.20, subdivision
152.21 4, and chapter 297A.

152.22 (b) Interest must be paid on an overpayment refunded or credited to the taxpayer from
152.23 the date of payment of the tax until the date the refund is paid or credited. For purposes of
152.24 this subdivision, the date of payment is the due date of the return or the date of actual
152.25 payment of the tax, whichever is later.

152.26 Subd. 12. **Deposit of revenues.** The commissioner must deposit all revenues, including
152.27 penalties and interest, derived from the tax imposed by this section in the general fund.

152.28 Subd. 13. **Personal debt.** The tax imposed by this section, and interest and penalties
152.29 imposed with respect to it, are a personal debt of the person required to file a return from
152.30 the time that the liability for it arises, irrespective of when the time for payment of the
152.31 liability occurs. The debt must, in the case of the executor or administrator of the estate of
152.32 a decedent and in the case of a fiduciary, only be that of the person in the person's official
152.33 or fiduciary capacity, unless the person has voluntarily distributed the assets held in that

153.1 capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which
153.2 event the person is personally liable for any deficiency.

153.3 **EFFECTIVE DATE.** This section is effective for gross receipts received after June 30,
153.4 2023.

153.5 Sec. 9. Minnesota Statutes 2022, section 297A.61, subdivision 3, is amended to read:

153.6 Subd. 3. **Sale and purchase.** (a) "Sale" and "purchase" include, but are not limited to,
153.7 each of the transactions listed in this subdivision. In applying the provisions of this chapter,
153.8 the terms "tangible personal property" and "retail sale" include the taxable services listed
153.9 in paragraph (g), clause (6), items (i) to (vi) and (viii), and the provision of these taxable
153.10 services, unless specifically provided otherwise. Services performed by an employee for
153.11 an employer are not taxable. Services performed by a partnership or association for another
153.12 partnership or association are not taxable if one of the entities owns or controls more than
153.13 80 percent of the voting power of the equity interest in the other entity. Services performed
153.14 between members of an affiliated group of corporations are not taxable. For purposes of
153.15 the preceding sentence, "affiliated group of corporations" means those entities that would
153.16 be classified as members of an affiliated group as defined under United States Code, title
153.17 26, section 1504, disregarding the exclusions in section 1504(b).

153.18 (b) Sale and purchase include:

153.19 (1) any transfer of title or possession, or both, of tangible personal property, whether
153.20 absolutely or conditionally, for a consideration in money or by exchange or barter; and

153.21 (2) the leasing of or the granting of a license to use or consume, for a consideration in
153.22 money or by exchange or barter, tangible personal property, other than a manufactured
153.23 home used for residential purposes for a continuous period of 30 days or more.

153.24 (c) Sale and purchase include the production, fabrication, printing, or processing of
153.25 tangible personal property for a consideration for consumers who furnish either directly or
153.26 indirectly the materials used in the production, fabrication, printing, or processing.

153.27 (d) Sale and purchase include the preparing for a consideration of food. Notwithstanding
153.28 section 297A.67, subdivision 2, taxable food includes, but is not limited to, the following:

153.29 (1) prepared food sold by the retailer;

153.30 (2) soft drinks;

153.31 (3) candy; and

153.32 (4) dietary supplements.

154.1 (e) A sale and a purchase includes the furnishing for a consideration of electricity, gas,
154.2 water, or steam for use or consumption within this state.

154.3 (f) A sale and a purchase includes the transfer for a consideration of prewritten computer
154.4 software whether delivered electronically, by load and leave, or otherwise.

154.5 (g) A sale and a purchase includes the furnishing for a consideration of the following
154.6 services:

154.7 (1) the privilege of admission to places of amusement, recreational areas, or athletic
154.8 events, and the making available of amusement devices, tanning facilities, reducing salons,
154.9 steam baths, health clubs, and spas or athletic facilities;

154.10 (2) lodging and related services by a hotel, rooming house, resort, campground, motel,
154.11 or trailer camp, including furnishing the guest of the facility with access to telecommunication
154.12 services, and the granting of any similar license to use real property in a specific facility,
154.13 other than the renting or leasing of it for a continuous period of 30 days or more under an
154.14 enforceable written agreement that may not be terminated without prior notice and including
154.15 accommodations intermediary services provided in connection with other services provided
154.16 under this clause;

154.17 (3) nonresidential parking services, whether on a contractual, hourly, or other periodic
154.18 basis, except for parking at a meter;

154.19 (4) the granting of membership in a club, association, or other organization if:

154.20 (i) the club, association, or other organization makes available for the use of its members
154.21 sports and athletic facilities, without regard to whether a separate charge is assessed for use
154.22 of the facilities; and

154.23 (ii) use of the sports and athletic facility is not made available to the general public on
154.24 the same basis as it is made available to members.

154.25 Granting of membership means both onetime initiation fees and periodic membership dues.
154.26 Sports and athletic facilities include golf courses; tennis, racquetball, handball, and squash
154.27 courts; basketball and volleyball facilities; running tracks; exercise equipment; swimming
154.28 pools; and other similar athletic or sports facilities;

154.29 (5) delivery of aggregate materials by a third party, excluding delivery of aggregate
154.30 material used in road construction; and delivery of concrete block by a third party if the
154.31 delivery would be subject to the sales tax if provided by the seller of the concrete block.
154.32 For purposes of this clause, "road construction" means construction of:

- 155.1 (i) public roads;
- 155.2 (ii) cartways; and
- 155.3 (iii) private roads in townships located outside of the seven-county metropolitan area
155.4 up to the point of the emergency response location sign; and
- 155.5 (6) services as provided in this clause:
- 155.6 (i) laundry and dry cleaning services including cleaning, pressing, repairing, altering,
155.7 and storing clothes, linen services and supply, cleaning and blocking hats, and carpet,
155.8 drapery, upholstery, and industrial cleaning. Laundry and dry cleaning services do not
155.9 include services provided by coin operated facilities operated by the customer;
- 155.10 (ii) motor vehicle washing, waxing, and cleaning services, including services provided
155.11 by coin operated facilities operated by the customer, and rustproofing, undercoating, and
155.12 towing of motor vehicles;
- 155.13 (iii) building and residential cleaning, maintenance, and disinfecting services and pest
155.14 control and exterminating services;
- 155.15 (iv) detective, security, burglar, fire alarm, and armored car services; but not including
155.16 services performed within the jurisdiction they serve by off-duty licensed peace officers as
155.17 defined in section 626.84, subdivision 1, or services provided by a nonprofit organization
155.18 or any organization at the direction of a county for monitoring and electronic surveillance
155.19 of persons placed on in-home detention pursuant to court order or under the direction of the
155.20 Minnesota Department of Corrections;
- 155.21 (v) pet grooming services;
- 155.22 (vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting
155.23 and maintenance; tree, bush, and shrub pruning, bracing, spraying, and surgery; indoor plant
155.24 care; tree, bush, shrub, and stump removal, except when performed as part of a land clearing
155.25 contract as defined in section 297A.68, subdivision 40; and tree trimming for public utility
155.26 lines. Services performed under a construction contract for the installation of shrubbery,
155.27 plants, sod, trees, bushes, and similar items are not taxable;
- 155.28 (vii) massages, except when provided by a licensed health care facility or professional
155.29 or upon written referral from a licensed health care facility or professional for treatment of
155.30 illness, injury, or disease; and
- 155.31 (viii) the furnishing of lodging, board, and care services for animals in kennels and other
155.32 similar arrangements, but excluding veterinary and horse boarding services.

156.1 (h) A sale and a purchase includes the furnishing for a consideration of tangible personal
156.2 property or taxable services by the United States or any of its agencies or instrumentalities,
156.3 or the state of Minnesota, its agencies, instrumentalities, or political subdivisions.

156.4 (i) A sale and a purchase includes the furnishing for a consideration of
156.5 telecommunications services, ancillary services associated with telecommunication services,
156.6 and pay television services. Telecommunication services include, but are not limited to, the
156.7 following services, as defined in section 297A.669: air-to-ground radiotelephone service,
156.8 mobile telecommunication service, postpaid calling service, prepaid calling service, prepaid
156.9 wireless calling service, and private communication services. The services in this paragraph
156.10 are taxed to the extent allowed under federal law.

156.11 (j) A sale and a purchase includes the furnishing for a consideration of installation if the
156.12 installation charges would be subject to the sales tax if the installation were provided by
156.13 the seller of the item being installed.

156.14 (k) A sale and a purchase includes the rental of a vehicle by a motor vehicle dealer to a
156.15 customer when (1) the vehicle is rented by the customer for a consideration, or (2) the motor
156.16 vehicle dealer is reimbursed pursuant to a service contract as defined in section 59B.02,
156.17 subdivision 11.

156.18 (l) A sale and a purchase includes furnishing for a consideration of specified digital
156.19 products or other digital products or granting the right for a consideration to use specified
156.20 digital products or other digital products on a temporary or permanent basis and regardless
156.21 of whether the purchaser is required to make continued payments for such right. Wherever
156.22 the term "tangible personal property" is used in this chapter, other than in subdivisions 10
156.23 and 38, the provisions also apply to specified digital products, or other digital products,
156.24 unless specifically provided otherwise or the context indicates otherwise.

156.25 (m) The sale of the privilege of admission under section 297A.61, subdivision 3,
156.26 paragraph (g), clause (1), to a place of amusement, recreational area, or athletic event
156.27 includes all charges included in the privilege of admission's sales price, without deduction
156.28 for amenities that may be provided, unless the amenities are separately stated and the
156.29 purchaser of the privilege of admission is entitled to add or decline the amenities, and the
156.30 amenities are not otherwise taxable.

156.31 (n) A sale and purchase includes the transfer for consideration of a taxable cannabis
156.32 product as defined in section 295.81, subdivision 1, paragraph (r).

156.33 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
156.34 30, 2023.

157.1 Sec. 10. Minnesota Statutes 2022, section 297A.67, subdivision 2, is amended to read:

157.2 Subd. 2. **Food and food ingredients.** Except as otherwise provided in this subdivision,
157.3 food and food ingredients are exempt. For purposes of this subdivision, "food" and "food
157.4 ingredients" mean substances, whether in liquid, concentrated, solid, frozen, dried, or
157.5 dehydrated form, that are sold for ingestion or chewing by humans and are consumed for
157.6 their taste or nutritional value. Food and food ingredients exempt under this subdivision do
157.7 not include candy, soft drinks, dietary supplements, and prepared foods. Food and food
157.8 ingredients do not include alcoholic beverages ~~and~~₂ tobacco, taxable cannabis products,
157.9 medical cannabis flower, and medical cannabinoid products. For purposes of this subdivision,
157.10 "alcoholic beverages" means beverages that are suitable for human consumption and contain
157.11 one-half of one percent or more of alcohol by volume. For purposes of this subdivision,
157.12 "tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains
157.13 tobacco. For purposes of this subdivision, "taxable cannabis product" has the meaning given
157.14 in section 295.81, subdivision 1, paragraph (r), "medical cannabis flower" has the meaning
157.15 given in section 342.01, subdivision 52, and "medical cannabinoid product" has the meaning
157.16 given in section 342.01, subdivision 50. For purposes of this subdivision, "dietary
157.17 supplements" means any product, other than tobacco, intended to supplement the diet that:

157.18 (1) contains one or more of the following dietary ingredients:

157.19 (i) a vitamin;

157.20 (ii) a mineral;

157.21 (iii) an herb or other botanical;

157.22 (iv) an amino acid;

157.23 (v) a dietary substance for use by humans to supplement the diet by increasing the total
157.24 dietary intake; and

157.25 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
157.26 described in items (i) to (v);

157.27 (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form,
157.28 or if not intended for ingestion in such form, is not represented as conventional food and is
157.29 not represented for use as a sole item of a meal or of the diet; and

157.30 (3) is required to be labeled as a dietary supplement, identifiable by the supplement facts
157.31 box found on the label and as required pursuant to Code of Federal Regulations, title 21,
157.32 section 101.36.

158.1 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
158.2 30, 2023.

158.3 Sec. 11. Minnesota Statutes 2022, section 297A.67, subdivision 7, is amended to read:

158.4 Subd. 7. **Drugs; medical devices.** (a) Sales of the following drugs and medical devices
158.5 for human use are exempt:

158.6 (1) drugs, including over-the-counter drugs;

158.7 (2) single-use finger-pricking devices for the extraction of blood and other single-use
158.8 devices and single-use diagnostic agents used in diagnosing, monitoring, or treating diabetes;

158.9 (3) insulin and medical oxygen for human use, regardless of whether prescribed or sold
158.10 over the counter;

158.11 (4) prosthetic devices;

158.12 (5) durable medical equipment for home use only;

158.13 (6) mobility enhancing equipment;

158.14 (7) prescription corrective eyeglasses; and

158.15 (8) kidney dialysis equipment, including repair and replacement parts.

158.16 (b) Items purchased in transactions covered by:

158.17 (1) Medicare as defined under title XVIII of the Social Security Act, United States Code,
158.18 title 42, section 1395, et seq.; or

158.19 (2) Medicaid as defined under title XIX of the Social Security Act, United States Code,
158.20 title 42, section 1396, et seq.

158.21 (c) For purposes of this subdivision:

158.22 (1) "Drug" means a compound, substance, or preparation, and any component of a
158.23 compound, substance, or preparation, other than food and food ingredients, dietary
158.24 supplements, taxable cannabis products as defined under section 295.81, subdivision 1,
158.25 paragraph (r), or alcoholic beverages that is:

158.26 (i) recognized in the official United States Pharmacopoeia, official Homeopathic
158.27 Pharmacopoeia of the United States, or official National Formulary, and supplement to any
158.28 of them;

158.29 (ii) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease;
158.30 or

159.1 (iii) intended to affect the structure or any function of the body.

159.2 (2) "Durable medical equipment" means equipment, including repair and replacement
159.3 parts, including single-patient use items, but not including mobility enhancing equipment,
159.4 that:

159.5 (i) can withstand repeated use;

159.6 (ii) is primarily and customarily used to serve a medical purpose;

159.7 (iii) generally is not useful to a person in the absence of illness or injury; and

159.8 (iv) is not worn in or on the body.

159.9 For purposes of this clause, "repair and replacement parts" includes all components or
159.10 attachments used in conjunction with the durable medical equipment, including repair and
159.11 replacement parts which are for single patient use only.

159.12 (3) "Mobility enhancing equipment" means equipment, including repair and replacement
159.13 parts, but not including durable medical equipment, that:

159.14 (i) is primarily and customarily used to provide or increase the ability to move from one
159.15 place to another and that is appropriate for use either in a home or a motor vehicle;

159.16 (ii) is not generally used by persons with normal mobility; and

159.17 (iii) does not include any motor vehicle or equipment on a motor vehicle normally
159.18 provided by a motor vehicle manufacturer.

159.19 (4) "Over-the-counter drug" means a drug that contains a label that identifies the product
159.20 as a drug as required by Code of Federal Regulations, title 21, section 201.66. The label
159.21 must include a "drug facts" panel or a statement of the active ingredients with a list of those
159.22 ingredients contained in the compound, substance, or preparation. Over-the-counter drugs
159.23 do not include grooming and hygiene products, regardless of whether they otherwise meet
159.24 the definition. "Grooming and hygiene products" are soaps, cleaning solutions, shampoo,
159.25 toothpaste, mouthwash, antiperspirants, and suntan lotions and sunscreens.

159.26 (5) "Prescribed" and "prescription" means a direction in the form of an order, formula,
159.27 or recipe issued in any form of oral, written, electronic, or other means of transmission by
159.28 a duly licensed health care professional.

159.29 (6) "Prosthetic device" means a replacement, corrective, or supportive device, including
159.30 repair and replacement parts, worn on or in the body to:

159.31 (i) artificially replace a missing portion of the body;

160.1 (ii) prevent or correct physical deformity or malfunction; or

160.2 (iii) support a weak or deformed portion of the body.

160.3 Prosthetic device does not include corrective eyeglasses.

160.4 (7) "Kidney dialysis equipment" means equipment that:

160.5 (i) is used to remove waste products that build up in the blood when the kidneys are not
160.6 able to do so on their own; and

160.7 (ii) can withstand repeated use, including multiple use by a single patient, notwithstanding
160.8 the provisions of clause (2).

160.9 (8) A transaction is covered by Medicare or Medicaid if any portion of the cost of the
160.10 item purchased in the transaction is paid for or reimbursed by the federal government or
160.11 the state of Minnesota pursuant to the Medicare or Medicaid program, by a private insurance
160.12 company administering the Medicare or Medicaid program on behalf of the federal
160.13 government or the state of Minnesota, or by a managed care organization for the benefit of
160.14 a patient enrolled in a prepaid program that furnishes medical services in lieu of conventional
160.15 Medicare or Medicaid coverage pursuant to agreement with the federal government or the
160.16 state of Minnesota.

160.17 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
160.18 30, 2023.

160.19 Sec. 12. Minnesota Statutes 2022, section 297A.70, subdivision 2, is amended to read:

160.20 Subd. 2. **Sales to government.** (a) All sales, except those listed in paragraph (b), to the
160.21 following governments and political subdivisions, or to the listed agencies or instrumentalities
160.22 of governments and political subdivisions, are exempt:

160.23 (1) the United States and its agencies and instrumentalities;

160.24 (2) school districts, local governments, the University of Minnesota, state universities,
160.25 community colleges, technical colleges, state academies, the Perpich Minnesota Center for
160.26 Arts Education, and an instrumentality of a political subdivision that is accredited as an
160.27 optional/special function school by the North Central Association of Colleges and Schools;

160.28 (3) hospitals and nursing homes owned and operated by political subdivisions of the
160.29 state of tangible personal property and taxable services used at or by hospitals and nursing
160.30 homes;

161.1 (4) notwithstanding paragraph (d), the sales and purchases by the Metropolitan Council
161.2 of vehicles and repair parts to equip operations provided for in section 473.4051 are exempt
161.3 through December 31, 2016;

161.4 (5) other states or political subdivisions of other states, if the sale would be exempt from
161.5 taxation if it occurred in that state; and

161.6 (6) public libraries, public library systems, multicounty, multitype library systems as
161.7 defined in section 134.001, county law libraries under chapter 134A, state agency libraries,
161.8 the state library under section 480.09, and the Legislative Reference Library.

161.9 (b) This exemption does not apply to the sales of the following products and services:

161.10 (1) building, construction, or reconstruction materials purchased by a contractor or a
161.11 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
161.12 maximum price covering both labor and materials for use in the construction, alteration, or
161.13 repair of a building or facility;

161.14 (2) construction materials purchased by tax exempt entities or their contractors to be
161.15 used in constructing buildings or facilities which will not be used principally by the tax
161.16 exempt entities;

161.17 (3) the leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except
161.18 for leases entered into by the United States or its agencies or instrumentalities;

161.19 (4) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
161.20 ~~and~~ prepared food, candy, soft drinks, ~~and~~ alcoholic beverages as defined in section 297A.67,
161.21 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
161.22 1, paragraph (r), except for lodging, prepared food, candy, soft drinks, ~~and~~ alcoholic
161.23 beverages, and taxable cannabis products purchased directly by the United States or its
161.24 agencies or instrumentalities; or

161.25 (5) goods or services purchased by a local government as inputs to a liquor store, gas
161.26 or electric utility, solid waste hauling service, solid waste recycling service, landfill, golf
161.27 course, marina, campground, cafe, or laundromat.

161.28 (c) As used in this subdivision, "school districts" means public school entities and districts
161.29 of every kind and nature organized under the laws of the state of Minnesota, and any
161.30 instrumentality of a school district, as defined in section 471.59.

161.31 (d) For purposes of the exemption granted under this subdivision, "local governments"
161.32 has the following meaning:

162.1 (1) for the period prior to January 1, 2017, local governments means statutory or home
162.2 rule charter cities, counties, and townships; and

162.3 (2) beginning January 1, 2017, local governments means statutory or home rule charter
162.4 cities, counties, and townships; special districts as defined under section 6.465; any
162.5 instrumentality of a statutory or home rule charter city, county, or township as defined in
162.6 section 471.59; and any joint powers board or organization created under section 471.59.

162.7 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
162.8 30, 2023.

162.9 Sec. 13. Minnesota Statutes 2022, section 297A.70, subdivision 4, is amended to read:

162.10 Subd. 4. **Sales to nonprofit groups.** (a) All sales, except those listed in paragraph (b),
162.11 to the following "nonprofit organizations" are exempt:

162.12 (1) a corporation, society, association, foundation, or institution organized and operated
162.13 exclusively for charitable, religious, or educational purposes if the item purchased is used
162.14 in the performance of charitable, religious, or educational functions;

162.15 (2) any senior citizen group or association of groups that:

162.16 (i) in general limits membership to persons who are either age 55 or older, or persons
162.17 with a physical disability;

162.18 (ii) is organized and operated exclusively for pleasure, recreation, and other nonprofit
162.19 purposes, not including housing, no part of the net earnings of which inures to the benefit
162.20 of any private shareholders; and

162.21 (iii) is an exempt organization under section 501(c) of the Internal Revenue Code; and

162.22 (3) an organization that qualifies for an exemption for memberships under subdivision
162.23 12 if the item is purchased and used in the performance of the organization's mission.

162.24 For purposes of this subdivision, charitable purpose includes the maintenance of a cemetery
162.25 owned by a religious organization.

162.26 (b) This exemption does not apply to the following sales:

162.27 (1) building, construction, or reconstruction materials purchased by a contractor or a
162.28 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
162.29 maximum price covering both labor and materials for use in the construction, alteration, or
162.30 repair of a building or facility;

163.1 (2) construction materials purchased by tax-exempt entities or their contractors to be
163.2 used in constructing buildings or facilities that will not be used principally by the tax-exempt
163.3 entities;

163.4 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
163.5 ~~and~~ prepared food, candy, soft drinks, taxable cannabis products as defined under section
163.6 295.81, subdivision 1, paragraph (r), and alcoholic beverages as defined in section 297A.67,
163.7 subdivision 2, except wine purchased by an established religious organization for sacramental
163.8 purposes or as allowed under subdivision 9a; and

163.9 (4) leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except as
163.10 provided in paragraph (c).

163.11 (c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
163.12 subdivision 11, only if the vehicle is:

163.13 (1) a truck, as defined in section 168.002, a bus, as defined in section 168.002, or a
163.14 passenger automobile, as defined in section 168.002, if the automobile is designed and used
163.15 for carrying more than nine persons including the driver; and

163.16 (2) intended to be used primarily to transport tangible personal property or individuals,
163.17 other than employees, to whom the organization provides service in performing its charitable,
163.18 religious, or educational purpose.

163.19 (d) A limited liability company also qualifies for exemption under this subdivision if
163.20 (1) it consists of a sole member that would qualify for the exemption, and (2) the items
163.21 purchased qualify for the exemption.

163.22 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
163.23 30, 2023.

163.24 Sec. 14. Minnesota Statutes 2022, section 297A.70, subdivision 18, is amended to read:

163.25 Subd. 18. **Nursing homes and boarding care homes.** (a) All sales, except those listed
163.26 in paragraph (b), to a nursing home licensed under section 144A.02 or a boarding care home
163.27 certified as a nursing facility under title 19 of the Social Security Act are exempt if the
163.28 facility:

163.29 (1) is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal
163.30 Revenue Code; and

164.1 (2) is certified to participate in the medical assistance program under title 19 of the Social
164.2 Security Act, or certifies to the commissioner that it does not discharge residents due to the
164.3 inability to pay.

164.4 (b) This exemption does not apply to the following sales:

164.5 (1) building, construction, or reconstruction materials purchased by a contractor or a
164.6 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
164.7 maximum price covering both labor and materials for use in the construction, alteration, or
164.8 repair of a building or facility;

164.9 (2) construction materials purchased by tax-exempt entities or their contractors to be
164.10 used in constructing buildings or facilities that will not be used principally by the tax-exempt
164.11 entities;

164.12 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
164.13 ~~and~~ prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67,
164.14 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
164.15 1, paragraph (r); and

164.16 (4) leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except as
164.17 provided in paragraph (c).

164.18 (c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
164.19 subdivision 11, only if the vehicle is:

164.20 (1) a truck, as defined in section 168.002; a bus, as defined in section 168.002; or a
164.21 passenger automobile, as defined in section 168.002, if the automobile is designed and used
164.22 for carrying more than nine persons including the driver; and

164.23 (2) intended to be used primarily to transport tangible personal property or residents of
164.24 the nursing home or boarding care home.

164.25 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
164.26 30, 2023.

164.27 Sec. 15. Minnesota Statutes 2022, section 297A.85, is amended to read:

164.28 **297A.85 CANCELLATION OF PERMITS.**

164.29 The commissioner may cancel a permit if one of the following conditions occurs:

164.30 (1) the permit holder has not filed a sales or use tax return for at least one year;

165.1 (2) the permit holder has not reported any sales or use tax liability on the permit holder's
165.2 returns for at least two years;

165.3 (3) the permit holder requests cancellation of the permit;

165.4 (4) the permit is subject to cancellation under section 270C.722, subdivision 2, paragraph
165.5 (a); ~~or~~

165.6 (5) the permit is subject to cancellation under section 297A.84; or

165.7 (6) the permit holder is a taxable cannabis product retailer as defined in section 295.81,
165.8 subdivision 1, paragraph (s), other than a lower-potency hemp edible retailer as licensed
165.9 under section 342.43, subdivision 1, and its license to sell a taxable cannabis product as
165.10 defined in section 295.81, subdivision 1, paragraph (r), has been revoked by the Office of
165.11 Cannabis Management.

165.12 **EFFECTIVE DATE.** This section is effective June 30, 2023.

165.13 Sec. 16. Minnesota Statutes 2022, section 297D.01, is amended to read:

165.14 **297D.01 DEFINITIONS.**

165.15 Subdivision 1. **Marijuana illegal cannabis.** ~~"Marijuana"~~ "Illegal cannabis" means any
165.16 ~~marijuana~~ taxable cannabis product as defined in section 295.81, subdivision 1, paragraph
165.17 (r), whether real or counterfeit, as defined in section 152.01, subdivision 9, that is held,
165.18 possessed, transported, transferred, sold, or offered to be sold in violation of chapter 342
165.19 or Minnesota criminal laws.

165.20 Subd. 2. **Controlled substance.** "Controlled substance" means any drug or substance,
165.21 whether real or counterfeit, as defined in section 152.01, subdivision 4, that is held, possessed,
165.22 transported, transferred, sold, or offered to be sold in violation of Minnesota laws. "Controlled
165.23 substance" does not include ~~marijuana~~ illegal cannabis.

165.24 Subd. 3. **Tax obligor or obligor.** "Tax obligor" or "obligor" means a person who in
165.25 violation of Minnesota law manufactures, produces, ships, transports, or imports into
165.26 Minnesota or in any manner acquires or possesses more than 42-1/2 grams of ~~marijuana~~
165.27 illegal cannabis, or seven or more grams of any controlled substance, or ten or more dosage
165.28 units of any controlled substance which is not sold by weight. A quantity of ~~marijuana~~ illegal
165.29 cannabis or other controlled substance is measured by the weight of the substance whether
165.30 pure or impure or dilute, or by dosage units when the substance is not sold by weight, in
165.31 the tax obligor's possession. A quantity of a controlled substance is dilute if it consists of a
165.32 detectable quantity of pure controlled substance and any excipients or fillers.

166.1 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of revenue.

166.2 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.3 Sec. 17. Minnesota Statutes 2022, section 297D.04, is amended to read:

166.4 **297D.04 TAX PAYMENT REQUIRED FOR POSSESSION.**

166.5 No tax obligor may possess any ~~marijuana~~ illegal cannabis or controlled substance upon
166.6 which a tax is imposed by section 297D.08 unless the tax has been paid on the ~~marijuana~~
166.7 illegal cannabis or ~~other~~ a controlled substance as evidenced by a stamp or other official
166.8 indicia.

166.9 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.10 Sec. 18. Minnesota Statutes 2022, section 297D.06, is amended to read:

166.11 **297D.06 PHARMACEUTICALS.**

166.12 Nothing in this chapter requires persons registered under chapter 151 or otherwise
166.13 lawfully in possession of ~~marijuana~~ illegal cannabis or a controlled substance to pay the tax
166.14 required under this chapter.

166.15 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.16 Sec. 19. Minnesota Statutes 2022, section 297D.07, is amended to read:

166.17 **297D.07 MEASUREMENT.**

166.18 For the purpose of calculating the tax under section 297D.08, a quantity of ~~marijuana~~
166.19 illegal cannabis or ~~other~~ a controlled substance is measured by the weight of the substance
166.20 whether pure or impure or dilute, or by dosage units when the substance is not sold by
166.21 weight, in the tax obligor's possession. A quantity of a controlled substance is dilute if it
166.22 consists of a detectable quantity of pure controlled substance and any excipients or fillers.

166.23 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.24 Sec. 20. Minnesota Statutes 2022, section 297D.08, is amended to read:

166.25 **297D.08 TAX RATE.**

166.26 A tax is imposed on ~~marijuana~~ illegal cannabis and controlled substances as defined in
166.27 section 297D.01 at the following rates:

166.28 (1) on each gram of ~~marijuana~~ illegal cannabis, or each portion of a gram, \$3.50; and

167.1 (2) on each gram of controlled substance, or portion of a gram, \$200; or

167.2 (3) on each ten dosage units of a controlled substance that is not sold by weight, or
167.3 portion thereof, \$400.

167.4 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.5 Sec. 21. Minnesota Statutes 2022, section 297D.085, is amended to read:

167.6 **297D.085 CREDIT FOR PREVIOUSLY PAID TAXES.**

167.7 If another state or local unit of government has previously assessed an excise tax on the
167.8 ~~marijuana~~ illegal cannabis or controlled substances, the taxpayer must pay the difference
167.9 between the tax due under section 297D.08 and the tax previously paid. If the tax previously
167.10 paid to the other state or local unit of government was equal to or greater than the tax due
167.11 under section 297D.08, no tax is due. The burden is on the taxpayer to show that an excise
167.12 tax on the ~~marijuana~~ illegal cannabis or controlled substances has been paid to another state
167.13 or local unit of government.

167.14 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.15 Sec. 22. Minnesota Statutes 2022, section 297D.09, subdivision 1a, is amended to read:

167.16 Subd. 1a. **Criminal penalty; sale without affixed stamps.** In addition to the tax penalty
167.17 imposed, a tax obligor distributing or possessing ~~marijuana~~ illegal cannabis or controlled
167.18 substances without affixing the appropriate stamps, labels, or other indicia is guilty of a
167.19 crime and, upon conviction, may be sentenced to imprisonment for not more than seven
167.20 years or to payment of a fine of not more than \$14,000, or both.

167.21 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.22 Sec. 23. Minnesota Statutes 2022, section 297D.10, is amended to read:

167.23 **297D.10 STAMP PRICE.**

167.24 Official stamps, labels, or other indicia to be affixed to all ~~marijuana~~ illegal cannabis or
167.25 controlled substances shall be purchased from the commissioner. The purchaser shall pay
167.26 100 percent of face value for each stamp, label, or other indicia at the time of the purchase.

167.27 **EFFECTIVE DATE.** This section is effective June 30, 2023.

168.1 Sec. 24. Minnesota Statutes 2022, section 297D.11, is amended to read:

168.2 **297D.11 PAYMENT DUE.**

168.3 Subdivision 1. **Stamps affixed.** When a tax obligor purchases, acquires, transports, or
168.4 imports into this state ~~marijuana~~ illegal cannabis or controlled substances on which a tax is
168.5 imposed by section 297D.08, and if the indicia evidencing the payment of the tax have not
168.6 already been affixed, the tax obligor shall have them permanently affixed on the ~~marijuana~~
168.7 illegal cannabis or controlled substance immediately after receiving the substance. Each
168.8 stamp or other official indicia may be used only once.

168.9 Subd. 2. **Payable on possession.** Taxes imposed upon ~~marijuana~~ illegal cannabis or
168.10 controlled substances by this chapter are due and payable immediately upon acquisition or
168.11 possession in this state by a tax obligor.

168.12 **EFFECTIVE DATE.** This section is effective June 30, 2023.

168.13 **ARTICLE 3**

168.14 **BUSINESS DEVELOPMENT**

168.15 Section 1. **[116J.659] CANNABIS INDUSTRY STARTUP FINANCING GRANTS.**

168.16 Subdivision 1. **Establishment.** The commissioner of employment and economic
168.17 development shall establish CanStartup, a program to award grants to nonprofit corporations
168.18 to fund loans to new cannabis microbusinesses and to support job creation in communities
168.19 where long-term residents are eligible to be social equity applicants.

168.20 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
168.21 meanings given.

168.22 (b) "Cannabis microbusiness" means a cannabis business that meets the requirements
168.23 of section 342.28.

168.24 (c) "Commissioner" means the commissioner of employment and economic development.

168.25 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

168.26 (e) "New business" means a legal cannabis business that has been in existence for three
168.27 years or less.

168.28 (f) "Program" means the CanStartup grant program.

168.29 (g) "Social equity applicant" means a person who meets the qualification requirements
168.30 in section 342.16.

169.1 Subd. 3. Grants. (a) The commissioner shall establish a revolving loan account to make
169.2 grants under the CanStartup program.

169.3 (b) The commissioner must award grants to nonprofit corporations through a competitive
169.4 grant process.

169.5 (c) To receive grant money, a nonprofit corporation must submit a written application
169.6 to the commissioner using a form developed by the commissioner.

169.7 (d) In awarding grants under this subdivision, the commissioner shall give weight to
169.8 whether the nonprofit corporation:

169.9 (1) has a board of directors that includes citizens experienced in business and community
169.10 development, new business enterprises, and creating jobs for people facing barriers to
169.11 education or employment;

169.12 (2) has the technical skills to analyze projects;

169.13 (3) is familiar with other available public and private funding sources and economic
169.14 development programs;

169.15 (4) can initiate and implement economic development projects;

169.16 (5) can establish and administer a revolving loan account;

169.17 (6) can work with job referral networks that assist people facing barriers to education
169.18 or employment; and

169.19 (7) has established relationships with communities where long-term residents are eligible
169.20 to be social equity applicants.

169.21 The commissioner shall make grants that will assist new cannabis microbusinesses.

169.22 (e) A nonprofit corporation that receives a grant under the program must:

169.23 (1) establish a commissioner-certified revolving loan account for the purpose of making
169.24 eligible loans; and

169.25 (2) enter into an agreement with the commissioner that the commissioner shall fund
169.26 loans that the nonprofit corporation makes to new cannabis microbusinesses. The
169.27 commissioner shall review existing agreements with nonprofit corporations every five years
169.28 and may renew or terminate an agreement based on that review. In making this review, the
169.29 commissioner shall consider, among other criteria, the criteria in paragraph (d).

169.30 Subd. 4. Loans to businesses. (a) The criteria in this subdivision apply to loans made
169.31 by nonprofit corporations under the program.

170.1 (b) Loans must be used to support a new cannabis microbusiness in the legal cannabis
170.2 industry. Priority must be given to loans to businesses owned by individuals who are eligible
170.3 to be social equity applicants and businesses located in communities where long-term
170.4 residents are eligible to be social equity applicants.

170.5 (c) Loans must be made to cannabis microbusinesses that are not likely to undertake the
170.6 project for which loans are sought without assistance from the program.

170.7 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

170.8 (1) \$50,000; or

170.9 (2) \$150,000, if state contributions are matched by an equal or greater amount of new
170.10 private investment.

170.11 (e) Loan applications given preliminary approval by the nonprofit corporation must be
170.12 forwarded to the commissioner for approval. The commissioner must give final approval
170.13 for each loan made by the nonprofit corporation under the program.

170.14 (f) A cannabis microbusiness that receives a loan may apply to renew the loan. Renewal
170.15 applications must be made on an annual basis and a cannabis microbusiness may receive
170.16 loans for up to six consecutive years. A nonprofit corporation may renew a loan to a cannabis
170.17 microbusiness that is no longer a new business provided the business would otherwise
170.18 qualify for an initial loan and is in good standing with the nonprofit corporation and the
170.19 commissioner. A nonprofit corporation may adjust the amount of a renewed loan, or not
170.20 renew a loan, if the nonprofit corporation determines that the cannabis microbusiness is
170.21 financially stable and is substantially likely to continue the project for which the loan renewal
170.22 is sought.

170.23 (g) If a borrower has met lender criteria, including being current with all payments for
170.24 a minimum of three years, the commissioner may approve either full or partial forgiveness
170.25 of interest or principal amounts.

170.26 **Subd. 5. Revolving loan account administration.** (a) The commissioner shall establish
170.27 a minimum interest rate for loans or guarantees to ensure that necessary loan administration
170.28 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
170.29 section must not exceed the Wall Street Journal prime rate. For a loan under this section,
170.30 the nonprofit corporation may charge a loan origination fee equal to or less than one percent
170.31 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

170.32 (b) Loan repayment of principal must be paid to the commissioner for deposit in the
170.33 revolving loan account. Loan interest payments must be deposited in a revolving loan

171.1 account created by the nonprofit corporation originating the loan being repaid for further
171.2 distribution or use, consistent with the criteria of this section.

171.3 (c) Administrative expenses of the nonprofit corporations with whom the commissioner
171.4 enters into agreements, including expenses incurred by a nonprofit corporation in providing
171.5 financial, technical, managerial, and marketing assistance to a business receiving a loan
171.6 under this section, are eligible program expenses the commissioner may agree to pay under
171.7 the grant agreement.

171.8 Subd. 6. **Program outreach.** The commissioner shall make extensive efforts to publicize
171.9 this program, including through partnerships with community organizations, particularly
171.10 those organizations located in areas where long-term residents are eligible to be social equity
171.11 applicants.

171.12 Subd. 7. **Reporting requirements.** (a) A nonprofit corporation that receives a grant
171.13 shall:

171.14 (1) submit an annual report to the commissioner by February 1 of each year that the
171.15 nonprofit corporation participates in the program that includes a description of businesses
171.16 supported by the grant program, an account of loans made during the calendar year, the
171.17 program's impact on business creation and job creation, particularly in communities where
171.18 long-term residents are eligible to be social equity applicants, the source and amount of
171.19 money collected and distributed by the program, the program's assets and liabilities, and an
171.20 explanation of administrative expenses; and

171.21 (2) provide for an independent annual audit to be performed in accordance with generally
171.22 accepted accounting practices and auditing standards and submit a copy of each annual
171.23 audit report to the commissioner.

171.24 (b) By March 1, 2024, and each March 1 thereafter, the commissioner must submit a
171.25 report to the chairs and ranking minority members of the committees of the house of
171.26 representatives and the senate having jurisdiction over economic development that details
171.27 awards given through the CanStartup program and the use of grant money, including any
171.28 measures of success toward financing new cannabis microbusinesses and creating jobs in
171.29 communities where long-term residents are eligible to be social equity applicants.

171.30 Sec. 2. **[116J.6595] CANNABIS INDUSTRY NAVIGATION GRANTS.**

171.31 Subdivision 1. **Establishment.** The commissioner of employment and economic
171.32 development shall establish CanNavigate, a program to award grants to eligible organizations
171.33 to help individuals navigate the regulatory structure of the legal cannabis industry.

172.1 Subd. 2. Definitions. (a) For the purposes of this section, the following terms have the
172.2 meanings given.

172.3 (b) "Commissioner" means the commissioner of employment and economic development.

172.4 (c) "Eligible organization" means any organization capable of helping individuals navigate
172.5 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers
172.6 to education or employment, and may include educational institutions, nonprofit
172.7 organizations, private businesses, community groups, units of local government, or
172.8 partnerships between different types of organizations.

172.9 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

172.10 (e) "Program" means the CanNavigate grant program.

172.11 (f) "Social equity applicant" means a person who meets the qualification requirements
172.12 in section 342.16.

172.13 Subd. 3. Grants to organizations. (a) Grant money awarded to eligible organizations
172.14 may be used for both developing technical assistance resources relevant to the regulatory
172.15 structure of the legal cannabis industry and for providing technical assistance or navigation
172.16 services to individuals.

172.17 (b) The commissioner must award grants to eligible organizations through a competitive
172.18 grant process.

172.19 (c) To receive grant money, an eligible organization must submit a written application
172.20 to the commissioner, using a form developed by the commissioner, explaining the
172.21 organization's ability to assist individuals in navigating the regulatory structure of the legal
172.22 cannabis industry, particularly individuals facing barriers to education or employment.

172.23 (d) An eligible organization's grant application must also include:

172.24 (1) a description of the proposed technical assistance or navigation services, including
172.25 the types of individuals targeted for assistance;

172.26 (2) any evidence of the organization's past success in providing technical assistance or
172.27 navigation services to individuals, particularly individuals who live in areas where long-term
172.28 residents are eligible to be social equity applicants;

172.29 (3) an estimate of the cost of providing the technical assistance;

172.30 (4) the sources and amounts of any nonstate money or in-kind contributions that will
172.31 supplement grant money, including any amounts that individuals will be charged to receive
172.32 assistance; and

173.1 (5) any additional information requested by the commissioner.

173.2 (e) In awarding grants under this subdivision, the commissioner shall give weight to
173.3 applications from organizations that demonstrate a history of successful technical assistance
173.4 or navigation services, particularly for individuals facing barriers to education or employment.
173.5 The commissioner shall also give weight to applications where the proposed technical
173.6 assistance will serve areas where long-term residents are eligible to be social equity
173.7 applicants. To the extent practicable, the commissioner shall fund technical assistance for
173.8 a variety of sectors in the legal cannabis industry, including both processing and retail
173.9 sectors.

173.10 Subd. 4. **Program outreach.** The commissioner shall make extensive efforts to publicize
173.11 these grants, including through partnerships with community organizations, particularly
173.12 those organizations located in areas where long-term residents are eligible to be social equity
173.13 applicants.

173.14 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
173.15 the commissioner must submit a report to the chairs and ranking minority members of the
173.16 committees of the house of representatives and the senate having jurisdiction over economic
173.17 development that details awards given through the CanNavigate program and the use of
173.18 grant money, including any measures of success toward helping individuals navigate the
173.19 regulatory structure of the legal cannabis industry.

173.20 Sec. 3. **[116L.90] CANNABIS INDUSTRY TRAINING GRANTS.**

173.21 Subdivision 1. **Establishment.** The commissioner of employment and economic
173.22 development shall establish CanTrain, a program to award grants to (1) eligible organizations
173.23 to train people for work in the legal cannabis industry, and (2) eligible individuals to acquire
173.24 such training.

173.25 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
173.26 meanings given.

173.27 (b) "Commissioner" means the commissioner of employment and economic development.

173.28 (c) "Eligible organization" means any organization capable of providing training relevant
173.29 to the legal cannabis industry, particularly for individuals facing barriers to education or
173.30 employment, and may include educational institutions, nonprofit organizations, private
173.31 businesses, community groups, units of local government, or partnerships between different
173.32 types of organizations.

173.33 (d) "Eligible individual" means a Minnesota resident who is 21 years old or older.

174.1 (e) "Industry" means the legal cannabis industry in Minnesota.

174.2 (f) "Program" means the CanTrain grant program.

174.3 (g) "Social equity applicant" means a person who meets the qualification requirements
174.4 in section 342.16.

174.5 Subd. 3. Grants to organizations. (a) Grant money awarded to eligible organizations
174.6 may be used for both developing a training program relevant to the legal cannabis industry
174.7 and for providing such training to individuals.

174.8 (b) The commissioner must award grants to eligible organizations through a competitive
174.9 grant process.

174.10 (c) To receive grant money, an eligible organization must submit a written application
174.11 to the commissioner, using a form developed by the commissioner, explaining the
174.12 organization's ability to train individuals for successful careers in the legal cannabis industry,
174.13 particularly individuals facing barriers to education or employment.

174.14 (d) An eligible organization's grant application must also include:

174.15 (1) a description of the proposed training;

174.16 (2) an analysis of the degree of demand in the legal cannabis industry for the skills gained
174.17 through the proposed training;

174.18 (3) any evidence of the organization's past success in training individuals for successful
174.19 careers, particularly in new or emerging industries;

174.20 (4) an estimate of the cost of providing the proposed training;

174.21 (5) the sources and amounts of any nonstate funds or in-kind contributions that will
174.22 supplement grant money, including any amounts that individuals will be charged to
174.23 participate in the training; and

174.24 (6) any additional information requested by the commissioner.

174.25 (e) In awarding grants under this subdivision, the commissioner shall give weight to
174.26 applications from organizations that demonstrate a history of successful career training,
174.27 particularly for individuals facing barriers to education or employment. The commissioner
174.28 shall also give weight to applications where the proposed training will:

174.29 (1) result in an industry-relevant credential; or

174.30 (2) include opportunities for hands-on or on-site experience in the industry.

175.1 The commissioner shall fund training for a broad range of careers in the legal cannabis
175.2 industry, including both potential business owners and employees and for work in the
175.3 growing, processing, and retail sectors of the legal cannabis industry.

175.4 Subd. 4. Grants to individuals. (a) The commissioner shall award grants of \$..... to
175.5 eligible individuals to pursue a training program relevant to a career in the legal cannabis
175.6 industry.

175.7 (b) To receive grant money, an eligible individual must submit a written application to
175.8 the commissioner, using a form developed by the commissioner, identifying a training
175.9 program relevant to the legal cannabis industry and the estimated cost of completing that
175.10 training. The application must also indicate whether:

175.11 (1) the applicant is eligible to be a social equity applicant;

175.12 (2) the proposed training program results in an industry-relevant credential; and

175.13 (3) the proposed training program includes opportunities for hands-on or on-site
175.14 experience in the industry.

175.15 The commissioner shall attempt to make the application process simple for individuals to
175.16 complete, such as by publishing lists of industry-relevant training programs along with the
175.17 training program's estimated cost of completing the training programs and whether the
175.18 training programs will result in an industry-relevant credential or include opportunities for
175.19 hands-on or on-site experience in the legal cannabis industry.

175.20 (c) The commissioner must award grants to eligible individuals through a lottery process.
175.21 Applicants who have filed complete applications by the deadline set by the commissioner
175.22 shall receive one entry in the lottery, plus one additional entry for each of the following:

175.23 (1) being eligible to be a social equity applicant;

175.24 (2) seeking to enroll in a training program that results in an industry-relevant credential;
175.25 and

175.26 (3) seeking to enroll in a training program that includes opportunities for hands-on or
175.27 on-site experience in the industry.

175.28 (d) Grant money awarded to eligible individuals shall be used to pay the costs of enrolling
175.29 in a training program relevant to the legal cannabis industry, including tuition, fees, and
175.30 materials costs. Grant money may also be used to remove external barriers to attending such
175.31 a training program, such as the cost of child care, transportation, or other expenses approved
175.32 by the commissioner.

176.1 Subd. 5. **Program outreach.** The commissioner shall make extensive efforts to publicize
176.2 these grants, including through partnerships with community organizations, particularly
176.3 those organizations located in areas where long-term residents are eligible to be social equity
176.4 applicants.

176.5 Subd. 6. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
176.6 the commissioner must submit a report to the chairs and ranking minority members of the
176.7 committees of the house of representatives and the senate having jurisdiction over workforce
176.8 development that describes awards given through the CanTrain program and the use of
176.9 grant money, including any measures of success toward training people for successful
176.10 careers in the legal cannabis industry.

176.11 **ARTICLE 4**
176.12 **CRIMINAL PENALTIES**

176.13 Section 1. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision
176.14 to read:

176.15 Subd. 25. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
176.16 meaning given in section 342.01, subdivision 6.

176.17 Sec. 2. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.18 read:

176.19 Subd. 26. **Cannabis concentrate.** "Cannabis concentrate" has the meaning given in
176.20 section 342.01, subdivision 14.

176.21 Sec. 3. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.22 read:

176.23 Subd. 27. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
176.24 subdivision 15.

176.25 Sec. 4. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.26 read:

176.27 Subd. 28. **Cannabis plant.** "Cannabis plant" has the meaning given in section 342.01,
176.28 subdivision 18.

177.1 Sec. 5. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.2 read:

177.3 Subd. 29. **Cannabis product.** "Cannabis product" has the meaning given in section
177.4 342.01, subdivision 19.

177.5 Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.6 read:

177.7 Subd. 30. **Edible cannabis product.** "Edible cannabis product" has the meaning given
177.8 in section 342.01, subdivision 29.

177.9 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.10 read:

177.11 Subd. 31. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
177.12 the meaning given in section 342.01, subdivision 35.

177.13 Sec. 8. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.14 read:

177.15 Subd. 32. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
177.16 given in section 342.01, subdivision 48.

177.17 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

177.18 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
177.19 degree if:

177.20 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
177.21 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

177.22 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
177.23 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine

177.24 and:

177.25 (i) the person or an accomplice possesses on their person or within immediate reach, or
177.26 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
177.27 firearm; or

177.28 (ii) the offense involves two aggravating factors;

178.1 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
178.2 more mixtures of a total weight of ten grams or more containing heroin;

178.3 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
178.4 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
178.5 cocaine, heroin, or methamphetamine; or

178.6 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
178.7 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
178.8 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
178.9 more dosage units; ~~or~~.

178.10 ~~(6) on one or more occasions within a 90-day period the person unlawfully sells one or~~
178.11 ~~more mixtures of a total weight of 25 kilograms or more containing marijuana or~~
178.12 ~~Tetrahydrocannabinols.~~

178.13 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
178.14 committed on or after that date.

178.15 Sec. 10. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

178.16 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
178.17 the first degree if:

178.18 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
178.19 or more containing cocaine or methamphetamine;

178.20 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
178.21 or more containing cocaine or methamphetamine and:

178.22 (i) the person or an accomplice possesses on their person or within immediate reach, or
178.23 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
178.24 firearm; or

178.25 (ii) the offense involves two aggravating factors;

178.26 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
178.27 or more containing heroin;

178.28 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
178.29 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

179.1 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
179.2 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
179.3 substance is packaged in dosage units, equaling 500 or more dosage units; or

179.4 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 50~~
179.5 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or~~
179.6 ~~more marijuana plants.;~~

179.7 (i) 50 kilograms or more of cannabis flower;

179.8 (ii) ten kilograms or more of cannabis concentrate; or

179.9 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
179.10 products, or any combination of those infused with more than one kilogram of
179.11 tetrahydrocannabinols.

179.12 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
179.13 not be considered in measuring the weight of a mixture except in cases where the mixture
179.14 contains four or more fluid ounces of fluid.

179.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
179.16 committed on or after that date.

179.17 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

179.18 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
179.19 second degree if:

179.20 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
179.21 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
179.22 heroin;

179.23 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
179.24 more mixtures of a total weight of three grams or more containing cocaine or
179.25 methamphetamine and:

179.26 (i) the person or an accomplice possesses on their person or within immediate reach, or
179.27 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
179.28 firearm; or

179.29 (ii) the offense involves three aggravating factors;

179.30 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
179.31 more mixtures of a total weight of three grams or more containing heroin;

180.1 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
180.2 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
180.3 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
180.4 more dosage units;

180.5 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
180.6 ~~more mixtures of a total weight of ten kilograms or more containing marijuana or~~
180.7 ~~Tetrahydrocannabinols;~~

180.8 ~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a
180.9 person under the age of 18, or conspires with or employs a person under the age of 18 to
180.10 unlawfully sell the substance; or

180.11 ~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a
180.12 public housing zone, or a drug treatment facility:

180.13 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
180.14 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

180.15 (ii) one or more mixtures containing methamphetamine or amphetamine; ~~or.~~

180.16 ~~(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana~~
180.17 ~~or Tetrahydrocannabinols.~~

180.18 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
180.19 committed on or after that date.

180.20 Sec. 12. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

180.21 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
180.22 second degree if:

180.23 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
180.24 or more containing cocaine or methamphetamine;

180.25 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
180.26 or more containing cocaine or methamphetamine and:

180.27 (i) the person or an accomplice possesses on their person or within immediate reach, or
180.28 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
180.29 firearm; or

180.30 (ii) the offense involves three aggravating factors;

181.1 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
181.2 or more containing heroin;

181.3 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
181.4 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

181.5 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
181.6 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
181.7 substance is packaged in dosage units, equaling 100 or more dosage units; or

181.8 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 25~~
181.9 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or~~
181.10 ~~more marijuana plants.;~~

181.11 (i) 25 kilograms or more of cannabis flower;

181.12 (ii) five kilograms or more of cannabis concentrate; or

181.13 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
181.14 products, or any combination of those infused with more than 500 grams of
181.15 tetrahydrocannabinols.

181.16 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
181.17 not be considered in measuring the weight of a mixture except in cases where the mixture
181.18 contains four or more fluid ounces of fluid.

181.19 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
181.20 committed on or after that date.

181.21 Sec. 13. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

181.22 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third
181.23 degree if:

181.24 (1) the person unlawfully sells one or more mixtures containing a narcotic drug;

181.25 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
181.26 more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units,
181.27 and equals ten or more dosage units;

181.28 (3) the person unlawfully sells one or more mixtures containing a controlled substance
181.29 classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower,
181.30 or cannabinoid products to a person under the age of 18; or

182.1 (4) the person conspires with or employs a person under the age of 18 to unlawfully sell
182.2 one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except
182.3 a Schedule I or II narcotic drug; ~~or.~~

182.4 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
182.5 ~~more mixtures of a total weight of five kilograms or more containing marijuana or~~
182.6 ~~Tetrahydrocannabinols.~~

182.7 EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes
182.8 committed on or after that date.

182.9 Sec. 14. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

182.10 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
182.11 third degree if:

182.12 (1) on one or more occasions within a 90-day period the person unlawfully possesses
182.13 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
182.14 than heroin;

182.15 (2) on one or more occasions within a 90-day period the person unlawfully possesses
182.16 one or more mixtures of a total weight of three grams or more containing heroin;

182.17 (3) on one or more occasions within a 90-day period the person unlawfully possesses
182.18 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
182.19 50 or more dosage units;

182.20 (4) on one or more occasions within a 90-day period the person unlawfully possesses
182.21 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
182.22 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
182.23 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
182.24 or a drug treatment facility;

182.25 (5) on one or more occasions within a 90-day period the person unlawfully possesses
182.26 ~~one or more mixtures of a total weight of ten kilograms or more containing marijuana or~~
182.27 ~~Tetrahydrocannabinols;~~

182.28 (i) more than ten kilograms of cannabis flower;

182.29 (ii) more than two kilograms of cannabis concentrate; or

182.30 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
182.31 products, or any combination of those infused with more than 200 grams of
182.32 tetrahydrocannabinol; or

183.1 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
183.2 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
183.3 facility.

183.4 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
183.5 not be considered in measuring the weight of a mixture except in cases where the mixture
183.6 contains four or more fluid ounces of fluid.

183.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
183.8 committed on or after that date.

183.9 Sec. 15. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

183.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth
183.11 degree if:

183.12 (1) the person unlawfully sells one or more mixtures containing a controlled substance
183.13 classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

183.14 (2) the person unlawfully sells one or more mixtures containing a controlled substance
183.15 classified in Schedule IV or V to a person under the age of 18; or

183.16 (3) the person conspires with or employs a person under the age of 18 to unlawfully sell
183.17 a controlled substance classified in Schedule IV or V; ~~or.~~

183.18 ~~(4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in a~~
183.19 ~~school zone, a park zone, a public housing zone, or a drug treatment facility, except a small~~
183.20 ~~amount for no remuneration.~~

183.21 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
183.22 committed on or after that date.

183.23 Sec. 16. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

183.24 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
183.25 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

183.26 ~~(1) the person unlawfully sells one or more mixtures containing marijuana or~~
183.27 ~~tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

183.28 ~~(2) the person unlawfully sells one or more mixtures containing a controlled substance~~
183.29 ~~classified in Schedule IV.~~

184.1 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
184.2 committed on or after that date.

184.3 Sec. 17. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

184.4 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
184.5 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

184.6 (1) the person unlawfully possesses one or more mixtures containing a controlled
184.7 substance classified in Schedule I, II, III, or IV, except ~~a small amount of marijuana~~ cannabis
184.8 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
184.9 or

184.10 (2) the person procures, attempts to procure, possesses, or has control over a controlled
184.11 substance by any of the following means:

184.12 (i) fraud, deceit, misrepresentation, or subterfuge;

184.13 (ii) using a false name or giving false credit; or

184.14 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
184.15 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
184.16 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
184.17 obtaining a controlled substance.

184.18 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
184.19 committed on or after that date.

184.20 Sec. 18. **[152.0263] CANNABIS POSSESSION CRIMES.**

184.21 Subdivision 1. **Possession of cannabis in the first degree.** A person is guilty of cannabis
184.22 possession in the first degree and may be sentenced to imprisonment of not more than five
184.23 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
184.24 possesses any of the following:

184.25 (1) more than 1.5 pounds but not more than ten kilograms of cannabis flower;

184.26 (2) more than 160 grams but not more than two kilograms of cannabis concentrate; or

184.27 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
184.28 products infused with more than 16 grams but not more than 200 grams of
184.29 tetrahydrocannabinol.

185.1 Subd. 2. Possession of cannabis in the second degree. A person is guilty of cannabis
185.2 possession in the second degree and may be sentenced to imprisonment of not more than
185.3 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
185.4 possesses any of the following:

185.5 (1) more than one pound but not more than 1.5 pounds of cannabis flower in any place
185.6 other than the person's residence;

185.7 (2) more than 80 grams but not more than 160 grams of cannabis concentrate; or

185.8 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
185.9 products infused with more than eight grams but not more than 16 grams of
185.10 tetrahydrocannabinol.

185.11 Subd. 3. Possession of cannabis in the third degree. A person is guilty of cannabis
185.12 possession in the third degree and may be sentenced to imprisonment of not more than 90
185.13 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully
185.14 possesses any of the following:

185.15 (1) more than four ounces but not more than one pound of cannabis flower in any place
185.16 other than the person's residence;

185.17 (2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

185.18 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
185.19 products infused with more than 1,600 milligrams but not more than eight grams of
185.20 tetrahydrocannabinol.

185.21 Subd. 4. Possession of cannabis in the fourth degree. A person is guilty of a petty
185.22 misdemeanor if the person unlawfully possesses any of the following:

185.23 (1) more than two ounces but not more than four ounces of cannabis flower in any place
185.24 other than the person's residence;

185.25 (2) more than eight grams but not more than 16 grams of cannabis concentrate; or

185.26 (3) edible cannabinoid products infused with more than 800 milligrams but not more
185.27 than 1,600 milligrams of tetrahydrocannabinol.

185.28 Subd. 5. Use of cannabis in public. A local unit of government may adopt an ordinance
185.29 establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower,
185.30 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a
185.31 public place provided that the definition of public place does not include the following:

185.32 (1) a private residence, including the person's curtilage or yard;

186.1 (2) private property not generally accessible by the public, unless the person is explicitly
186.2 prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles,
186.3 or hemp-derived consumer products on the property by the owner of the property; or

186.4 (3) the premises of an establishment or event licensed to permit on-site consumption.

186.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
186.6 committed on or after that date.

186.7 Sec. 19. [152.0264] CANNABIS SALE CRIMES.

186.8 Subdivision 1. Sale of cannabis in the first degree. A person is guilty of the sale of
186.9 cannabis in the first degree and may be sentenced to imprisonment of not more than five
186.10 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
186.11 sells more than two ounces of cannabis flower; more than eight grams of cannabis
186.12 concentrate; or edible cannabis products, lower-potency hemp edibles, or hemp-derived
186.13 consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

186.14 (1) to a minor and the defendant is an adult who is more than 36 months older than the
186.15 minor;

186.16 (2) within ten years of two or more convictions under subdivision 2 or 3; or

186.17 (3) within ten years of a conviction under this subdivision.

186.18 Subd. 2. Sale of cannabis in the second degree. A person is guilty of sale of cannabis
186.19 in the second degree and may be sentenced to imprisonment of not more than one year or
186.20 to payment of a fine of not more than \$3,000, or both, if the person unlawfully sells:

186.21 (1) more than two ounces of cannabis flower; more than eight grams of cannabis
186.22 concentrate; or edible cannabis products, lower-potency hemp edibles, or hemp-derived
186.23 consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

186.24 (i) to a minor and the defendant is an adult who is not more than 36 months older than
186.25 the minor;

186.26 (ii) in a school zone, a park zone, a public housing zone, or a drug treatment facility; or

186.27 (iii) within ten years of a conviction under subdivision 1, 2, or 3; or

186.28 (2) up to two ounces of cannabis flower; up to eight grams of cannabis concentrate;
186.29 edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
186.30 infused with up to 800 milligrams of tetrahydrocannabinol to a minor.

187.1 Subd. 3. Sale of cannabis in the third degree. A person is guilty of sale of cannabis in
187.2 the third degree and may be sentenced to imprisonment of not more than 90 days or to
187.3 payment of a fine of not more than \$1,000, or both, if the person unlawfully sells:

187.4 (1) more than two ounces of cannabis flower;

187.5 (2) more than eight grams of cannabis concentrate; or

187.6 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
187.7 products infused with more than 800 milligrams of tetrahydrocannabinol.

187.8 Subd. 4. Sale of cannabis in the fourth degree. (a) A person is guilty of a petty
187.9 misdemeanor if the person unlawfully sells:

187.10 (1) not more than two ounces of cannabis flower;

187.11 (2) not more than eight grams of cannabis concentrate; or

187.12 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
187.13 products infused with not more than 800 milligrams of tetrahydrocannabinol.

187.14 (b) A sale for no remuneration by an individual over the age of 21 to another individual
187.15 over the age of 21 is not an unlawful sale under this subdivision.

187.16 Subd. 5. Sale of cannabis by a minor. (a) A minor is guilty of a petty misdemeanor if:

187.17 (1) the minor unlawfully sells cannabis flower, cannabis concentrate, cannabis products,
187.18 lower-potency hemp edibles, or hemp-derived consumer products; and

187.19 (2) the minor has not previously received a petty misdemeanor disposition or been
187.20 adjudicated delinquent for committing an act in violation of this section.

187.21 (b) A minor sentenced under this subdivision is required to participate in a drug education
187.22 program unless the court enters a written finding that a drug education program is
187.23 inappropriate. The program must be approved by an area mental health board with a
187.24 curriculum approved by the state alcohol and drug abuse authority.

187.25 (c) A minor who receives a disposition pursuant to this subdivision is required to perform
187.26 community service.

187.27 EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes
187.28 committed on or after that date.

188.1 Sec. 20. [152.0265] CANNABIS CULTIVATION CRIMES.

188.2 Subdivision 1. Cultivation of cannabis in the first degree. A person is guilty of
188.3 cultivation of cannabis in the first degree and may be sentenced to imprisonment of not
188.4 more than five years or to payment of a fine of not more than \$10,000, or both, if the person
188.5 unlawfully cultivates more than 23 cannabis plants.

188.6 Subd. 2. Cultivation of cannabis in the second degree. A person is guilty of cultivation
188.7 of cannabis in the second degree and may be sentenced to imprisonment of not more than
188.8 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
188.9 cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

188.10 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
188.11 committed on or after that date.

188.12 Sec. 21. Minnesota Statutes 2022, section 152.11, subdivision 2, is amended to read:

188.13 Subd. 2. Prescription requirements for Schedule III or IV controlled substances. (a)
188.14 Except as provided in paragraph (b), no person may dispense a controlled substance included
188.15 in Schedule III or IV of section 152.02 without a prescription issued, as permitted under
188.16 subdivision 1, by a doctor of medicine, a doctor of osteopathic medicine licensed to practice
188.17 medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a
188.18 doctor of optometry limited to Schedule IV, or a doctor of veterinary medicine, lawfully
188.19 licensed to prescribe in this state or from a practitioner licensed to prescribe controlled
188.20 substances by the state in which the prescription is issued, and having a current federal drug
188.21 enforcement administration registration number. Such prescription may not be dispensed
188.22 or refilled except with the documented consent of the prescriber, and in no event more than
188.23 six months after the date on which such prescription was issued and no such prescription
188.24 may be refilled more than five times.

188.25 (b) This subdivision does not apply to cannabis plants, cannabis flower, cannabis products,
188.26 or hemp-derived consumer products sold or transferred in compliance with chapter 342.

188.27 Sec. 22. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.28 to read:

188.29 Subd. 3a. Artificially derived cannabinoid. "Artificially derived cannabinoid" has the
188.30 meaning given in section 342.01, subdivision 6.

189.1 Sec. 23. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.2 to read:

189.3 Subd. 3b. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
189.4 subdivision 15.

189.5 Sec. 24. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.6 to read:

189.7 Subd. 3c. **Cannabis product.** "Cannabis product" has the meaning given in section
189.8 342.01, subdivision 19.

189.9 Sec. 25. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.10 to read:

189.11 Subd. 10a. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
189.12 the meaning given in section 342.01, subdivision 35.

189.13 Sec. 26. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.14 to read:

189.15 Subd. 11b. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
189.16 given in section 342.01, subdivision 48.

189.17 Sec. 27. Minnesota Statutes 2022, section 169A.20, subdivision 1, is amended to read:

189.18 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
189.19 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
189.20 169A.03, subdivision 15, within this state or on any boundary water of this state when:

189.21 (1) the person is under the influence of alcohol;

189.22 (2) the person is under the influence of a controlled substance;

189.23 (3) the person is under the influence of an intoxicating substance and the person knows
189.24 or has reason to know that the substance has the capacity to cause impairment;

189.25 (4) the person is under the influence of a combination of any two or more of the elements
189.26 named in clauses (1) to (3) or (8);

189.27 (5) the person's alcohol concentration at the time, or as measured within two hours of
189.28 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or
189.29 more;

190.1 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at
190.2 the time, or as measured within two hours of the time, of driving, operating, or being in
190.3 physical control of the commercial motor vehicle is 0.04 or more; ~~or~~

190.4 (7) the person's body contains any amount of a controlled substance listed in Schedule
190.5 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
190.6 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived
190.7 cannabinoid, or tetrahydrocannabinols; or

190.8 (8) the person is under the influence of cannabis flower, a cannabis product, a
190.9 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived
190.10 cannabinoid, or tetrahydrocannabinols.

190.11 Sec. 28. [169A.36] OPEN PACKAGE LAW.

190.12 Subdivision 1. Definitions. As used in this section:

190.13 (1) "motor vehicle" does not include motorboats in operation or off-road recreational
190.14 vehicles except while operated on a roadway or shoulder of a roadway that is not part of a
190.15 grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;
190.16 and

190.17 (2) "possession" means either that the person had actual possession of the package or
190.18 that the person consciously exercised dominion and control over the package.

190.19 Subd. 2. Use; crime described. It is a crime for a person to use cannabis flower, a
190.20 cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any
190.21 other product containing an artificially derived cannabinoid in a motor vehicle when the
190.22 vehicle is on a street or highway.

190.23 Subd. 3. Possession; crime described. It is a crime for a person to have in possession,
190.24 while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis
190.25 product, a lower-potency hemp edible, a hemp-derived consumer product, or any other
190.26 product containing an artificially derived cannabinoid that:

190.27 (1) is in packaging or another container that does not comply with the relevant packaging
190.28 requirements in chapter 152 or 342;

190.29 (2) has been removed from the packaging in which it was sold;

190.30 (3) is in packaging that has been opened or the seal has been broken; or

190.31 (4) is in packaging of which the contents have been partially removed.

191.1 Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner
191.2 of any private motor vehicle or the driver, if the owner is not present in the motor vehicle,
191.3 to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway
191.4 any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
191.5 consumer product, or any other product containing an artificially derived cannabinoid that:

191.6 (1) is in packaging or another container that does not comply with the relevant packaging
191.7 requirements in chapter 152 or 342;

191.8 (2) has been removed from the packaging in which it was sold;

191.9 (3) is in packaging that has been opened or the seal has been broken; or

191.10 (4) is in packaging of which the contents have been partially removed.

191.11 Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a
191.12 misdemeanor.

191.13 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption
191.14 of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
191.15 consumer product, or any other product containing an artificially derived cannabinoid by
191.16 passengers in:

191.17 (1) a bus that is operated by a motor carrier of passengers as defined in section 221.012,
191.18 subdivision 26;

191.19 (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle
191.20 as defined in section 169.011, subdivision 4, with five or more passengers who provide
191.21 pedal power to the drive train of the vehicle; or

191.22 (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

191.23 (b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle
191.24 if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle
191.25 not normally occupied by the driver and passengers if the vehicle is not equipped with a
191.26 trunk. A utility compartment or glove compartment is deemed to be within the area occupied
191.27 by the driver and passengers.

191.28 Sec. 29. Minnesota Statutes 2022, section 169A.51, subdivision 1, is amended to read:

191.29 Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives,
191.30 operates, or is in physical control of a motor vehicle within this state or on any boundary
191.31 water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied
191.32 consent law), and section 169A.20 (driving while impaired), to a chemical test of that

192.1 person's blood, breath, or urine for the purpose of determining the presence of alcohol; a
192.2 controlled substance or its metabolite; cannabis flower, a cannabis product, a lower-potency
192.3 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or
192.4 tetrahydrocannabinols; or an intoxicating substance. The test must be administered at the
192.5 direction of a peace officer.

192.6 (b) The test may be required of a person when an officer has probable cause to believe
192.7 the person was driving, operating, or in physical control of a motor vehicle in violation of
192.8 section 169A.20 (driving while impaired), and one of the following conditions exist:

192.9 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
192.10 an ordinance in conformity with it;

192.11 (2) the person has been involved in a motor vehicle accident or collision resulting in
192.12 property damage, personal injury, or death;

192.13 (3) the person has refused to take the screening test provided for by section 169A.41
192.14 (preliminary screening test); or

192.15 (4) the screening test was administered and indicated an alcohol concentration of 0.08
192.16 or more.

192.17 (c) The test may also be required of a person when an officer has probable cause to
192.18 believe the person was driving, operating, or in physical control of a commercial motor
192.19 vehicle with the presence of any alcohol.

192.20 Sec. 30. Minnesota Statutes 2022, section 169A.51, subdivision 4, is amended to read:

192.21 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
192.22 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
192.23 been administered if there is probable cause to believe that:

192.24 (1) there is impairment by a controlled substance ~~or~~; an intoxicating substance; or
192.25 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
192.26 product, artificially derived cannabinoids, or tetrahydrocannabinols that is not subject to
192.27 testing by a breath test;

192.28 (2) a controlled substance listed in Schedule I or II or its metabolite, other than ~~marijuana~~
192.29 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
192.30 product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's
192.31 body; or

193.1 (3) the person is unconscious or incapacitated to the point that the peace officer providing
193.2 a breath test advisory, administering a breath test, or serving the search warrant has a
193.3 good-faith belief that the person is mentally or physically unable to comprehend the breath
193.4 test advisory or otherwise voluntarily submit to chemical tests.

193.5 Action may be taken against a person who refuses to take a blood test under this
193.6 subdivision only if a urine test was offered and action may be taken against a person who
193.7 refuses to take a urine test only if a blood test was offered. This limitation does not apply
193.8 to an unconscious person under the circumstances described in clause (3).

193.9 Sec. 31. Minnesota Statutes 2022, section 169A.72, is amended to read:

193.10 **169A.72 DRIVER EDUCATION PROGRAMS.**

193.11 Driver training courses offered through the public schools and driver training courses
193.12 offered by private or commercial schools or institutes shall include instruction which must
193.13 encompass at least:

193.14 (1) information on the effects of consumption of beverage alcohol products and the use
193.15 of illegal drugs, cannabis flower, cannabis products, lower-potency hemp edibles,
193.16 hemp-derived consumer products, artificially derived cannabinoids, tetrahydrocannabinol
193.17 derived from any source, prescription drugs, and nonprescription drugs on the ability of a
193.18 person to operate a motor vehicle;

193.19 (2) the hazards of driving while under the influence of alcohol, a controlled substance,
193.20 or ~~drugs~~ an intoxicating substance; and

193.21 (3) the legal penalties and financial consequences resulting from violations of laws
193.22 prohibiting the operation of a motor vehicle while under the influence of alcohol, a controlled
193.23 substance, or ~~drugs~~ an intoxicating substance.

193.24 Sec. 32. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

193.25 Subd. 2. **Rules.** (a) The commissioner of corrections shall adopt by rule standards and
193.26 procedures for the establishment of conditions of release and the revocation of supervised
193.27 or conditional release, and shall specify the period of revocation for each violation of release.
193.28 Procedures for the revocation of release shall provide due process of law for the inmate.

193.29 (b) The commissioner may prohibit an inmate placed on parole, supervised release, or
193.30 conditional release from using adult-use cannabis flower as defined in section 342.01,
193.31 subdivision 3, or adult-use cannabis products as defined in section 342.01, subdivision 3,
193.32 hemp-derived consumer products as defined in section 342.01, subdivision 35, or

194.1 lower-potency hemp edibles as defined in section 342.01, subdivision 48, if the inmate
194.2 undergoes a chemical use assessment and abstinence is consistent with a recommended
194.3 level of care for the defendant in accordance with the criteria in rules adopted by the
194.4 commissioner of human services under section 254A.03, subdivision 3.

194.5 (c) The commissioner of corrections shall not prohibit an inmate placed on parole,
194.6 supervised release, or conditional release from participating in the registry program as
194.7 defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's
194.8 parole, supervised release, or conditional release or otherwise sanction a patient on parole,
194.9 supervised release, or conditional release solely for participating in the registry program or
194.10 for a positive drug test for cannabis components or metabolites.

194.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to supervised
194.12 release granted on or after that date.

194.13 Sec. 33. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

194.14 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
194.15 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
194.16 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
194.17 person causes the death of a human being not constituting murder or manslaughter as a
194.18 result of operating a motor vehicle:

194.19 (1) in a grossly negligent manner;

194.20 (2) in a negligent manner while under the influence of:

194.21 (i) alcohol;

194.22 (ii) a controlled substance; ~~or~~

194.23 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
194.24 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

194.25 ~~(iii)~~ (iv) any combination of those elements;

194.26 (3) while having an alcohol concentration of 0.08 or more;

194.27 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
194.28 of the time of driving;

194.29 (5) in a negligent manner while under the influence of an intoxicating substance and the
194.30 person knows or has reason to know that the substance has the capacity to cause impairment;

195.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
195.2 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
195.3 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
195.4 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

195.5 (7) where the driver who causes the collision leaves the scene of the collision in violation
195.6 of section 169.09, subdivision 1 or 6; or

195.7 (8) where the driver had actual knowledge that a peace officer had previously issued a
195.8 citation or warning that the motor vehicle was defectively maintained, the driver had actual
195.9 knowledge that remedial action was not taken, the driver had reason to know that the defect
195.10 created a present danger to others, and the death was caused by the defective maintenance.

195.11 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
195.12 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
195.13 maximum sentence of imprisonment is 15 years.

195.14 Sec. 34. Minnesota Statutes 2022, section 609.2113, subdivision 1, is amended to read:

195.15 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
195.16 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
195.17 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
195.18 bodily harm to another not constituting attempted murder or assault as a result of operating
195.19 a motor vehicle:

195.20 (1) in a grossly negligent manner;

195.21 (2) in a negligent manner while under the influence of:

195.22 (i) alcohol;

195.23 (ii) a controlled substance; ~~or~~

195.24 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
195.25 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

195.26 ~~(iii)~~ (iv) any combination of those elements;

195.27 (3) while having an alcohol concentration of 0.08 or more;

195.28 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
195.29 of the time of driving;

195.30 (5) in a negligent manner while under the influence of an intoxicating substance and the
195.31 person knows or has reason to know that the substance has the capacity to cause impairment;

196.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
196.2 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
196.3 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
196.4 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

196.5 (7) where the driver who causes the accident leaves the scene of the accident in violation
196.6 of section 169.09, subdivision 1 or 6; or

196.7 (8) where the driver had actual knowledge that a peace officer had previously issued a
196.8 citation or warning that the motor vehicle was defectively maintained, the driver had actual
196.9 knowledge that remedial action was not taken, the driver had reason to know that the defect
196.10 created a present danger to others, and the injury was caused by the defective maintenance.

196.11 Sec. 35. Minnesota Statutes 2022, section 609.2113, subdivision 2, is amended to read:

196.12 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
196.13 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
196.14 than three years or to payment of a fine of not more than \$10,000, or both, if the person
196.15 causes substantial bodily harm to another as a result of operating a motor vehicle:

196.16 (1) in a grossly negligent manner;

196.17 (2) in a negligent manner while under the influence of:

196.18 (i) alcohol;

196.19 (ii) a controlled substance; ~~or~~

196.20 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
196.21 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

196.22 ~~(iii)~~ (iv) any combination of those elements;

196.23 (3) while having an alcohol concentration of 0.08 or more;

196.24 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
196.25 of the time of driving;

196.26 (5) in a negligent manner while under the influence of an intoxicating substance and the
196.27 person knows or has reason to know that the substance has the capacity to cause impairment;

196.28 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
196.29 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
196.30 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
196.31 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

197.1 (7) where the driver who causes the accident leaves the scene of the accident in violation
197.2 of section 169.09, subdivision 1 or 6; or

197.3 (8) where the driver had actual knowledge that a peace officer had previously issued a
197.4 citation or warning that the motor vehicle was defectively maintained, the driver had actual
197.5 knowledge that remedial action was not taken, the driver had reason to know that the defect
197.6 created a present danger to others, and the injury was caused by the defective maintenance.

197.7 Sec. 36. Minnesota Statutes 2022, section 609.2113, subdivision 3, is amended to read:

197.8 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
197.9 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
197.10 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
197.11 result of operating a motor vehicle:

197.12 (1) in a grossly negligent manner;

197.13 (2) in a negligent manner while under the influence of:

197.14 (i) alcohol;

197.15 (ii) a controlled substance; ~~or~~

197.16 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
197.17 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

197.18 ~~(iii)~~ (iv) any combination of those elements;

197.19 (3) while having an alcohol concentration of 0.08 or more;

197.20 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
197.21 of the time of driving;

197.22 (5) in a negligent manner while under the influence of an intoxicating substance and the
197.23 person knows or has reason to know that the substance has the capacity to cause impairment;

197.24 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
197.25 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
197.26 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
197.27 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

197.28 (7) where the driver who causes the accident leaves the scene of the accident in violation
197.29 of section 169.09, subdivision 1 or 6; or

197.30 (8) where the driver had actual knowledge that a peace officer had previously issued a
197.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual

198.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
198.2 created a present danger to others, and the injury was caused by the defective maintenance.

198.3 Sec. 37. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:

198.4 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
198.5 person is guilty of criminal vehicular operation resulting in death to an unborn child and
198.6 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
198.7 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
198.8 of operating a motor vehicle:

198.9 (1) in a grossly negligent manner;

198.10 (2) in a negligent manner while under the influence of:

198.11 (i) alcohol;

198.12 (ii) a controlled substance; ~~or~~

198.13 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
198.14 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

198.15 ~~(iii)~~ (iv) any combination of those elements;

198.16 (3) while having an alcohol concentration of 0.08 or more;

198.17 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
198.18 of the time of driving;

198.19 (5) in a negligent manner while under the influence of an intoxicating substance and the
198.20 person knows or has reason to know that the substance has the capacity to cause impairment;

198.21 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
198.22 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
198.23 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
198.24 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

198.25 (7) where the driver who causes the accident leaves the scene of the accident in violation
198.26 of section 169.09, subdivision 1 or 6; or

198.27 (8) where the driver had actual knowledge that a peace officer had previously issued a
198.28 citation or warning that the motor vehicle was defectively maintained, the driver had actual
198.29 knowledge that remedial action was not taken, the driver had reason to know that the defect
198.30 created a present danger to others, and the injury was caused by the defective maintenance.

199.1 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
199.2 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
199.3 maximum sentence of imprisonment is 15 years.

199.4 Sec. 38. Minnesota Statutes 2022, section 609.2114, subdivision 2, is amended to read:

199.5 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation
199.6 resulting in injury to an unborn child and may be sentenced to imprisonment for not more
199.7 than five years or to payment of a fine of not more than \$10,000, or both, if the person
199.8 causes the great bodily harm to an unborn child subsequently born alive as a result of
199.9 operating a motor vehicle:

199.10 (1) in a grossly negligent manner;

199.11 (2) in a negligent manner while under the influence of:

199.12 (i) alcohol;

199.13 (ii) a controlled substance; ~~or~~

199.14 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
199.15 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

199.16 ~~(iii)~~ (iv) any combination of those elements;

199.17 (3) while having an alcohol concentration of 0.08 or more;

199.18 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
199.19 of the time of driving;

199.20 (5) in a negligent manner while under the influence of an intoxicating substance and the
199.21 person knows or has reason to know that the substance has the capacity to cause impairment;

199.22 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
199.23 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
199.24 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
199.25 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

199.26 (7) where the driver who causes the accident leaves the scene of the accident in violation
199.27 of section 169.09, subdivision 1 or 6; or

199.28 (8) where the driver had actual knowledge that a peace officer had previously issued a
199.29 citation or warning that the motor vehicle was defectively maintained, the driver had actual
199.30 knowledge that remedial action was not taken, the driver had reason to know that the defect
199.31 created a present danger to others, and the injury was caused by the defective maintenance.

200.1 Sec. 39. Minnesota Statutes 2022, section 609.5311, subdivision 1, is amended to read:

200.2 Subdivision 1. **Controlled substances.** All controlled substances that were manufactured,
200.3 distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture
200.4 under this section, except as provided in subdivision 3 and section 609.5316.

200.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
200.6 committed on or after that date.

200.7 Sec. 40. Minnesota Statutes 2022, section 609.5314, subdivision 1, is amended to read:

200.8 Subdivision 1. **Property subject to administrative forfeiture.** (a) The following are
200.9 subject to administrative forfeiture under this section:

200.10 (1) all money totaling \$1,500 or more, precious metals, and precious stones that there
200.11 is probable cause to believe represent the proceeds of a controlled substance offense;

200.12 (2) all money found in proximity to controlled substances when there is probable cause
200.13 to believe that the money was exchanged for the purchase of a controlled substance;

200.14 (3) all conveyance devices containing controlled substances with a retail value of \$100
200.15 or more if there is probable cause to believe that the conveyance device was used in the
200.16 transportation or exchange of a controlled substance intended for distribution or sale; and

200.17 (4) all firearms, ammunition, and firearm accessories found:

200.18 (i) in a conveyance device used or intended for use to commit or facilitate the commission
200.19 of a felony offense involving a controlled substance;

200.20 (ii) on or in proximity to a person from whom a felony amount of controlled substance
200.21 is seized; or

200.22 (iii) on the premises where a controlled substance is seized and in proximity to the
200.23 controlled substance, if possession or sale of the controlled substance would be a felony
200.24 under chapter 152.

200.25 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items
200.26 listed in paragraph (a), clauses (3) and (4), for the purposes of forfeiture.

200.27 (c) Money is the property of an appropriate agency and may be seized and recovered by
200.28 the appropriate agency if:

200.29 (1) the money is used by an appropriate agency, or furnished to a person operating on
200.30 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
200.31 and

201.1 (2) the appropriate agency records the serial number or otherwise marks the money for
201.2 identification.

201.3 (d) As used in this section, "money" means United States currency and coin; the currency
201.4 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
201.5 credit card; cryptocurrency; or a money order.

201.6 (e) As used in this section, "controlled substance" does not include cannabis flower as
201.7 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,
201.8 subdivision 19, hemp-derived consumer products as defined in section 342.01, subdivision
201.9 35, or lower-potency hemp edibles as defined in section 342.01, subdivision 48.

201.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
201.11 committed on or after that date.

201.12 Sec. 41. Minnesota Statutes 2022, section 609.5316, subdivision 2, is amended to read:

201.13 Subd. 2. **Controlled substances.** (a) Controlled substances listed in Schedule I that are
201.14 possessed, transferred, sold, or offered for sale in violation of chapter 152 or 342, are
201.15 contraband and must be seized and summarily forfeited. Controlled substances listed in
201.16 Schedule I that are seized or come into the possession of peace officers, the owners of which
201.17 are unknown, are contraband and must be summarily forfeited.

201.18 (b) Species of plants from which controlled substances in Schedules I and II may be
201.19 derived that have been planted or cultivated in violation of chapter 152 or of which the
201.20 owners or cultivators are unknown, or that are wild growths, may be seized and summarily
201.21 forfeited to the state. The appropriate agency or its authorized agent may seize the plants if
201.22 the person in occupancy or in control of land or premises where the plants are growing or
201.23 being stored fails to produce an appropriate registration or proof that the person is the holder
201.24 of appropriate registration.

201.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
201.26 committed on or after that date.

201.27 Sec. 42. **ORAL FLUID PRELIMINARY TESTING; PILOT PROJECT**
201.28 **AUTHORIZED.**

201.29 (a) The commissioner of public safety is authorized to design, plan, and implement a
201.30 pilot project intended to determine the efficacy of oral fluid roadside testing to determine
201.31 the presence of a controlled substance or intoxicating substance by trained law enforcement
201.32 personnel. The project is further intended to gain a better assessment of the prevalence of

202.1 drug-impaired drivers on Minnesota roads and to evaluate and validate the appropriate
202.2 device that could be authorized for use.

202.3 (b) The results of this preliminary oral fluid test must not be used in any court action.

202.4 (c) Following the screening test, additional tests may be required of the driver pursuant
202.5 to Minnesota Statutes, section 169A.51 (chemical tests for intoxication).

202.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and expires July 31,
202.7 2025.

202.8 **ARTICLE 5**
202.9 **EXPUNGEMENT**

202.10 Section 1. Minnesota Statutes 2022, section 609A.01, is amended to read:

202.11 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

202.12 This chapter provides the grounds and procedures for expungement of criminal records
202.13 under section 13.82; 152.18, subdivision 1; 299C.11, where a petition is authorized under
202.14 section 609A.02, subdivision 3; expungement is automatic under section 609A.05;
202.15 expungement is considered by a panel under section 609A.06; or other applicable law. The
202.16 remedy available is limited to a court order sealing the records and prohibiting the disclosure
202.17 of their existence or their opening except under court order or statutory authority. Nothing
202.18 in this chapter authorizes the destruction of records or their return to the subject of the
202.19 records.

202.20 **EFFECTIVE DATE.** This section is effective August 1, 2023.

202.21 Sec. 2. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

202.22 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
202.23 (b), expungement of a criminal record under this section is an extraordinary remedy to be
202.24 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
202.25 commensurate with the disadvantages to the public and public safety of:

202.26 (1) sealing the record; and

202.27 (2) burdening the court and public authorities to issue, enforce, and monitor an
202.28 expungement order.

202.29 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
202.30 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
202.31 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction

203.1 whose records would be affected establishes by clear and convincing evidence that the
203.2 interests of the public and public safety outweigh the disadvantages to the petitioner of not
203.3 sealing the record.

203.4 (c) In making a determination under this subdivision, the court shall consider:

203.5 (1) the nature and severity of the underlying crime, the record of which would be sealed;

203.6 (2) the risk, if any, the petitioner poses to individuals or society;

203.7 (3) the length of time since the crime occurred;

203.8 (4) the steps taken by the petitioner toward rehabilitation following the crime;

203.9 (5) aggravating or mitigating factors relating to the underlying crime, including the

203.10 petitioner's level of participation and context and circumstances of the underlying crime;

203.11 (6) the reasons for the expungement, including the petitioner's attempts to obtain

203.12 employment, housing, or other necessities;

203.13 (7) the petitioner's criminal record;

203.14 (8) the petitioner's record of employment and community involvement;

203.15 (9) the recommendations of interested law enforcement, prosecutorial, and corrections

203.16 officials;

203.17 (10) the recommendations of victims or whether victims of the underlying crime were

203.18 minors;

203.19 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner

203.20 toward payment, and the measures in place to help ensure completion of restitution payment

203.21 after expungement of the record if granted; and

203.22 (12) other factors deemed relevant by the court.

203.23 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court

203.24 issues an expungement order it may require that the criminal record be sealed, the existence

203.25 of the record not be revealed, and the record not be opened except as required under

203.26 subdivision 7. Records must not be destroyed or returned to the subject of the record.

203.27 (e) Information relating to a criminal history record of an employee, former employee,

203.28 or tenant that has been expunged before the occurrence of the act giving rise to the civil

203.29 action may not be introduced as evidence in a civil action against a private employer or

203.30 landlord or its employees or agents that is based on the conduct of the employee, former

203.31 employee, or tenant.

204.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
204.2 committed on or after that date.

204.3 Sec. 3. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

204.4 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
204.5 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
204.6 during the appeal period. A person or an agency or jurisdiction whose records would be
204.7 affected by the order may appeal the order within 60 days of service of notice of filing of
204.8 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
204.9 or supersedeas bond in order to further stay the proceedings or file an appeal.

204.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

204.11 Sec. 4. **[609A.05] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS**
204.12 **OFFENSES.**

204.13 Subdivision 1. **Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis**
204.14 **offenses.** (a) A person is eligible for an order of expungement:

204.15 (1) upon the dismissal and discharge of proceedings against a person under section
204.16 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
204.17 of marijuana or tetrahydrocannabinols;

204.18 (2) if the person was convicted of or received a stayed sentence for a violation of section
204.19 152.027, subdivision 3 or 4;

204.20 (3) if the person was arrested for possession of marijuana or tetrahydrocannabinols and
204.21 all charges were dismissed prior to a determination of probable cause for charges under
204.22 section 152.021, subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2, paragraph
204.23 (a), clause (6); 152.023, subdivision 2, paragraph (a), clause (5); 152.024, subdivision 2,
204.24 clause (2); 152.025, subdivision 2, clause (1); or 152.027, subdivision 3 or 4; or

204.25 (4) if all pending actions or proceedings involving the possession of marijuana or
204.26 tetrahydrocannabinols were resolved in favor of the person for charges under section 152.021,
204.27 subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2, paragraph (a), clause (6);
204.28 152.023, subdivision 2, paragraph (a), clause (5); 152.024, subdivision 2, clause (2); 152.025,
204.29 subdivision 2, clause (1); or 152.027, subdivision 3 or 4.

204.30 (b) For purposes of this section:

205.1 (1) a verdict of not guilty by reason of mental illness is not a resolution in favor of the
205.2 person; and

205.3 (2) an action or proceeding is resolved in favor of the person if the person received an
205.4 order under section 590.11 determining that the person is eligible for compensation based
205.5 on exoneration.

205.6 Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The
205.7 Bureau of Criminal Apprehension shall identify records that qualify for an order of
205.8 expungement pursuant to subdivision 1.

205.9 (b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

205.10 (1) the name and date of birth of an individual whose record is eligible for an order of
205.11 expungement; and

205.12 (2) the case number of the eligible record.

205.13 (c) The Bureau of Criminal Apprehension shall grant an expungement to each qualifying
205.14 person whose records the bureau possesses and shall seal the bureau's records without
205.15 requiring an application, petition, or motion. The bureau shall seal records related to an
205.16 expungement within 60 days after the bureau sent notice of the expungement to the judicial
205.17 branch pursuant to paragraph (b) unless an order of the judicial branch prohibits sealing the
205.18 records or additional information establishes that the records are not eligible for expungement.

205.19 (d) Nonpublic criminal records maintained by the bureau and subject to a grant of
205.20 expungement relief must display a notation stating "expungement relief granted pursuant
205.21 to section 609A.05."

205.22 (e) The bureau shall inform each arresting or citing law enforcement agency with records
205.23 affected by the grant of expungement relief issued pursuant to paragraph (c) that expungement
205.24 has been granted. The bureau shall notify each arresting or citing law enforcement agency
205.25 of an expungement within 60 days after the bureau sent notice of the expungement to the
205.26 judicial branch. The bureau may notify each law enforcement agency using electronic means.
205.27 Upon receiving notification of an expungement, a law enforcement agency shall seal all
205.28 records related to the expungement, including the records of the person's arrest, indictment,
205.29 trial, verdict, and dismissal or discharge of the case.

205.30 (f) The Bureau of Criminal Apprehension shall make a reasonable and good faith effort
205.31 to notify any person whose record qualifies for an order of expungement or a grant of
205.32 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
205.33 sent pursuant to this paragraph shall inform the person that, following the order of

206.1 expungement, any records of an arrest, conviction, or incarceration should not appear on
206.2 any background check or study performed in Minnesota. Notice must also clearly state that
206.3 an order of expungement or a grant of expungement may not change a person's immigration
206.4 status and any person with questions about the effect on the person's immigration status
206.5 should consult with an immigration attorney.

206.6 (g) On a schedule and in a manner established by the commissioner of human services,
206.7 the bureau shall send the commissioner of human services a list identifying the name and
206.8 case number or, if no case number is available, the citation number of each person who
206.9 received a grant of expungement.

206.10 (h) Data on a person whose offense has been expunged under this subdivision, including
206.11 any notice sent pursuant to paragraph (e), (f), or (g), are private data on individuals as defined
206.12 in section 13.02, subdivision 12.

206.13 Subd. 3. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
206.14 for expungement, or upon entering an order dismissing charges prior to a determination of
206.15 probable cause, the court shall issue an order vacating the conviction, if any, discharging
206.16 the person from any form of supervision, dismissing the proceedings against that person,
206.17 and sealing all records relating to an arrest, indictment or information, trial, verdict, or
206.18 dismissal and discharge for an offense described in subdivision 1.

206.19 (b) Section 609A.03, subdivision 6, applies to an order issued under this section sealing
206.20 the record of proceedings under section 152.18.

206.21 (c) The limitations under section 609A.03, subdivision 7a, paragraph (b), do not apply
206.22 to an order issued under this section.

206.23 (d) The court administrator shall send a copy of an expungement order issued under this
206.24 section to each agency and jurisdiction whose records are affected by the terms of the order
206.25 and send a letter to the last known address of the person whose offense has been expunged
206.26 identifying each agency to which the order was sent. The courts shall not order the
206.27 Department of Health or Human Services to seal records under this section.

206.28 (e) In consultation with the commissioner of human services, the court shall establish a
206.29 schedule on which the court shall provide the commissioner of human services and the
206.30 Professional Educator Licensing and Standards Board a list identifying the name and case
206.31 number or if no case number is available, the citation number of each person who received
206.32 an expungement order issued under this section.

207.1 (f) Data on the person whose offense has been expunged contained in a letter or other
207.2 notification sent under this subdivision are private data on individuals as defined in section
207.3 13.02.

207.4 Subd. 4. **Report.** The Bureau of Criminal Apprehension shall issue a report to the
207.5 legislative committees and divisions with jurisdiction over public safety policy and finance
207.6 upon completion of the work required under subdivision 2. The report shall contain summary
207.7 data and must include the total number of expungements granted by the Bureau of Criminal
207.8 Apprehension.

207.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

207.10 Sec. 5. **[609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY**
207.11 **CANNABIS OFFENSES.**

207.12 Subdivision 1. **Cannabis Expungement Board.** (a) The Cannabis Expungement Board
207.13 is created with the powers and duties established by law.

207.14 (b) The Cannabis Expungement Board is composed of the following members:

207.15 (1) the chief justice of the supreme court or a designee;

207.16 (2) the attorney general or a designee;

207.17 (3) one public defender, appointed by the governor upon recommendation of the state
207.18 public defender;

207.19 (4) the commissioner of one department of the state government as defined in section
207.20 15.01, appointed by the governor; and

207.21 (5) one public member with experience as an advocate for victim's rights, appointed by
207.22 the governor.

207.23 (c) The Cannabis Expungement Board shall have the following powers and duties:

207.24 (1) to obtain and review the records, including but not limited to all matters, files,
207.25 documents, and papers incident to the arrest, indictment, information, trial, appeal, or
207.26 dismissal and discharge, which relate to a charge for possession of a controlled substance;

207.27 (2) to determine whether a person committed an act involving the possession of cannabis
207.28 flower or cannabinoid products that would either be a lesser offense or no longer be a crime
207.29 after August 1, 2023;

208.1 (3) to determine whether a person's conviction should be vacated, charges should be
208.2 dismissed, and records should be expunged, or whether the person should be resentenced
208.3 to a lesser offense; and

208.4 (4) to notify the judicial branch of individuals eligible for an expungement or resentencing
208.5 to a lesser offense.

208.6 (d) The Cannabis Expungement Board shall complete the board's work by June 30, 2028.

208.7 Subd. 2. Eligibility; possession of cannabis. (a) A person is eligible for an expungement
208.8 or resentencing to a lesser offense if:

208.9 (1) the person was convicted of, or adjudication was stayed for, a violation of any of the
208.10 following involving the possession of marijuana or tetrahydrocannabinols:

208.11 (i) section 152.021, subdivision 2, clause (6);

208.12 (ii) section 152.022, subdivision 2, clause (6);

208.13 (iii) section 152.023, subdivision 2, clause (5); or

208.14 (iv) section 152.025, subdivision 2, clause (1).

208.15 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily
208.16 harm on another, an attempt to inflict bodily harm on another, or an act committed with the
208.17 intent to cause fear in another of immediate bodily harm or death;

208.18 (3) the act on which the charge was based would either be a lesser offense or no longer
208.19 be a crime after August 1, 2023; and

208.20 (4) the person did not appeal the sentence, any appeal was denied, or the deadline to file
208.21 an appeal has expired.

208.22 (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the
208.23 person was charged with a felony.

208.24 Subd. 3. Bureau of Criminal Apprehension to identify eligible records. (a) The
208.25 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication
208.26 was stayed that qualify for review under subdivision 2, paragraph (a), clause (1).

208.27 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board
208.28 of:

208.29 (1) the name and date of birth of a person whose record is eligible for review; and

208.30 (2) the case number of the eligible conviction or stay of adjudication.

209.1 Subd. 4. **Access to records.** The Cannabis Expungement Board shall have free access
209.2 to records, including but not limited to all matters, files, documents, and papers incident to
209.3 the arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to a
209.4 charge and conviction or stay of adjudication for possession of a controlled substance held
209.5 by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis
209.6 Expungement Board may issue subpoenas for and compel the production of books, records,
209.7 accounts, documents, and papers. If any person fails or refuses to produce any books, records,
209.8 accounts, documents, or papers material in the matter under consideration after having been
209.9 lawfully required by order or subpoena, any judge of the district court in any county of the
209.10 state where the order or subpoena was made returnable, on application of the commissioner
209.11 of management and budget or commissioner of administration, as the case may be, shall
209.12 compel obedience or punish disobedience as for contempt, as in the case of disobedience
209.13 of a similar order or subpoena issued by such court.

209.14 Subd. 5. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall
209.15 hold meetings at least monthly and shall hold a meeting whenever the board takes formal
209.16 action on a review of a conviction or stay of adjudication for an offense involving the
209.17 possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the
209.18 public and subject to chapter 13D.

209.19 (b) Any victim of a crime being reviewed and any law enforcement agency may submit
209.20 an oral or written statement at the meeting, giving a recommendation on whether a person's
209.21 record should be expunged or the person should be resentenced to a lesser offense. The
209.22 board must consider the victim's and the law enforcement agency's statement when making
209.23 the board's decision.

209.24 (c) Section 13D.05 governs the board's treatment of not public data, as defined by section
209.25 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section
209.26 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim
209.27 of a crime and person whose conviction or stay of adjudication the board reviews. The
209.28 identifier shall be used in any discussion in a meeting open to the public and on any records
209.29 available to the public to protect the identity of the person whose records are being
209.30 considered.

209.31 Subd. 6. **Review and determination.** (a) The Cannabis Expungement Board shall review
209.32 all available records to determine whether the conviction or stay of adjudication is eligible
209.33 for an expungement or resentencing to a lesser offense. An expungement under this section
209.34 is presumed to be in the public interest unless there is clear and convincing evidence that
209.35 an expungement or resentencing to a lesser offense would create a risk to public safety.

210.1 (b) If the Cannabis Expungement Board determines that an expungement is in the public
210.2 interest, the board shall determine whether a person's conviction should be vacated and
210.3 charges should be dismissed.

210.4 (c) If the Cannabis Expungement Board determines that an expungement is in the public
210.5 interest, the board shall determine whether the limitations under section 609A.03, subdivision
210.6 5a, apply.

210.7 (d) If the Cannabis Expungement Board determines that an expungement is in the public
210.8 interest, the board shall determine whether the limitations under section 609A.03, subdivision
210.9 7a, paragraph (b), clause (5), apply.

210.10 (e) If the Cannabis Expungement Board determines that an expungement is not in the
210.11 public interest, the board shall determine whether the person is eligible for resentencing to
210.12 a lesser offense.

210.13 (f) In making a determination under this subdivision, the Cannabis Expungement Board
210.14 shall consider:

210.15 (1) the nature and severity of the underlying crime, including but not limited to the total
210.16 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
210.17 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
210.18 an attempt to inflict bodily harm on another, or an act committed with the intent to cause
210.19 fear in another of immediate bodily harm or death;

210.20 (2) whether an expungement or resentencing the person a lesser offense would increase
210.21 the risk, if any, the person poses to other individuals or society;

210.22 (3) if the person is under sentence, whether an expungement or resentencing to a lesser
210.23 offense would result in the release of the person and whether release earlier than the date
210.24 that the person would be released under the sentence currently being served would present
210.25 a danger to the public or would be compatible with the welfare of society;

210.26 (4) aggravating or mitigating factors relating to the underlying crime, including the
210.27 person's level of participation and the context and circumstances of the underlying crime;

210.28 (5) statements from victims and law enforcement, if any;

210.29 (6) if an expungement or resentencing the person to a lesser offense is considered,
210.30 whether there is good cause to restore the person's right to possess firearms and ammunition;

211.1 (7) if an expungement is considered, whether an expunged record of a conviction or stay
211.2 of adjudication may be opened for purposes of a background check required under section
211.3 122A.18, subdivision 8; and

211.4 (8) other factors deemed relevant by the Cannabis Expungement Board.

211.5 (g) In making a determination under this subdivision, the Cannabis Expungement Board
211.6 shall not consider the impact the expungement would have on the offender based on any
211.7 records held by the Department of Health or Human Services.

211.8 (h) The affirmative vote of three members is required for action taken at any meeting.

211.9 Subd. 7. **Annual report.** Until the board completes its work, the board shall issue a
211.10 report by January 15 of each year to the legislative committees and divisions with jurisdiction
211.11 over public safety policy and finance upon completion of the work required under subdivision

211.12 2. The report shall contain summary data and must include:

211.13 (1) the total number of cases reviewed in the previous year;

211.14 (2) the total number of cases in which the board determined that an expungement is in
211.15 the public interest;

211.16 (3) the total number of cases in which the board determined that resentencing to a lesser
211.17 offense is appropriate, the original sentence in those cases, and the lesser offense
211.18 recommended by the board;

211.19 (4) the total number of cases in which the board determined that no change to the original
211.20 sentence was appropriate; and

211.21 (5) the total number of cases remaining to be reviewed.

211.22 Subd. 8. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement
211.23 Board shall identify any conviction or stay of adjudication that qualifies for an order of
211.24 expungement or resentencing to a lesser offense and notify the judicial branch of:

211.25 (1) the name and date of birth of a person whose conviction or stay of adjudication is
211.26 eligible for an order of expungement or resentencing to a lesser offense;

211.27 (2) the case number of the eligible conviction or stay of adjudication;

211.28 (3) whether the person is eligible for an expungement;

211.29 (4) if the person is eligible for an expungement, whether the person's conviction should
211.30 be vacated and charges should be dismissed;

212.1 (5) if the person is eligible for an expungement, whether there is good cause to restore
212.2 the offender's right to possess firearms and ammunition;

212.3 (6) if the person is eligible for an expungement, whether the limitations under section
212.4 609A.03, subdivision 7a, paragraph (b), clause (5), apply; and

212.5 (7) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
212.6 imposed.

212.7 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
212.8 notify any person whose conviction or stay of adjudication qualifies for an order of
212.9 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
212.10 sent pursuant to this paragraph shall inform the person that, following the order of
212.11 expungement, any records of an arrest, conviction, or incarceration should not appear on
212.12 any background check or study.

212.13 Subd. 9. **Data classification.** All data collected, created, received, maintained, or
212.14 disseminated by the Cannabis Expungement Board in which each victim of a crime and
212.15 person whose conviction or stay of adjudication that the Cannabis Expungement Board
212.16 reviews is or can be identified as the subject of the data is classified as private data on
212.17 individuals, as defined by section 13.02, subdivision 12.

212.18 Subd. 10. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
212.19 for expungement, the court shall issue an order sealing all records relating to an arrest,
212.20 indictment or information, trial, verdict, or dismissal and discharge for an offense described
212.21 in subdivision 1. The courts shall not order the Department of Health or Human Services
212.22 to seal records under this section. If the Cannabis Expungement Board determined that the
212.23 person's conviction should be vacated and charges should be dismissed, the order shall
212.24 vacate and dismiss the charges.

212.25 (b) If the Cannabis Expungement Board determined that there is good cause to restore
212.26 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
212.27 to section 609.165, subdivision 1d.

212.28 (c) If the Cannabis Expungement Board determined that an expunged record of a
212.29 conviction or stay of adjudication may not be opened for purposes of a background check
212.30 required under section 122A.18, subdivision 8, the court shall direct the order specifically
212.31 to the Professional Educator Licensing and Standards Board.

212.32 (d) The court administrator shall send a copy of an expungement order issued under this
212.33 section to each agency and jurisdiction whose records are affected by the terms of the order

213.1 and send a letter to the last known address of the person whose offense has been expunged
213.2 identifying each agency to which the order was sent.

213.3 (e) Data on the person whose offense has been expunged in a letter sent under this
213.4 subdivision are private data on individuals as defined in section 13.02.

213.5 Subd. 11. **Resentencing.** (a) If the Cannabis Expungement Board determined that a
213.6 person is eligible for resentencing to a lesser offense and the person is currently under
213.7 sentence, the court shall proceed as if the appellate court directed a reduction of the conviction
213.8 to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal
213.9 Procedure.

213.10 (b) If the Cannabis Expungement Board determined that a person is eligible for
213.11 resentencing to a lesser offense and the person completed or has been discharged from the
213.12 sentence, the court may issue an order amending the conviction to an offense of lesser degree
213.13 without holding a hearing.

213.14 (c) If the Cannabis Expungement Board determined that there is good cause to restore
213.15 the person's right to possess firearms and ammunition, the court shall, as necessary, issue
213.16 an order pursuant to section 609.165, subdivision 1d.

213.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

213.18

ARTICLE 6

213.19

MISCELLANEOUS PROVISIONS

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

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

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

213.25 (c) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision
213.26 50.

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

213.28 Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the
213.29 governor's designated representatives are authorized to negotiate in good faith a compact
213.30 with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.
213.31 The attorney general is the legal counsel for the governor or the governor's representatives

214.1 in regard to negotiating a compact under this section. If the governor appoints designees to
214.2 negotiate under this subdivision, the designees must include at least two members of the
214.3 senate and two members of the house of representatives, two of whom must be the chairs
214.4 of the senate and house of representatives standing committees with jurisdiction over health
214.5 policy.

214.6 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this
214.7 section may address any issues related to medical cannabis flower and medical cannabinoid
214.8 products that affect the interests of both the state and Indian Tribe or otherwise have an
214.9 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state
214.10 under this section must address:

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

214.12 (2) the regulation of the commercial production, processing, sale or distribution, and
214.13 possession of medical cannabis flower and medical cannabinoid products;

214.14 (3) medical and pharmaceutical research involving medical cannabis flower and medical
214.15 cannabinoid products;

214.16 (4) the taxation of medical cannabis flower and medical cannabinoid products, including
214.17 establishing an appropriate amount and method of revenue sharing;

214.18 (5) the immunities of an Indian Tribe or preemption of state law regarding the production,
214.19 processing, or sale or distribution of medical cannabis flower and medical cannabinoid
214.20 products; and

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

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

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

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

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

214.30 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any
214.31 compact agreed to under this section shall establish all taxes, fees, assessments, and other

215.1 charges related to the production, processing, sale or distribution, and possession of medical
215.2 cannabis flower and medical cannabinoid products.

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

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

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

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

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

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

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

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

215.24 (b) "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision
215.25 4.

215.26 (c) "Adult-use cannabinoid product" has the meaning given in section 342.01, subdivision
215.27 2.

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

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

- 216.1 (f) "Minnesota Tribal governments" means the federally recognized Indian Tribes located
216.2 in Minnesota including:
- 216.3 (1) Bois Forte Band;
216.4 (2) Fond Du Lac Band;
216.5 (3) Grand Portage Band;
216.6 (4) Leech Lake Band;
216.7 (5) Mille Lacs Band;
216.8 (6) White Earth Band;
216.9 (7) Red Lake Nation;
216.10 (8) Lower Sioux Indian Community;
216.11 (9) Prairie Island Indian Community;
216.12 (10) Shakopee Mdewakanton Sioux Community; and
216.13 (11) Upper Sioux Indian Community.
- 216.14 (g) "Tribal cannabis business" means a cannabis business licensed by a Minnesota Tribal
216.15 government, including the business categories identified in paragraph (d) as well as any
216.16 others that may be provided under the law of a Minnesota Tribal government.
- 216.17 (h) "Tribally regulated land" means:
- 216.18 (1) all land held in trust by the United States for the benefit of a Minnesota Tribal
216.19 government;
- 216.20 (2) all land held by a Minnesota Tribal government in restricted fee status; and
- 216.21 (3) all land within the exterior boundaries of the reservation of a Minnesota Tribal
216.22 government that is subject to the civil regulatory jurisdiction of the Tribal government. For
216.23 the purposes of this section, land that is subject to the civil regulatory jurisdiction of the
216.24 Tribal government includes:
- 216.25 (i) fee land held by the Tribe, entities organized under Tribal law, or individual Indians;
216.26 and
- 216.27 (ii) land held by non-Indian entities or individuals who consent to the civil regulation
216.28 of the Tribal government or are otherwise subject to such regulation under federal law.
- 216.29 Subd. 2. **Acknowledgment and purpose; negotiations authorized.** (a) The state of
216.30 Minnesota acknowledges the sovereign right of Minnesota Tribal governments to regulate

217.1 Tribal cannabis businesses and address other matters of cannabis regulation related to the
217.2 internal affairs of Minnesota Tribal governments without regard to whether such Tribal
217.3 government has entered a compact authorized by this section. The purpose of this section
217.4 is to provide for the negotiation of compacts to proactively address jurisdictional issues
217.5 related to the regulation of adult-use cannabis. The legislature finds that these agreements
217.6 will facilitate and promote a cooperative and mutually beneficial relationship between the
217.7 state and the Tribes regarding the legalization of cannabis. Such cooperative agreements
217.8 will enhance public health and safety, ensure a lawful and well-regulated cannabis market,
217.9 encourage economic development, and provide fiscal benefits to both Indian Tribes and the
217.10 state.

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

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

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

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

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

217.26 (2) require that any revenue generated by cannabis businesses licensed by a Minnesota
217.27 Tribal government be subject to any state cannabis gross receipt taxes imposed under section
217.28 295.81 or state and local sales or use taxes on sales of cannabis;

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

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

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

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

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

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

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

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

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

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

218.31 (2) the possession, purchase, and receipt of adult-use cannabis seed, flower, and adult-use
218.32 cannabinoid products that are properly packaged and labeled as authorized under a compact

219.1 entered into pursuant to this section, and the sale, delivery, transport, or distribution of such
219.2 products to a licensed cannabis business; and

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

219.7 (b) The following acts, when performed by a patron of a licensed Tribal cannabis business
219.8 do not constitute a criminal or civil offense under state law: the purchase, possession, or
219.9 receipt of adult-use cannabis seed, flower, and adult-use cannabinoid products as authorized
219.10 under a compact entered into pursuant to this section.

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

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

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

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

219.34 (g) This subdivision shall be effective upon enactment.

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

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

220.5 Subd. 12. **Cannabis businesses.** Data submitted to the Office of Cannabis Management
220.6 for a cannabis business license or a hemp business license and data relating to investigations
220.7 and disciplinary proceedings involving cannabis businesses and hemp businesses licensed
220.8 by the Office of Cannabis Management are classified under section 342.20.

220.9 Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to
220.10 read:

220.11 Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received,
220.12 maintained, or disseminated by the Cannabis Expungement Board are classified under
220.13 section 609A.06, subdivision 8.

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

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

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

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

220.25 Subdivision 1. **Model program.** The commissioner of education, in consultation with
220.26 the commissioners of health and human services, local district and school health education
220.27 specialists, and other qualified experts, shall identify one or more model programs that may
220.28 be used to educate middle school and high school students on the health effects on children
220.29 and adolescents of cannabis use and substance use, including but not limited to the use of
220.30 fentanyl or mixtures containing fentanyl, consistent with local standards as required in
220.31 section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary

221.1 school students. The commissioner must publish a list of model programs that include
221.2 written materials, curriculum resources, and training for instructors by June 1, 2025. A
221.3 model program identified by the commissioner must be medically accurate, age and
221.4 developmentally appropriate, culturally inclusive, and grounded in science, and must address:

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

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

221.8 (3) signs of substance use disorders;

221.9 (4) treatment options; and

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

221.11 Subd. 2. **School programs.** (a) Starting in the 2026-2027 school year, a school district
221.12 or charter school must implement a comprehensive education program on cannabis use and
221.13 substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl,
221.14 for students in middle school and high school. The program must include instruction on the
221.15 topics listed in subdivision 1 and must:

221.16 (1) respect community values and encourage students to communicate with parents,
221.17 guardians, and other trusted adults about cannabis use and substance use, including but not
221.18 limited to the use of fentanyl or mixtures containing fentanyl; and

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

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

221.24 Subd. 3. **Parental review.** Notwithstanding any law to the contrary, each school district
221.25 shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older
221.26 to review the content of the instructional materials to be provided to a minor child or to an
221.27 adult student pursuant to this section. The district or charter school must allow a parent or
221.28 adult student to opt out of instruction under this section with no academic or other penalty
221.29 for the student and must inform parents and adult students of this right to opt out.

221.30 Subd. 4. **Youth council.** A school district or charter school may establish one or more
221.31 youth councils in which student members of the council receive education and training on

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

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

222.4 Subdivision 1. **General.** The commissioner of health shall engage in research and data
222.5 collection activities to measure the prevalence of cannabis flower use and the use of cannabis
222.6 products, lower-potency hemp edibles, and hemp-derived consumer products in the state
222.7 by persons under 21 years of age and by persons 21 years of age or older. In order to collect
222.8 data, the commissioner may modify existing data collection tools used by the department
222.9 or other state agencies or may establish one or more new data collection tools.

222.10 Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall
222.11 conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower
222.12 use and the use of cannabis products, lower-potency hemp edibles, and hemp-derived
222.13 consumer products in the state broken out by:

222.14 (1) the current age of the customer;

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

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

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

222.22 (5) the typical frequency of consumption; and

222.23 (6) other criteria specified by the commissioner.

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

222.26 Subd. 3. **Reports.** Beginning January 1, 2025, and every two years thereafter, the
222.27 commissioner shall issue a public report on the prevalence of cannabis flower use and the
222.28 use of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
222.29 in the state by persons under age 21 and by persons age 21 or older. The report may include
222.30 recommendations from the commissioner for changes to this chapter that would discourage
222.31 or prevent personal use of cannabis flower, cannabis products, lower-potency hemp edibles,
222.32 or hemp-derived consumer products by persons under age 21, that would discourage personal

223.1 use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
223.2 consumer products by pregnant or breastfeeding women, that would prevent access to
223.3 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
223.4 products by young children, or that would otherwise promote public health.

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

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

223.14 Subd. 2. **Education for pregnant and breastfeeding women; women who may become**
223.15 **pregnant.** The commissioner of health shall conduct a long-term, coordinated program to
223.16 educate pregnant women, breastfeeding women, and women who may become pregnant on
223.17 the adverse health effects of prenatal exposure to cannabis flower, cannabis products,
223.18 lower-potency hemp edibles, or hemp-derived consumer products and on the adverse health
223.19 effects experienced by infants and children who are exposed to cannabis flower, cannabis
223.20 products, lower-potency hemp edibles, or hemp-derived consumer products in breast milk,
223.21 from secondhand smoke, or by ingesting cannabinoid products. This education program
223.22 must also educate women on what constitutes a substance use disorder, signs of a substance
223.23 use disorder, and treatment options for persons with a substance use disorder.

223.24 Subd. 3. **Home visiting programs.** The commissioner of health shall provide training,
223.25 technical assistance, and education materials to local public health home visiting programs
223.26 and Tribal home visiting programs regarding the safe and unsafe use of cannabis flower,
223.27 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in
223.28 homes with infants and young children. Training, technical assistance, and education
223.29 materials shall address substance use, the signs of a substance use disorder, treatment options
223.30 for persons with a substance use disorder, the dangers of driving under the influence of
223.31 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
223.32 products, how to safely consume cannabis flower, cannabis products, lower-potency hemp
223.33 edibles, or hemp-derived consumer products in homes with infants and young children, and
223.34 how to prevent infants and young children from being exposed to cannabis flower, cannabis

224.1 products, lower-potency hemp edibles, or hemp-derived consumer products by ingesting
224.2 cannabinoid products or through secondhand smoke.

224.3 Subd. 4. **Local and Tribal health departments.** The commissioner of health shall
224.4 distribute grants to local health departments and Tribal health departments for these
224.5 departments to create and disseminate educational materials on cannabis flower, cannabis
224.6 products, lower-potency hemp edibles, and hemp-derived consumer products and to provide
224.7 safe use and prevention training, education, technical assistance, and community engagement
224.8 regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
224.9 consumer products.

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

224.11 Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections
224.12 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14),
224.13 and (15); 144.1201 to 144.1204; 144.121; 144.1215; 144.1222; 144.35; 144.381 to 144.385;
224.14 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9512; 144.97 to 144.98;
224.15 144.992; ~~152.22 to 152.37~~; 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28
224.16 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses,
224.17 registrations, certificates, and permits adopted or issued by the department or under any
224.18 other law now in force or later enacted for the preservation of public health may, in addition
224.19 to provisions in other statutes, be enforced under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225.31 (1) the amount and dosages of medical cannabis distributed;

226.1 (2) the chemical composition of the medical cannabis; and

226.2 (3) the tracking number assigned to any medical cannabis distributed.

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

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

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

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

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

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

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

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

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

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

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

226.26 Sec. 18. **[152.291] TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER**
226.27 **TRANSPORTATION.**

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

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

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

227.8 **152.30 PATIENT DUTIES.**

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

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

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

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

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

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

227.20 **152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL**
227.21 **CANNABIS PROGRAM PARTICIPATION.**

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

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

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

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

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

228.3 (1) use or possession of medical cannabis or medical cannabis products by a patient
228.4 enrolled in the registry program, ~~or~~; possession by a registered designated caregiver or the
228.5 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed
228.6 on the registry verification; or use or possession of medical cannabis or medical cannabis
228.7 products by a Tribal medical cannabis program patient;

228.8 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis
228.9 products by a medical cannabis manufacturer, employees of a manufacturer, a Tribal medical
228.10 cannabis program manufacturer, employees of a Tribal medical cannabis program
228.11 manufacturer, a laboratory conducting testing on medical cannabis, or employees of the
228.12 laboratory; and

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

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

228.17 (c) The commissioner, members of a Tribal medical cannabis board, the commissioner's
228.18 or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis
228.19 board's agents or contractors, and any health care practitioner are not subject to any civil or
228.20 disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any
228.21 business, occupational, or professional licensing board or entity, solely for ~~the~~ participation
228.22 in the registry program under sections 152.22 to 152.37 or in a Tribal medical cannabis
228.23 program. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary
228.24 penalties by the Board of Pharmacy when acting in accordance with the provisions of
228.25 sections 152.22 to 152.37. Nothing in this section affects a professional licensing board
228.26 from taking action in response to violations of any other section of law.

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

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

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

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

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

229.11 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme
 229.12 Court, a Tribal court, or the professional responsibility board for providing legal assistance
 229.13 to prospective or registered manufacturers or others related to activity that is no longer
 229.14 subject to criminal penalties under state law pursuant to sections 152.22 to 152.37, or for
 229.15 providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis
 229.16 program manufacturer.

229.17 (j) ~~Possession of a registry verification or application for enrollment in the program by~~
 229.18 ~~a person entitled to possess or apply for enrollment in the registry program does~~ The
 229.19 following do not constitute probable cause or reasonable suspicion, ~~nor~~ and shall ~~it~~ not be
 229.20 used to support a search of the person or property of the person possessing or applying for
 229.21 the registry verification or equivalent, or otherwise subject the person or property of the
 229.22 person to inspection by any governmental agency.:

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

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

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

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

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

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

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

230.16 ~~(2)~~ (3) a patient's positive drug test for cannabis components or metabolites, unless the
230.17 patient used, possessed, or was impaired by medical cannabis on the premises of the place
230.18 of employment or during the hours of employment.

230.19 (d) An employee who is required to undergo employer drug testing pursuant to section
230.20 181.953 may present verification of enrollment in the patient registry or of enrollment in a
230.21 Tribal medical cannabis program as part of the employee's explanation under section 181.953,
230.22 subdivision 6.

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

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

230.31 Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other
230.32 applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally
230.33 transfers medical cannabis to a person other than another registered manufacturer, a patient,

231.1 a Tribal medical cannabis program patient, a registered designated caregiver or, if listed on
231.2 the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony
231.3 punishable by imprisonment for not more than two years or by payment of a fine of not
231.4 more than \$3,000, or both. A person convicted under this subdivision may not continue to
231.5 be affiliated with the manufacturer and is disqualified from further participation under
231.6 sections 152.22 to 152.37.

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

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

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

231.16 Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant
231.17 or discipline or discharge an employee because the applicant or employee engages in or has
231.18 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment
231.19 takes place off the premises of the employer during nonworking hours. For purposes of this
231.20 section, "lawful consumable products" means products whose use or enjoyment is lawful
231.21 and which are consumed during use or enjoyment, and includes food, alcoholic or
231.22 nonalcoholic beverages, ~~and~~ tobacco, cannabis flower, as defined in section 342.01,
231.23 subdivision 15, cannabis products, as defined in section 342.01, subdivision 19,
231.24 lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived
231.25 consumer products as defined in section 342.01, subdivision 35.

231.26 (b) Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
231.27 consumer products are lawful consumable products for the purpose of Minnesota law,
231.28 regardless of whether federal or other state law considers cannabis use, possession,
231.29 impairment, sale, or transfer to be unlawful. Nothing in this section shall be construed to
231.30 limit an employer's ability to discipline or discharge an employee for cannabis flower,
231.31 cannabis product, lower-potency hemp edible, or hemp-derived consumer product use,
231.32 possession, impairment, sale, or transfer during working hours, on work premises, or while
231.33 operating an employer's vehicle, machinery, or equipment, or if a failure to do so would

232.1 violate federal or state law or regulations or cause an employer to lose a monetary or
232.2 licensing-related benefit under federal law or regulations.

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

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

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

232.8 Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,
232.9 subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as
232.10 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,
232.11 subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision 48,
232.12 and hemp-derived consumer products as defined in section 342.01, subdivision 35.

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

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

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

232.22 Subd. 5a. **Cannabis testing.** "Cannabis testing" means the analysis of a body component
232.23 sample according to the standards established under one of the programs listed in section
232.24 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis
232.25 flower, as defined in section 342.01, subdivision 15, cannabis products, as defined in section
232.26 342.01, subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision
232.27 48, hemp-derived consumer products as defined in section 342.01, subdivision 35, or cannabis
232.28 metabolites in the sample tested. The definitions in this section apply to cannabis testing
232.29 unless stated otherwise.

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

233.2 Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or
233.3 cannabis test which uses a method of analysis under one of the programs listed in section
233.4 181.953, subdivision 1.

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

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

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

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

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

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

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

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

233.26 (3) has sustained a personal injury, as that term is defined in section 176.011, subdivision
233.27 16, or has caused another employee to sustain a personal injury; or

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

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

234.2 Subd. 6. **Treatment program testing.** An employer may request or require an employee
234.3 to undergo cannabis testing and drug and alcohol testing if the employee has been referred
234.4 by the employer for substance use disorder treatment or evaluation or is participating in a
234.5 substance use disorder treatment program under an employee benefit plan, in which case
234.6 the employee may be requested or required to undergo cannabis testing and drug or alcohol
234.7 testing without prior notice during the evaluation or treatment period and for a period of up
234.8 to two years following completion of any prescribed substance use disorder treatment
234.9 program.

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

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

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

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

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

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

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

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

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

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

- 235.1 (4) a position requiring face-to-face care, training, education, supervision, counseling,
235.2 consultation, or medical assistance to:
- 235.3 (i) children;
- 235.4 (ii) vulnerable adults, as defined in section 626.5572, subdivision 21; or
- 235.5 (iii) patients who receive health care services from a provider for the treatment,
235.6 examination, or emergency care of a medical, psychiatric, or mental condition;
- 235.7 (5) a position requiring a commercial driver's license or requiring an employee to operate
235.8 a motor vehicle for which state or federal law requires drug or alcohol testing of a job
235.9 applicant or an employee;
- 235.10 (6) a position of employment funded by a federal grant; or
- 235.11 (7) any other position for which state or federal law requires testing of a job applicant
235.12 or an employee for cannabis.

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

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

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

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

235.26 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

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

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

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

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

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

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

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

236.13 **Subd. 3. Laboratory testing, reporting, and sample retention requirements.** A testing
236.14 laboratory that is not certified by the National Institute on Drug Abuse according to
236.15 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in
236.16 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that
236.17 produced a positive test result on an initial screening test. A laboratory shall disclose to the
236.18 employer a written test result report for each sample tested within three working days after
236.19 a negative test result on an initial screening test or, when the initial screening test produced
236.20 a positive test result, within three working days after a confirmatory test. A test report must
236.21 indicate the drugs, alcohol, ~~or~~ drug or alcohol metabolites, or cannabis or cannabis
236.22 metabolites tested for and whether the test produced negative or positive test results. A
236.23 laboratory shall retain and properly store for at least six months all samples that produced
236.24 a positive test result.

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

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

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

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

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

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

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

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

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

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

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

238.4 Subd. 9. **Confirmatory retests.** An employee or job applicant may request a confirmatory
238.5 retest of the original sample at the employee's or job applicant's own expense after notice
238.6 of a positive test result on a confirmatory test. Within five working days after notice of the
238.7 confirmatory test result, the employee or job applicant shall notify the employer in writing
238.8 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three
238.9 working days after receipt of the notice, the employer shall notify the original testing
238.10 laboratory that the employee or job applicant has requested the laboratory to conduct the
238.11 confirmatory retest or transfer the sample to another laboratory licensed under subdivision
238.12 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the
238.13 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to
238.14 the other laboratory. The confirmatory retest must use the same drug ~~or~~, alcohol, or cannabis
238.15 threshold detection levels as used in the original confirmatory test. If the confirmatory retest
238.16 does not confirm the original positive test result, no adverse personnel action based on the
238.17 original confirmatory test may be taken against the employee or job applicant.

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

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

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

238.32 (2) the employee has either refused to participate in the counseling or rehabilitation
238.33 program or has failed to successfully complete the program, as evidenced by withdrawal

239.1 from the program before its completion or by a positive test result on a confirmatory test
239.2 after completion of the program.

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

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

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

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

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

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

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

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

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

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

240.9 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

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

240.13 Subd. 2. **Confidentiality limitations.** Test result reports and other information acquired
240.14 in the drug or alcohol testing or cannabis testing process are, with respect to private sector
240.15 employees and job applicants, private and confidential information, and, with respect to
240.16 public sector employees and job applicants, private data on individuals as that phrase is
240.17 defined in chapter 13, and may not be disclosed by an employer or laboratory to another
240.18 employer or to a third-party individual, governmental agency, or private organization without
240.19 the written consent of the employee or job applicant tested.

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

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

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

241.2 **181.955 CONSTRUCTION.**

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

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

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

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

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

241.19 Upon request of the commissioner of labor and industry, the exclusive representative
241.20 of the employees and the employer shall certify to the commissioner of labor and industry
241.21 that the drug and alcohol testing or cannabis testing program permitted under the contract
241.22 should operate without interference from the sections specified in this subdivision. This
241.23 subdivision must not be construed to create an exemption from controlled substance crimes
241.24 in chapter 152.

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

241.26 Subdivision 1. **Excluded employees and job applicants.** Except as provided under
241.27 subdivision 2, the employee and job applicant protections provided under sections 181.950
241.28 to 181.956 do not apply to employees and job applicants where the specific work performed
241.29 requires those employees and job applicants to be subject to drug and alcohol testing or
241.30 cannabis testing pursuant to:

241.31 (1) federal regulations that specifically preempt state regulation of drug and alcohol
241.32 testing or cannabis testing with respect to those employees and job applicants;

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

242.2 (3) federal contracts where the drug and alcohol testing or cannabis testing is conducted
242.3 for security, safety, or protection of sensitive or proprietary data; or

242.4 (4) state agency rules that adopt federal regulations applicable to the interstate component
242.5 of a federally regulated industry, and the adoption of those rules is for the purpose of
242.6 conforming the nonfederally regulated intrastate component of the industry to identical
242.7 regulation.

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

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

242.12 (1) information related to names of substantiated perpetrators of maltreatment of
242.13 vulnerable adults that has been received by the commissioner as required under section
242.14 626.557, subdivision 9c, paragraph (j);

242.15 (2) the commissioner's records relating to the maltreatment of minors in licensed
242.16 programs, and from findings of maltreatment of minors as indicated through the social
242.17 service information system;

242.18 (3) information from juvenile courts as required in subdivision 4 for individuals listed
242.19 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

242.20 (4) information from the Bureau of Criminal Apprehension, including information
242.21 regarding a background study subject's registration in Minnesota as a predatory offender
242.22 under section 243.166;

242.23 (5) except as provided in clause (6), information received as a result of submission of
242.24 fingerprints for a national criminal history record check, as defined in section 245C.02,
242.25 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
242.26 record check as defined under section 245C.02, subdivision 15a, or as required under section
242.27 144.057, subdivision 1, clause (2);

242.28 (6) for a background study related to a child foster family setting application for licensure,
242.29 foster residence settings, children's residential facilities, a transfer of permanent legal and
242.30 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
242.31 background study required for family child care, certified license-exempt child care, child

243.1 care centers, and legal nonlicensed child care authorized under chapter 119B, the
243.2 commissioner shall also review:

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

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

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

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

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

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

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

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

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

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

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

244.21 (c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that
244.22 does not relate to an individual receiving publicly funded assistance under chapter 256D or
244.23 256J.

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

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

244.31 Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its
244.32 establishment and publication shall not be subject to the requirements of the Administrative

245.1 Procedure Act, but the Formulary Committee shall review and comment on the formulary
245.2 contents.

245.3 (b) The formulary shall not include:

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

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

245.7 (3) drugs or active pharmaceutical ingredients when used for the treatment of impotence
245.8 or erectile dysfunction;

245.9 (4) drugs or active pharmaceutical ingredients for which medical value has not been
245.10 established;

245.11 (5) drugs from manufacturers who have not signed a rebate agreement with the
245.12 Department of Health and Human Services pursuant to section 1927 of title XIX of the
245.13 Social Security Act; and

245.14 (6) medical cannabis flower as defined in section ~~152.22, subdivision 6~~ 342.01,
245.15 subdivision 52, or medical cannabinoid products as defined in section 342.01, subdivision
245.16 50.

245.17 (c) If a single-source drug used by at least two percent of the fee-for-service medical
245.18 assistance recipients is removed from the formulary due to the failure of the manufacturer
245.19 to sign a rebate agreement with the Department of Health and Human Services, the
245.20 commissioner shall notify prescribing practitioners within 30 days of receiving notification
245.21 from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was
245.22 not signed.

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

245.24 Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has
245.25 been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis,
245.26 marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this
245.27 chapter until five years after the applicant has completed terms of the court-ordered sentence,
245.28 unless the person is participating in a drug treatment program, has successfully completed
245.29 a drug treatment program, or has been assessed by the county and determined not to be in
245.30 need of a drug treatment program. Persons subject to the limitations of this subdivision who
245.31 become eligible for assistance under this chapter shall be subject to random drug testing as

246.1 a condition of continued eligibility and shall lose eligibility for benefits for five years
246.2 beginning the month following:

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

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

246.5 (b) For the purposes of this subdivision, "drug offense" means a conviction that occurred
246.6 after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug
246.7 offense also means a conviction in another jurisdiction of the possession, use, or distribution
246.8 of a controlled substance, or conspiracy to commit any of these offenses, if the offense
246.9 occurred after July 1, 1997, and the conviction is ~~a felony offense in that jurisdiction, or in~~
246.10 ~~the case of New Jersey, a high misdemeanor~~ for a crime that would be a felony if committed
246.11 in Minnesota.

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

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

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

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

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

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

246.27 (i) for failing a drug test the first time, the residual amount of the participant's grant after
246.28 making vendor payments for shelter and utility costs, if any, must be reduced by an amount
246.29 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size.
246.30 When a sanction under this subdivision is in effect, the job counselor must attempt to meet
246.31 with the person face-to-face. During the face-to-face meeting, the job counselor must explain
246.32 the consequences of a subsequent drug test failure and inform the participant of the right to

247.1 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the
247.2 county agency must send the participant a notice of adverse action as provided in section
247.3 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face
247.4 meeting; or

247.5 (ii) for failing a drug test two times, the participant is permanently disqualified from
247.6 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP
247.7 grant must be reduced by the amount which would have otherwise been made available to
247.8 the disqualified participant. Disqualification under this item does not make a participant
247.9 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a
247.10 disqualification under this provision is imposed, the job counselor must attempt to meet
247.11 with the participant face-to-face. During the face-to-face meeting, the job counselor must
247.12 identify other resources that may be available to the participant to meet the needs of the
247.13 family and inform the participant of the right to appeal the disqualification under section
247.14 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant
247.15 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must
247.16 include the information required in the face-to-face meeting.

247.17 (3) A participant who fails a drug test the first time and is under a sanction due to other
247.18 MFIP program requirements is considered to have more than one occurrence of
247.19 noncompliance and is subject to the applicable level of sanction as specified under section
247.20 256J.46, subdivision 1, paragraph (d).

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

247.27 (1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount
247.28 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this
247.29 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During
247.30 the face-to-face meeting, a job counselor must explain the consequences of a subsequent
247.31 drug test failure and inform the participant of the right to appeal the sanction under section
247.32 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant
247.33 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must
247.34 include the information required in the face-to-face meeting; and

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

248.9 (c) For the purposes of this subdivision, "drug offense" means an offense that occurred
248.10 during the previous ten years from the date of application or recertification of sections
248.11 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a
248.12 conviction in another jurisdiction of the possession, use, or distribution of a controlled
248.13 substance, or conspiracy to commit any of these offenses, if the offense occurred during
248.14 the previous ten years from the date of application or recertification and the conviction is
248.15 ~~a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor~~ for
248.16 a crime that would be a felony if committed in Minnesota.

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

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

248.22 Sec. 47. **[340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY**
248.23 **HEMP EDIBLES.**

248.24 (a) Nothing in this chapter:

248.25 (1) prohibits the issuance of a retail license or permit to a person also holding a hemp
248.26 business license authorizing the manufacture or retail sale of lower-potency hemp edibles;

248.27 (2) allows any agreement between a licensing authority and retail license or permit holder
248.28 that prohibits the license or permit holder from also holding a lower-potency hemp edible
248.29 manufacturer or retailer license; or

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

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

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

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

249.7 (1) alcoholic beverages;

249.8 (2) tobacco products;

249.9 (3) ice;

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

249.12 (5) soft drinks;

249.13 (6) liqueur-filled candies;

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

249.15 (8) cork extraction devices;

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

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

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

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

249.22 (13) home brewing equipment;

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

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

249.26 (16) glassware; and

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

250.1 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
250.2 license may sell food for on-premise consumption when authorized by the municipality
250.3 issuing the license.

250.4 (c) An exclusive liquor store may offer live or recorded entertainment.

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

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

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

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

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

250.16 (b) If a tenant brings a motion for the expungement of an eviction, the court shall order
250.17 the expungement of an eviction case that was commenced on the grounds of a violation of
250.18 section 504B.171 or any other claim of breach regardless of when the original eviction was
250.19 ordered, if the tenant could receive an automatic expungement under section 609A.05, or
250.20 if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

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

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

250.24 (1) neither will:

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

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

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

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

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

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

251.14 (c) A landlord cannot prohibit a tenant from legally possessing, and a tenant cannot
251.15 waive the right to legally possess, any cannabis products, lower-potency hemp edibles, or
251.16 hemp-derived consumer products, or using any cannabinoid product or hemp-derived
251.17 consumer product, other than consumption by combustion or vaporization of the product
251.18 and inhalation of smoke, aerosol, or vapor from the product.

251.19 Sec. 51. [504B.1715] COVENANTS; SOBER HOMES.

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

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

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

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

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

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

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

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

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

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

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

252.13 (1) a first time drug test failure results in a reduction of benefits in an amount equal to
252.14 30 percent of the MFIP standard of need; and

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

252.17 A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition
252.18 Assistance Program (SNAP) benefits.

252.19 Sec. 54. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
252.20 to read:

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

252.23 Sec. 55. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
252.24 to read:

252.25 Subd. 14. **Adult-use cannabinoid product.** "Adult-use cannabis product" has the
252.26 meaning given in section 342.01, subdivision 4.

252.27 Sec. 56. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
252.28 to read:

252.29 Subd. 15. **Medical cannabis flower.** "Medical cannabis flower" has the meaning given
252.30 in section 342.01, subdivision 52.

253.1 Sec. 57. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
253.2 to read:

253.3 Subd. 16. **Medical cannabinoid product.** "Medical cannabinoid product" has the
253.4 meaning given in section 342.01, subdivision 50.

253.5 Sec. 58. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
253.6 to read:

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

253.8 Sec. 59. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
253.9 to read:

253.10 Subd. 18. **Qualifying medical condition.** "Qualifying medical condition" has the meaning
253.11 given in section 342.01, subdivision 59.

253.12 Sec. 60. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
253.13 to read:

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

253.16 Sec. 61. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
253.17 to read:

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

253.20 Sec. 62. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
253.21 to read:

253.22 Subd. 21. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
253.23 given in section 342.01, subdivision 48.

253.24 Sec. 63. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

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

254.1 (1) a person under the age of 18 years except that a person under 18 may possess
254.2 ammunition designed for use in a firearm that the person may lawfully possess and may
254.3 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
254.4 presence or under the direct supervision of the person's parent or guardian, (ii) for the
254.5 purpose of military drill under the auspices of a legally recognized military organization
254.6 and under competent supervision, (iii) for the purpose of instruction, competition, or target
254.7 practice on a firing range approved by the chief of police or county sheriff in whose
254.8 jurisdiction the range is located and under direct supervision; or (iv) if the person has
254.9 successfully completed a course designed to teach marksmanship and safety with a pistol
254.10 or semiautomatic military-style assault weapon and approved by the commissioner of natural
254.11 resources;

254.12 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
254.13 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
254.14 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
254.15 includes crimes in other states or jurisdictions which would have been crimes of violence
254.16 as herein defined if they had been committed in this state;

254.17 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
254.18 determination that the person is mentally ill, developmentally disabled, or mentally ill and
254.19 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
254.20 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
254.21 the person's ability to possess a firearm and ammunition has been restored under subdivision
254.22 4;

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

254.30 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
254.31 by a judicial determination that the person is chemically dependent as defined in section
254.32 253B.02, unless the person has completed treatment or the person's ability to possess a
254.33 firearm and ammunition has been restored under subdivision 4. Property rights may not be
254.34 abated but access may be restricted by the courts;

255.1 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
255.2 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
255.3 of the treatment facility discharging or provisionally discharging the officer from the
255.4 treatment facility. Property rights may not be abated but access may be restricted by the
255.5 courts;

255.6 (7) a person, including a person under the jurisdiction of the juvenile court, who has
255.7 been charged with committing a crime of violence and has been placed in a pretrial diversion
255.8 program by the court before disposition, until the person has completed the diversion program
255.9 and the charge of committing the crime of violence has been dismissed;

255.10 (8) except as otherwise provided in clause (9), a person who has been convicted in
255.11 another state of committing an offense similar to the offense described in section 609.224,
255.12 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
255.13 unless three years have elapsed since the date of conviction and, during that time, the person
255.14 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
255.15 subdivision 3, or a similar law of another state;

255.16 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
255.17 household member and who was found by the court to have used a firearm in any way
255.18 during commission of the assault is prohibited from possessing any type of firearm or
255.19 ammunition for the period determined by the sentencing court;

255.20 (10) a person who:

255.21 (i) has been convicted in any court of a crime punishable by imprisonment for a term
255.22 exceeding one year;

255.23 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
255.24 for a crime or to avoid giving testimony in any criminal proceeding;

255.25 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use
255.26 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the
255.27 registry program or the use of adult-use cannabis flower, adult-use cannabis products,
255.28 lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of
255.29 age or older does not constitute the unlawful use of a controlled substance under this item;

255.30 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
255.31 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
255.32 public, as defined in section 253B.02;

255.33 (v) is an alien who is illegally or unlawfully in the United States;

256.1 (vi) has been discharged from the armed forces of the United States under dishonorable
256.2 conditions;

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

256.5 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
256.6 922(g)(8) or (9), as amended through March 1, 2014;

256.7 (11) a person who has been convicted of the following offenses at the gross misdemeanor
256.8 level, unless three years have elapsed since the date of conviction and, during that time, the
256.9 person has not been convicted of any other violation of these sections: section 609.229
256.10 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
256.11 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
256.12 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
256.13 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
256.14 gross misdemeanor convictions include crimes committed in other states or jurisdictions
256.15 which would have been gross misdemeanors if conviction occurred in this state;

256.16 (12) a person who has been convicted of a violation of section 609.224 if the court
256.17 determined that the assault was against a family or household member in accordance with
256.18 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
256.19 the date of conviction and, during that time, the person has not been convicted of another
256.20 violation of section 609.224 or a violation of a section listed in clause (11); or

256.21 (13) a person who is subject to an order for protection as described in section 260C.201,
256.22 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

256.23 A person who issues a certificate pursuant to this section in good faith is not liable for
256.24 damages resulting or arising from the actions or misconduct with a firearm or ammunition
256.25 committed by the individual who is the subject of the certificate.

256.26 The prohibition in this subdivision relating to the possession of firearms other than
256.27 pistols and semiautomatic military-style assault weapons does not apply retroactively to
256.28 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
256.29 weapon under this subdivision before August 1, 1994.

256.30 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
256.31 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
256.32 (2), applies only to offenders who are discharged from sentence or court supervision for a
256.33 crime of violence on or after August 1, 1993.

257.1 Participation as a patient in the registry program or use of adult-use cannabis flower,
257.2 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
257.3 products by a person 21 years of age or older does not disqualify the person from possessing
257.4 firearms and ammunition under this section.

257.5 For purposes of this section, "judicial determination" means a court proceeding pursuant
257.6 to sections 253B.07 to 253B.09 or a comparable law from another state.

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

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

257.10 (1) issue the permit to carry;

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

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

257.15 (b) Failure of the sheriff to notify the applicant of the denial of the application within
257.16 30 days after the date of receipt of the application packet constitutes issuance of the permit
257.17 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny
257.18 the application, the sheriff must provide the applicant with written notification and the
257.19 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including
257.20 the source of the factual basis. The sheriff must inform the applicant of the applicant's right
257.21 to submit, within 20 business days, any additional documentation relating to the propriety
257.22 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the
257.23 denial and inform the applicant within 15 business days of the result of the reconsideration.
257.24 Any denial after reconsideration must be in the same form and substance as the original
257.25 denial and must specifically address any continued deficiencies in light of the additional
257.26 documentation submitted by the applicant. The applicant must be informed of the right to
257.27 seek de novo review of the denial as provided in subdivision 12.

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

258.1 (d) Within five business days of learning that a permit to carry has been suspended or
258.2 revoked, the sheriff must submit information to the commissioner regarding the suspension
258.3 or revocation for inclusion solely in the databases required or permitted under subdivision
258.4 15.

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

258.8 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant
258.9 is a patient enrolled in the registry program and uses medical cannabis flower or medical
258.10 cannabinoid products for a qualifying medical condition or because the person is 21 years
258.11 of age or older and uses adult-use cannabis flower, adult-use cannabis products,
258.12 lower-potency hemp edibles, or hemp-derived consumer products.

258.13 Sec. 65. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:

258.14 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's
258.15 clothes or person in a public place:

258.16 (1) when the person is under the influence of a controlled substance, as defined in section
258.17 152.01, subdivision 4;

258.18 (2) when the person is under the influence of a combination of any two or more of the
258.19 elements named in clauses (1) and (4);

258.20 (3) when the person is under the influence of an intoxicating substance as defined in
258.21 section 169A.03, subdivision 11a, and the person knows or has reason to know that the
258.22 substance has the capacity to cause impairment;

258.23 (4) when the person is under the influence of alcohol;

258.24 (5) when the person's alcohol concentration is 0.10 or more; ~~or~~

258.25 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04-; or

258.26 (7) when the person is enrolled as a patient in the registry program, uses medical cannabis
258.27 flower or medical cannabinoid products, and knows or has reason to know that the medical
258.28 cannabis flower or medical cannabinoid products used by the person has the capacity to
258.29 cause impairment.

259.1 Sec. 66. Minnesota Statutes 2022, section 624.7151, is amended to read:

259.2 **624.7151 STANDARDIZED FORMS.**

259.3 By December 1, 1992, the commissioner shall adopt statewide standards governing the
259.4 form and contents, as required by sections 624.7131 to 624.714, of every application for a
259.5 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application
259.6 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or
259.7 after January 1, 1993.

259.8 Every application for a pistol transferee permit, pistol transferee permit, report of transfer
259.9 of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is
259.10 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993,
259.11 must meet the statewide standards adopted by the commissioner. Notwithstanding the
259.12 previous sentence, neither failure of the Department of Public Safety to adopt standards nor
259.13 failure of the police chief or county sheriff to meet them shall delay the timely processing
259.14 of applications nor invalidate permits issued on other forms meeting the requirements of
259.15 sections 624.7131 to 624.714.

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

259.23 Sec. 67. **[624.7152] LAWFUL CANNABIS USERS.**

259.24 (a) A person may not be denied the right to purchase, own, possess, or carry a firearm
259.25 solely on the basis that the person is a patient in the registry program.

259.26 (b) A person may not be denied the right to purchase, own, possess, or carry a firearm
259.27 solely on the basis that the person is 21 years of age or older and uses adult-use cannabis
259.28 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
259.29 products.

259.30 (c) A state or local agency may not access a database containing the identities of patients
259.31 in the registry program to obtain information for the purpose of approving or disapproving
259.32 a person from purchasing, owning, possessing, or carrying a firearm.

260.1 (d) A state or local agency may not use information gathered from a database containing
260.2 the identities of patients in the registry program to obtain information for the purpose of
260.3 approving or disapproving a person from purchasing, owning, possessing, or carrying a
260.4 firearm.

260.5 (e) A state or local agency may not inquire about a person's status as a patient in the
260.6 registry program for the purpose of approving or disapproving the person from purchasing,
260.7 owning, possessing, or carrying a firearm.

260.8 (f) A state or local agency may not inquire about the use of adult-use cannabis flower,
260.9 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
260.10 products by a person 21 years of age or older for the purpose of approving or disapproving
260.11 the person from purchasing, owning, possessing, or carrying a firearm.

260.12 Sec. 68. **REPEALER.**

260.13 (a) Minnesota Statutes 2022, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,
260.14 9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;
260.15 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and
260.16 3; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.30; 152.31; 152.32, subdivisions 1, 2, and 3;
260.17 152.33, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2,
260.18 3, 4, and 5; and 152.37, are repealed.

260.19 (b) Minnesota Statutes 2022, section 152.027, subdivisions 3 and 4, are repealed.

260.20 (c) Minnesota Statutes 2022, section 152.21, is repealed.

260.21 **EFFECTIVE DATE.** Paragraph (a) is effective January 1, 2024. Paragraph (b) is
260.22 effective August 1, 2023. Paragraph (c) is effective July 1, 2023.

260.23 **ARTICLE 7**

260.24 **TEMPORARY REGULATION OF CERTAIN PRODUCTS**

260.25 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

260.26 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
260.27 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
260.28 for humans or other animals, whether simple, mixed, or compound; and articles used as
260.29 components of these ingredients, except that edible cannabinoid products, as defined in
260.30 section 151.72, subdivision 1, paragraph ~~(e)~~ (f), are not food.

260.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

261.1 Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read:

261.2 **151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

261.3 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
261.4 the meanings given.

261.5 (a) "Artificially derived cannabinoid" means a cannabinoid extracted from a hemp plant
261.6 or hemp plant parts whose chemical makeup is changed after extraction to create a different
261.7 cannabinoid or other chemical compound by applying a catalyst other than heat or light.
261.8 Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol
261.9 created from cannabidiol.

261.10 (b) "Batch" means a specific quantity of a specific product containing cannabinoids
261.11 derived from hemp, including an edible cannabinoid product, that is manufactured at the
261.12 same time and using the same methods, equipment, and ingredients that is uniform and
261.13 intended to meet specifications for identity, strength, purity, and composition, and that is
261.14 manufactured, packaged, and labeled according to a single batch production record executed
261.15 and documented during the same cycle of manufacture and produced by a continuous
261.16 process.

261.17 ~~(b)~~ (c) "Certified hemp" means hemp plants that have been tested and found to meet the
261.18 requirements of chapter 18K and the rules adopted thereunder.

261.19 (d) "Commissioner" means the commissioner of health.

261.20 (e) "Distributor" means a person who sells, arranges a sale, or delivers a product
261.21 containing cannabinoids derived from hemp, including an edible cannabinoid product, that
261.22 the person did not manufacture to a retail establishment for sale to consumers. Distributor
261.23 does not include a common carrier used only to complete delivery to a retailer.

261.24 ~~(e)~~ (f) "Edible cannabinoid product" means any product that is intended to be eaten or
261.25 consumed as a beverage by humans, contains a cannabinoid in combination with food
261.26 ingredients, and is not a drug.

261.27 ~~(d)~~ (g) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision
261.28 3.

261.29 ~~(e)~~ (h) "Label" has the meaning given in section 151.01, subdivision 18.

261.30 ~~(f)~~ (i) "Labeling" means all labels and other written, printed, or graphic matter that are:
261.31 (1) affixed to the immediate container in which a product regulated under this section
261.32 is sold;

262.1 (2) provided, in any manner, with the immediate container, including but not limited to
262.2 outer containers, wrappers, package inserts, brochures, or pamphlets; or

262.3 (3) provided on that portion of a manufacturer's website that is linked by a scannable
262.4 barcode or matrix barcode.

262.5 ~~(g)~~ (j) "Matrix barcode" means a code that stores data in a two-dimensional array of
262.6 geometrically shaped dark and light cells capable of being read by the camera on a
262.7 smartphone or other mobile device.

262.8 ~~(h)~~ (k) "Nonintoxicating cannabinoid" means substances extracted from certified hemp
262.9 plants that do not produce intoxicating effects when consumed by any route of administration.

262.10 (l) "Synthetic cannabinoid" means a substance with a similar chemical structure and
262.11 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp
262.12 plants, or hemp plant parts and is instead created or produced by chemical or biochemical
262.13 synthesis.

262.14 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains
262.15 cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended
262.16 for human or animal consumption by any route of administration.

262.17 (b) This section does not apply to any product dispensed by a registered medical cannabis
262.18 manufacturer pursuant to sections 152.22 to 152.37.

262.19 (c) The ~~board~~ commissioner must have no authority over food products, as defined in
262.20 section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from
262.21 hemp.

262.22 Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other
262.23 section of this chapter, a product containing nonintoxicating cannabinoids, including an
262.24 edible cannabinoid product, may be sold for human or animal consumption only if all of
262.25 the requirements of this section are met, provided that a product sold for human or animal
262.26 consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an
262.27 edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that
262.28 exceeds the limits established in subdivision 5a, paragraph (f).

262.29 (b) No other substance extracted or otherwise derived from hemp may be sold for human
262.30 consumption if the substance is intended:

262.31 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
262.32 of disease in humans or other animals; or

263.1 (2) to affect the structure or any function of the bodies of humans or other animals.

263.2 (c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise
263.3 derived from hemp may be sold to any individual who is under the age of 21.

263.4 (d) Products that meet the requirements of this section are not controlled substances
263.5 under section 152.02.

263.6 Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this
263.7 section must submit representative samples of each batch of the product to an independent,
263.8 accredited laboratory in order to certify that the product complies with the standards adopted
263.9 by the board on or before July 1, 2023, or the standards adopted by the commissioner.

263.10 Testing must be consistent with generally accepted industry standards for herbal and botanical
263.11 substances, and, at a minimum, the testing must confirm that the product:

263.12 (1) contains the amount or percentage of cannabinoids that is stated on the label of the
263.13 product;

263.14 (2) does not contain more than trace amounts of any mold, residual solvents or other
263.15 catalysts, pesticides, fertilizers, or heavy metals; and

263.16 (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

263.17 (b) A manufacturer of a product regulated under this section must disclose all known
263.18 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to
263.19 industrial hemp or added to industrial hemp during any production or processing stages of
263.20 any batch from which a representative sample has been sent for testing, including any
263.21 catalysts used to create artificially derived cannabinoids. Disclosure must be made to the
263.22 laboratory performing testing or sampling and, upon request, to the commissioner. Disclosure
263.23 must include all information known to the licensee regardless of whether the application or
263.24 addition was made intentionally or accidentally, or by the manufacturer or any other person.

263.25 ~~(b)~~ (c) Upon the request of the ~~board~~ commissioner, the manufacturer of the product
263.26 must provide the ~~board~~ commissioner with the results of the testing required in this section.

263.27 (d) The commissioner may determine that any testing laboratory that does not operate
263.28 formal management systems under the International Organization for Standardization is not
263.29 an accredited laboratory and require that a representative sample of a batch of the product
263.30 be retested by a testing laboratory that meets this requirement.

263.31 ~~(e)~~ (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived,
263.32 or possession of a certificate of analysis for such hemp, does not meet the testing requirements
263.33 of this section.

264.1 Subd. 5. **Labeling requirements.** (a) A product regulated under this section must bear
264.2 a label that contains, at a minimum:

264.3 (1) the name, location, contact phone number, and website of the manufacturer of the
264.4 product;

264.5 (2) the name and address of the independent, accredited laboratory used by the
264.6 manufacturer to test the product; ~~and~~

264.7 (3) the batch number; and

264.8 ~~(3)~~ (4) an accurate statement of the amount or percentage of cannabinoids found in each
264.9 unit of the product meant to be consumed.

264.10 (b) The information in paragraph (a) may be provided on an outer package if the
264.11 immediate container that holds the product is too small to contain all of the information.

264.12 (c) The information required in paragraph (a) may be provided through the use of a
264.13 scannable barcode or matrix barcode that links to a page on the manufacturer's website if
264.14 that page contains all of the information required by this subdivision.

264.15 (d) The label must also include a statement stating that the product does not claim to
264.16 diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the
264.17 United States Food and Drug Administration (FDA) unless the product has been so approved.

264.18 (e) The information required by this subdivision must be prominently and conspicuously
264.19 placed on the label or displayed on the website in terms that can be easily read and understood
264.20 by the consumer.

264.21 (f) The labeling must not contain any claim that the product may be used or is effective
264.22 for the prevention, treatment, or cure of a disease or that it may be used to alter the structure
264.23 or function of human or animal bodies, unless the claim has been approved by the FDA.

264.24 Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition
264.25 to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid
264.26 must meet the requirements of this subdivision.

264.27 (b) An edible cannabinoid product must not:

264.28 (1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,
264.29 animal, or fruit that appeals to children;

264.30 (2) be modeled after a brand of products primarily consumed by or marketed to children;

265.1 (3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a
265.2 commercially available candy or snack food item;

265.3 (4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved
265.4 by the United States Food and Drug Administration for use in food;

265.5 (5) be packaged in a way that resembles the trademarked, characteristic, or
265.6 product-specialized packaging of any commercially available food product; or

265.7 (6) be packaged in a container that includes a statement, artwork, or design that could
265.8 reasonably mislead any person to believe that the package contains anything other than an
265.9 edible cannabinoid product.

265.10 (c) An edible cannabinoid product must be prepackaged in packaging or a container that
265.11 is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is
265.12 child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The
265.13 requirement that packaging be child-resistant does not apply to an edible cannabinoid product
265.14 that is intended to be consumed as a beverage and which contains no more than a ~~trace~~
265.15 ~~amount of any tetrahydrocannabinol~~ total of 0.25 milligrams of all tetrahydrocannabinols.

265.16 (d) If an edible cannabinoid product is intended for more than a single use or contains
265.17 multiple servings, each serving must be indicated by scoring, wrapping, or other indicators
265.18 designating the individual serving size that appear on the edible cannabinoid product.

265.19 (e) A label containing at least the following information must be affixed to the packaging
265.20 or container of all edible cannabinoid products sold to consumers:

265.21 (1) the serving size;

265.22 (2) the cannabinoid profile per serving and in total;

265.23 (3) a list of ingredients, including identification of any major food allergens declared
265.24 by name; and

265.25 (4) the following statement: "Keep this product out of reach of children."

265.26 (f) An edible cannabinoid product must not contain more than five milligrams of any
265.27 tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any
265.28 tetrahydrocannabinol per package.

265.29 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9
265.30 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is an
265.31 artificially derived cannabinoid. Edible cannabinoid products are prohibited from containing
265.32 any other artificially derived cannabinoid, including but not limited to THC-P, THC-O, and

266.1 HHC, unless the commissioner authorizes use of the artificially derived cannabinoid in
266.2 edible cannabinoid products. Edible cannabinoid products are prohibited from containing
266.3 synthetic cannabinoids.

266.4 Subd. 5b. **Registration; prohibitions.** (a) On or before October 1, 2023, every person
266.5 selling edible cannabinoid products to consumers must apply for registration with the
266.6 commissioner in a form and manner established by the commissioner. After October 1,
266.7 2023, the sale of edible cannabinoid products by a person that is not registered is prohibited.

266.8 (b) The commissioner shall approve completed registration applications unless the
266.9 applicant is operating in violation of this section or the commissioner reasonably believes
266.10 that the applicant will operate in violation of this section.

266.11 (c) The commissioner shall not charge a fee for registration under this subdivision.

266.12 (d) A registered retailer shall not:

266.13 (1) permit the on-site consumption of edible cannabinoid products; or

266.14 (2) provide free samples of edible cannabinoid products, except that a retailer may
266.15 provide a single package of an edible cannabinoid product with the purchase of a childproof
266.16 packaging container or other device designed to ensure the safe storage and monitoring of
266.17 edible cannabinoid products in the home to prevent access by individuals under 21 years
266.18 of age.

266.19 Subd. 5c. **Age verification.** (a) Prior to initiating a sale of an edible cannabinoid product,
266.20 an employee of a retailer must verify that the customer is at least 21 years of age.

266.21 (b) Proof of age may be established only by one of the following:

266.22 (1) a valid driver's license or identification card issued by Minnesota, another state, or
266.23 a province of Canada and including the photograph and date of birth of the licensed person;

266.24 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

266.25 (3) a valid passport issued by the United States;

266.26 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
266.27 purchase edible cannabinoid products, which includes a photograph and the date of birth
266.28 of the person issued the permit; or

266.29 (5) in the case of a foreign national, by a valid passport.

266.30 (c) A registered retailer may seize a form of identification listed under paragraph (b) if
266.31 the registered retailer has reasonable grounds to believe that the form of identification has

267.1 been altered or falsified or is being used to violate any law. A registered retailer that seizes
267.2 a form of identification as authorized under this paragraph must deliver it to a law
267.3 enforcement agency within 24 hours of seizing it.

267.4 Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this
267.5 section, including an edible cannabinoid product, shall be considered ~~an adulterated drug~~
267.6 a noncompliant product if the product is offered for sale in this state or if the product is
267.7 manufactured, imported, distributed, or stored with the intent to be offered for sale in this
267.8 state in violation of any provision of this section, including but not limited to if:

267.9 (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

267.10 (2) it has been produced, prepared, packed, or held under unsanitary conditions where
267.11 it may have been rendered injurious to health, or where it may have been contaminated with
267.12 filth;

267.13 (3) its container is composed, in whole or in part, of any poisonous or deleterious
267.14 substance that may render the contents injurious to health;

267.15 (4) it contains any food additives, color additives, or excipients that have been found by
267.16 the FDA to be unsafe for human or animal consumption;

267.17 (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different
267.18 than the amount or percentage stated on the label;

267.19 (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is
267.20 an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits
267.21 established in subdivision 5a, paragraph (f); or

267.22 (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers,
267.23 or heavy metals.

267.24 (b) A product regulated under this section shall be considered a ~~misbranded drug~~
267.25 noncompliant product if the product's labeling is false or misleading in any manner or in
267.26 violation of the requirements of this section.

267.27 (c) ~~The board's authority to issue cease and desist orders under section 151.06; to embargo~~
267.28 ~~adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under~~
267.29 ~~section 214.11, extends to any~~ commissioner may assume that any product regulated under
267.30 this section that is present in the state, other than a product lawfully possessed for personal
267.31 use, has been manufactured, imported, distributed, or stored with the intent to be offered
267.32 for sale in this state if a product of the same type and brand was sold in the state on or after

268.1 July 1, 2023, or if the product is in the possession of a person who has sold any product in
268.2 violation of this section.

268.3 (d) The commissioner may enforce this section, including enforcement against a
268.4 manufacturer or distributor of a product regulated under this section, under sections 144.989
268.5 to 144.993.

268.6 (e) The commissioner may enter into an interagency agreement with the Office of
268.7 Cannabis Management to perform inspections and take other enforcement actions on behalf
268.8 of the commissioner.

268.9 Subd. 7. **Violations; criminal penalties.** (a) Notwithstanding section 144.99, subdivision
268.10 11, a person who does any of the following regarding a product regulated under this section
268.11 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than
268.12 one year or to payment of a fine of not more than \$3,000, or both:

268.13 (1) knowingly alters or otherwise falsifies testing results;

268.14 (2) intentionally alters or falsifies any information required to be included on the label
268.15 of an edible cannabinoid product; or

268.16 (3) intentionally makes a false material statement to the commissioner.

268.17 (b) Notwithstanding section 144.99, subdivision 11, a person who does any of the
268.18 following on the premises of a registered retailer or another business that sells retail goods
268.19 to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for
268.20 not more than one year or to payment of a fine of not more than \$3,000, or both:

268.21 (1) sells an edible cannabinoid product knowing that the product does not comply with
268.22 the limits on the amount or types of cannabinoids that a product may contain;

268.23 (2) sells an edible cannabinoid product knowing that the product does not comply with
268.24 the applicable testing, packaging, or labeling requirements; or

268.25 (3) sells an edible cannabinoid product to a person under the age of 21, except that it is
268.26 an affirmative defense to a charge under this clause if the defendant proves by a
268.27 preponderance of the evidence that the defendant reasonably and in good faith relied on
268.28 proof of age as described in subdivision 5c.

268.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

269.1 Sec. 3. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

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

269.4 (1) alcoholic beverages;

269.5 (2) tobacco products;

269.6 (3) ice;

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

269.9 (5) soft drinks;

269.10 (6) liqueur-filled candies;

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

269.12 (8) cork extraction devices;

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

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

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

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

269.19 (13) home brewing equipment;

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

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

269.23 (16) glassware; and

269.24 (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph
269.25 (f).

269.26 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
269.27 license may sell food for on-premise consumption when authorized by the municipality
269.28 issuing the license.

269.29 (c) An exclusive liquor store may offer live or recorded entertainment.

270.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

270.2 Sec. 4. **EDIBLE CANNABINOID PRODUCTS; ENFORCEMENT.**

270.3 (a) The Department of Health shall enforce the provisions of Minnesota Statutes, section
270.4 151.72, and all rules, orders, stipulation agreements, settlements, compliance agreements,
270.5 and registrations related to that section adopted or issued by the Office of Medical Cannabis
270.6 or the Department of Health pursuant to the Health Enforcement Consolidation Act of 1993
270.7 contained in Minnesota Statutes, sections 144.989 to 144.993. The commissioner of health
270.8 may assign enforcement responsibilities to the Office of Medical Cannabis.

270.9 (b) The enforcement authority under paragraph (a) shall transfer to the Office of Cannabis
270.10 Management at any such time that the powers and duties of the Department of Health with
270.11 respect to the medical cannabis program under Minnesota Statutes, sections 152.22 to
270.12 152.37, are transferred to the Office of Cannabis Management. The director of the Office
270.13 of Cannabis Management may assign enforcement responsibilities to the Division of Medical
270.14 Cannabis.

270.15 (c) This section shall expire on July 1, 2024.

270.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

270.17 Sec. 5. **REPEALER.**

270.18 Minnesota Statutes 2022, section 151.72, is repealed.

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

270.20 **ARTICLE 8**

270.21 **SCHEDULING OF MARIJUANA**

270.22 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

270.23 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

270.24 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
270.25 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
270.26 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
270.27 and salts is possible:

270.28 (1) acetylmethadol;

270.29 (2) allylprodine;

- 271.1 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
271.2 acetate);
- 271.3 (4) alphameprodine;
- 271.4 (5) alphamethadol;
- 271.5 (6) alpha-methylfentanyl benzethidine;
- 271.6 (7) betacetylmethadol;
- 271.7 (8) betameprodine;
- 271.8 (9) betamethadol;
- 271.9 (10) betaprodine;
- 271.10 (11) clonitazene;
- 271.11 (12) dextromoramide;
- 271.12 (13) diampromide;
- 271.13 (14) diethylambutene;
- 271.14 (15) difenoxin;
- 271.15 (16) dimenoxadol;
- 271.16 (17) dimepheptanol;
- 271.17 (18) dimethylambutene;
- 271.18 (19) dioxaphetyl butyrate;
- 271.19 (20) dipipanone;
- 271.20 (21) ethylmethylthiambutene;
- 271.21 (22) etonitazene;
- 271.22 (23) etoxeridine;
- 271.23 (24) furethidine;
- 271.24 (25) hydroxypethidine;
- 271.25 (26) ketobemidone;
- 271.26 (27) levomoramide;
- 271.27 (28) levophenacilmorphan;

- 272.1 (29) 3-methylfentanyl;
- 272.2 (30) acetyl-alpha-methylfentanyl;
- 272.3 (31) alpha-methylthiofentanyl;
- 272.4 (32) benzylfentanyl beta-hydroxyfentanyl;
- 272.5 (33) beta-hydroxy-3-methylfentanyl;
- 272.6 (34) 3-methylthiofentanyl;
- 272.7 (35) thenylfentanyl;
- 272.8 (36) thiofentanyl;
- 272.9 (37) para-fluorofentanyl;
- 272.10 (38) morpheridine;
- 272.11 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 272.12 (40) noracymethadol;
- 272.13 (41) norlevorphanol;
- 272.14 (42) normethadone;
- 272.15 (43) norpipanone;
- 272.16 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 272.17 (45) phenadoxone;
- 272.18 (46) phenampromide;
- 272.19 (47) phenomorphan;
- 272.20 (48) phenoperidine;
- 272.21 (49) piritramide;
- 272.22 (50) proheptazine;
- 272.23 (51) properidine;
- 272.24 (52) propiram;
- 272.25 (53) racemoramide;
- 272.26 (54) tilidine;
- 272.27 (55) trimeperidine;

- 273.1 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 273.2 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 273.3 methylbenzamide(U47700);
- 273.4 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanyl fentanyl);
- 273.5 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 273.6 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 273.7 fentanyl);
- 273.8 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 273.9 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 273.10 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 273.11 fentanyl);
- 273.12 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 273.13 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 273.14 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 273.15 (para-chloroisobutyryl fentanyl);
- 273.16 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 273.17 fentanyl);
- 273.18 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 273.19 (para-methoxybutyryl fentanyl);
- 273.20 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 273.21 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
- 273.22 fentanyl or para-fluoroisobutyryl fentanyl);
- 273.23 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
- 273.24 acryloyl fentanyl);
- 273.25 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
- 273.26 fentanyl);
- 273.27 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
- 273.28 or 2-fluorofentanyl);
- 273.29 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
- 273.30 (tetrahydrofuranyl fentanyl); and

274.1 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
274.2 esters and ethers, meaning any substance not otherwise listed under another federal
274.3 Administration Controlled Substance Code Number or not otherwise listed in this section,
274.4 and for which no exemption or approval is in effect under section 505 of the Federal Food,
274.5 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
274.6 to fentanyl by one or more of the following modifications:

274.7 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
274.8 or not further substituted in or on the monocycle;

274.9 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
274.10 haloalkyl, amino, or nitro groups;

274.11 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
274.12 hydroxyl, halo, haloalkyl, amino, or nitro groups;

274.13 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
274.14 substituted in or on the aromatic monocycle; or

274.15 (v) replacement of the N-propionyl group by another acyl group.

274.16 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
274.17 and salts of isomers, unless specifically excepted or unless listed in another schedule,
274.18 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

274.19 (1) acetorphine;

274.20 (2) acetyldihydrocodeine;

274.21 (3) benzylmorphine;

274.22 (4) codeine methylbromide;

274.23 (5) codeine-n-oxide;

274.24 (6) cyprenorphine;

274.25 (7) desomorphine;

274.26 (8) dihydromorphine;

274.27 (9) drotebanol;

274.28 (10) etorphine;

274.29 (11) heroin;

274.30 (12) hydromorphanol;

- 275.1 (13) methyldesorphine;
- 275.2 (14) methyldihydromorphine;
- 275.3 (15) morphine methylbromide;
- 275.4 (16) morphine methylsulfonate;
- 275.5 (17) morphine-n-oxide;
- 275.6 (18) myrophine;
- 275.7 (19) nicocodeine;
- 275.8 (20) nicomorphine;
- 275.9 (21) normorphine;
- 275.10 (22) pholcodine; and
- 275.11 (23) thebacon.
- 275.12 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
- 275.13 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
- 275.14 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
- 275.15 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
- 275.16 possible:
- 275.17 (1) methylenedioxy amphetamine;
- 275.18 (2) methylenedioxymethamphetamine;
- 275.19 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 275.20 (4) n-hydroxy-methylenedioxyamphetamine;
- 275.21 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 275.22 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 275.23 (7) 4-methoxyamphetamine;
- 275.24 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 275.25 (9) alpha-ethyltryptamine;
- 275.26 (10) bufotenine;
- 275.27 (11) diethyltryptamine;
- 275.28 (12) dimethyltryptamine;

- 276.1 (13) 3,4,5-trimethoxyamphetamine;
- 276.2 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 276.3 (15) ibogaine;
- 276.4 (16) lysergic acid diethylamide (LSD);
- 276.5 (17) mescaline;
- 276.6 (18) parahexyl;
- 276.7 (19) N-ethyl-3-piperidyl benzilate;
- 276.8 (20) N-methyl-3-piperidyl benzilate;
- 276.9 (21) psilocybin;
- 276.10 (22) psilocyn;
- 276.11 (23) tenocyclidine (TCP or TCP);
- 276.12 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 276.13 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 276.14 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 276.15 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 276.16 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 276.17 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 276.18 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 276.19 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 276.20 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 276.21 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 276.22 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 276.23 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 276.24 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 276.25 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 276.26 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 276.27 (2-CB-FLY);

- 277.1 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 277.2 (40) alpha-methyltryptamine (AMT);
- 277.3 (41) N,N-diisopropyltryptamine (DiPT);
- 277.4 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 277.5 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 277.6 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 277.7 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 277.8 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 277.9 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 277.10 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 277.11 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 277.12 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 277.13 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 277.14 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 277.15 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 277.16 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 277.17 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 277.18 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 277.19 (57) methoxetamine (MXE);
- 277.20 (58) 5-iodo-2-aminoindane (5-IAI);
- 277.21 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 277.22 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 277.23 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 277.24 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 277.25 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 277.26 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 277.27 (65) N,N-Dipropyltryptamine (DPT);

- 278.1 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 278.2 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 278.3 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 278.4 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 278.5 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethyl-norketamine,
- 278.6 ethketamine, NENK);
- 278.7 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 278.8 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 278.9 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 278.10 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
- 278.11 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
- 278.12 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
- 278.13 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
- 278.14 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
- 278.15 Church, and members of the American Indian Church are exempt from registration. Any
- 278.16 person who manufactures peyote for or distributes peyote to the American Indian Church,
- 278.17 however, is required to obtain federal registration annually and to comply with all other
- 278.18 requirements of law.
- 278.19 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
- 278.20 another schedule, any material compound, mixture, or preparation which contains any
- 278.21 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
- 278.22 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 278.23 (1) mecloqualone;
- 278.24 (2) methaqualone;
- 278.25 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- 278.26 (4) flunitrazepam;
- 278.27 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
- 278.28 methoxyketamine);
- 278.29 (6) tianeptine;
- 278.30 (7) clonazepam;

- 279.1 (8) etizolam;
- 279.2 (9) flubromazolam; and
- 279.3 (10) flubromazepam.
- 279.4 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 279.5 material compound, mixture, or preparation which contains any quantity of the following
- 279.6 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
- 279.7 analogs, salts, isomers, and salts of isomers is possible:
- 279.8 (1) aminorex;
- 279.9 (2) cathinone;
- 279.10 (3) fenethylamine;
- 279.11 (4) methcathinone;
- 279.12 (5) methylaminorex;
- 279.13 (6) N,N-dimethylamphetamine;
- 279.14 (7) N-benzylpiperazine (BZP);
- 279.15 (8) methylmethcathinone (mephedrone);
- 279.16 (9) 3,4-methylenedioxy-N-methylcathinone (methyldone);
- 279.17 (10) methoxymethcathinone (methedrone);
- 279.18 (11) methylenedioxypropylone (MDPV);
- 279.19 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 279.20 (13) methylethcathinone (MEC);
- 279.21 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 279.22 (15) dimethylmethcathinone (DMMC);
- 279.23 (16) fluoroamphetamine;
- 279.24 (17) fluoromethamphetamine;
- 279.25 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 279.26 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 279.27 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);

- 280.1 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
280.2 naphyrone);
- 280.3 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 280.4 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 280.5 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 280.6 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 280.7 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 280.8 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 280.9 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 280.10 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 280.11 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 280.12 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 280.13 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 280.14 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 280.15 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 280.16 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 280.17 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 280.18 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 280.19 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 280.20 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 280.21 and
- 280.22 (40) any other substance, except bupropion or compounds listed under a different
280.23 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
280.24 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
280.25 compound is further modified in any of the following ways:
- 280.26 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
280.27 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
280.28 system by one or more other univalent substituents;
- 280.29 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

281.1 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
281.2 methoxybenzyl groups; or

281.3 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

281.4 ~~(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically~~
281.5 ~~excepted or unless listed in another schedule, any natural or synthetic material, compound,~~
281.6 ~~mixture, or preparation that contains any quantity of the following substances, their analogs,~~
281.7 ~~isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence~~
281.8 ~~of the isomers, esters, ethers, or salts is possible:~~

281.9 ~~(1) marijuana;~~

281.10 ~~(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except~~
281.11 ~~that tetrahydrocannabinols do not include any material, compound, mixture, or preparation~~
281.12 ~~that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic~~
281.13 ~~equivalents of the substances contained in the cannabis plant or in the resinous extractives~~
281.14 ~~of the plant; or synthetic substances with similar chemical structure and pharmacological~~
281.15 ~~activity to those substances contained in the plant or resinous extract, including, but not~~
281.16 ~~limited to, 1-cis or trans tetrahydrocannabinol, 6-cis or trans tetrahydrocannabinol, and 3,4~~
281.17 ~~cis or trans tetrahydrocannabinol;~~

281.18 ~~(3)~~ (h) Synthetic cannabinoids, including the following substances:

281.19 ~~(i)~~ (1) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
281.20 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
281.21 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
281.22 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
281.23 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
281.24 naphthoylindoles include, but are not limited to:

281.25 ~~(A)~~ (i) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

281.26 ~~(B)~~ (ii) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

281.27 ~~(C)~~ (iii) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

281.28 ~~(D)~~ (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

281.29 ~~(E)~~ (v) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

281.30 ~~(F)~~ (vi) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

281.31 ~~(G)~~ (vii) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

- 282.1 ~~(H)~~ (viii) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);
- 282.2 ~~(H)~~ (ix) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- 282.3 ~~(J)~~ (x) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).
- 282.4 ~~(ii)~~ (2) Naphthylmethyloindoles, which are any compounds containing a
- 282.5 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
- 282.6 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 282.7 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
- 282.8 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
- 282.9 ring to any extent. Examples of naphthylmethyloindoles include, but are not limited to:
- 282.10 ~~(A)~~ (i) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);
- 282.11 ~~(B)~~ (ii) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).
- 282.12 ~~(iii)~~ (3) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
- 282.13 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
- 282.14 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 282.15 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
- 282.16 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 282.17 naphthoylpyrroles include, but are not limited to,
- 282.18 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).
- 282.19 ~~(iv)~~ (4) Naphthylmethyloindenes, which are any compounds containing a
- 282.20 naphthylideneindene structure with substitution at the 3-position of the indene ring by an
- 282.21 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 282.22 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further
- 282.23 substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring
- 282.24 to any extent. Examples of naphthylmethyloindenes include, but are not limited to,
- 282.25 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).
- 282.26 ~~(v)~~ (5) Phenylacetyloindoles, which are any compounds containing a 3-phenylacetyloindole
- 282.27 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 282.28 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 282.29 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 282.30 extent, whether or not substituted in the phenyl ring to any extent. Examples of
- 282.31 phenylacetyloindoles include, but are not limited to:
- 282.32 ~~(A)~~ (i) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);
- 282.33 ~~(B)~~ (ii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

- 283.1 ~~(C)~~ (iii) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
- 283.2 ~~(D)~~ (iv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
- 283.3 ~~(v)~~ (6) Cyclohexylphenols, which are compounds containing a
- 283.4 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
- 283.5 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 283.6 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
- 283.7 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
- 283.8 limited to:
- 283.9 ~~(A)~~ (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);
- 283.10 ~~(B)~~ (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
- 283.11 (Cannabicyclohexanol or CP 47,497 C8 homologue);
- 283.12 ~~(C)~~ (iii) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
- 283.13 -phenol (CP 55,940).
- 283.14 ~~(vii)~~ (7) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole
- 283.15 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 283.16 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 283.17 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 283.18 extent and whether or not substituted in the phenyl ring to any extent. Examples of
- 283.19 benzoylindoles include, but are not limited to:
- 283.20 ~~(A)~~ (i) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 283.21 ~~(B)~~ (ii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 283.22 ~~(C)~~ (iii) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
- 283.23 (WIN 48,098 or Pravadoline).
- 283.24 ~~(viii)~~ (8) Others specifically named:
- 283.25 ~~(A)~~ (i) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 283.26 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 283.27 ~~(B)~~ (ii) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 283.28 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 283.29 ~~(C)~~ (iii) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
- 283.30 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 283.31 ~~(D)~~ (iv) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

- 284.1 ~~(E)~~ (v) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
284.2 (XLR-11);
- 284.3 ~~(F)~~ (vi) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
284.4 (AKB-48(APINACA));
- 284.5 ~~(G)~~ (vii) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
284.6 (5-Fluoro-AKB-48);
- 284.7 ~~(H)~~ (viii) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 284.8 ~~(I)~~ (ix) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro
284.9 PB-22);
- 284.10 ~~(J)~~ (x) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
284.11 (AB-PINACA);
- 284.12 ~~(K)~~ (xi) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
284.13 1H-indazole-3-carboxamide (AB-FUBINACA);
- 284.14 ~~(L)~~ (xii) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
284.15 indazole-3-carboxamide(AB-CHMINACA);
- 284.16 ~~(M)~~ (xiii) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-
284.17 methylbutanoate (5-fluoro-AMB);
- 284.18 ~~(N)~~ (xiv) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 284.19 ~~(O)~~ (xv) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
284.20 (FUBIMINA);
- 284.21 ~~(P)~~ (xvi) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
284.22 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 284.23 ~~(Q)~~ (xvii) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
284.24 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 284.25 ~~(R)~~ (xviii) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
284.26 -1H-indole-3-carboxamide;
- 284.27 ~~(S)~~ (xix) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
284.28 -1H-indazole-3-carboxamide;
- 284.29 ~~(T)~~ (xx) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)
284.30 -3,3-dimethylbutanoate;

- 285.1 ~~(U)~~ (xxi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1
285.2 H-indazole-3-carboxamide (MAB-CHMINACA);
- 285.3 ~~(V)~~ (xxii)
285.4 N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
285.5 (ADB-PINACA);
- 285.6 ~~(W)~~ (xxiii) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 285.7 ~~(X)~~ (xxiv)
285.8 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
285.9 3-carboxamide. (APP-CHMINACA);
- 285.10 ~~(Y)~~ (xxv) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 285.11 ~~(Z)~~ (xxvi) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate
285.12 (MMB-CHMICA).
- 285.13 ~~(ix)~~ (9) Additional substances specifically named:
- 285.14 ~~(A)~~ (i) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
285.15 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 285.16 ~~(B)~~ (ii) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
285.17 (4-CN-Cumyl-Butinaca);
- 285.18 ~~(C)~~ (iii) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201;
285.19 CBL2201);
- 285.20 ~~(D)~~ (iv) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
285.21 H-indazole-3-carboxamide (5F-ABPINACA);
- 285.22 ~~(E)~~ (v) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
285.23 (MDMB CHMICA);
- 285.24 ~~(F)~~ (vi) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
285.25 (5F-ADB; 5F-MDMB-PINACA); and
- 285.26 ~~(G)~~ (vii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
285.27 1H-indazole-3-carboxamide (ADB-FUBINACA).
- 285.28 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
285.29 for human consumption.
- 285.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

286.1 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 4, is amended to read:

286.2 Subd. 4. **Schedule III.** (a) Schedule III consists of the substances listed in this subdivision.

286.3 (b) Stimulants. Unless specifically excepted or unless listed in another schedule, any
286.4 material, compound, mixture, or preparation which contains any quantity of the following
286.5 substances having a potential for abuse associated with a stimulant effect on the central
286.6 nervous system, including its salts, isomers, and salts of such isomers whenever the existence
286.7 of such salts, isomers, and salts of isomers is possible within the specific chemical
286.8 designation:

286.9 (1) benzphetamine;

286.10 (2) chlorphentermine;

286.11 (3) clortermine;

286.12 (4) phendimetrazine.

286.13 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
286.14 material, compound, mixture, or preparation which contains any quantity of the following
286.15 substances having a potential for abuse associated with a depressant effect on the central
286.16 nervous system:

286.17 (1) any compound, mixture, or preparation containing amobarbital, secobarbital,
286.18 pentobarbital or any salt thereof and one or more other active medicinal ingredients which
286.19 are not listed in any schedule;

286.20 (2) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or
286.21 any salt of any of these drugs and approved by the food and drug administration for marketing
286.22 only as a suppository;

286.23 (3) any substance which contains any quantity of a derivative of barbituric acid, or any
286.24 salt of a derivative of barbituric acid, except those substances which are specifically listed
286.25 in other schedules;

286.26 (4) any drug product containing gamma hydroxybutyric acid, including its salts, isomers,
286.27 and salts of isomers, for which an application is approved under section 505 of the federal
286.28 Food, Drug, and Cosmetic Act;

286.29 (5) any of the following substances:

286.30 (i) chlorhexadol;

286.31 (ii) ketamine, its salts, isomers and salts of isomers;

- 287.1 (iii) lysergic acid;
- 287.2 (iv) lysergic acid amide;
- 287.3 (v) methyprylon;
- 287.4 (vi) sulfondiethylmethane;
- 287.5 (vii) sulfonethylmethane;
- 287.6 (viii) sulfonmethane;
- 287.7 (ix) tiletamine and zolazepam and any salt thereof;
- 287.8 (x) embutramide;
- 287.9 (xi) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-Dihydropyridin-3-yl)
- 287.10 benzonitrile].
- 287.11 (d) Nalorphine.
- 287.12 (e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
- 287.13 any material, compound, mixture, or preparation containing any of the following narcotic
- 287.14 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
- 287.15 as follows:
- 287.16 (1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
- 287.17 per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
- 287.18 (2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
- 287.19 per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
- 287.20 amounts;
- 287.21 (3) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90
- 287.22 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
- 287.23 therapeutic amounts;
- 287.24 (4) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than
- 287.25 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
- 287.26 therapeutic amounts;
- 287.27 (5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not
- 287.28 more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients
- 287.29 in recognized therapeutic amounts;
- 287.30 (6) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with
- 287.31 one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

- 288.1 (f) Anabolic steroids, human growth hormone, and chorionic gonadotropin.
- 288.2 (1) Anabolic steroids, for purposes of this subdivision, means any drug or hormonal
288.3 substance, chemically and pharmacologically related to testosterone, other than estrogens,
288.4 progestins, corticosteroids, and dehydroepiandrosterone, and includes:
- 288.5 (i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 288.6 (ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 288.7 (iii) androstenedione (5[alpha]-androstan-3,17-dione);
- 288.8 (iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- 288.9 (v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- 288.10 (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);
- 288.11 (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);
- 288.12 (viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);
- 288.13 (ix) 4-androstenedione (androst-4-en-3,17-dione);
- 288.14 (x) 5-androstenedione (androst-5-en-3,17-dione);
- 288.15 (xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 288.16 (xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);
- 288.17 (xiii) boldione (androsta-1,4-diene-3,17-dione);
- 288.18 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 288.19 (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);
- 288.20 (xvi) dehydrochloromethyltestosterone
- 288.21 (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);
- 288.22 (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
- 288.23 (xviii) [delta]1-dihydrotestosterone- (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 288.24 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);
- 288.25 (xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- 288.26 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- 288.27 (xxii) fluoxymesterone
- 288.28 (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);

- 289.1 (xxiii) formebolone
289.2 (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
- 289.3 (xxiv) furazabol
289.4 (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta]
289.5 -hydroxygon-4-en-3-one;
- 289.6 (xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);
- 289.7 (xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);
- 289.8 (xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-3-one);
- 289.9 (xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-3-one);
- 289.10 (xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
- 289.11 (xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);
- 289.12 (xxxi) methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androst-17beta-ol-3-one);
- 289.13 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 289.14 (xxxiii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 289.15 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 289.16 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;
- 289.17 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone
289.18 (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 289.19 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
- 289.20 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);
- 289.21 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
- 289.22 (xl) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);
- 289.23 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
289.24 (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);
- 289.25 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one);
- 289.26 (xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene);
- 289.27 (xliv) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol
289.28 (3[beta],17[beta]-dihydroxyestr-5-ene);
- 289.29 (xlv) 3[alpha],17[beta]-dihydroxyestr-5-ene);

- 290.1 (xlvi) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 290.2 (xlvii) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 290.3 (xlviii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- 290.4 (xlix) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- 290.5 (l) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- 290.6 (li) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- 290.7 (lii) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);
- 290.8 (liii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- 290.9 (liv) oxymetholone
290.10 (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 290.11 (lv) prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-C]pyrazole);
- 290.12 (lvi) stanozolol
290.13 (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);
- 290.14 (lvii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);
- 290.15 (lviii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- 290.16 (lix) testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- 290.17 (lx) tetrahydrogestrinone
- 290.18 (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- 290.19 (lxi) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);
- 290.20 (lxii) any salt, ester, or ether of a drug or substance described in this paragraph.
- 290.21 Anabolic steroids are not included if they are: (A) expressly intended for administration
290.22 through implants to cattle or other nonhuman species; and (B) approved by the United States
290.23 Food and Drug Administration for that use;
- 290.24 (2) Human growth hormones.
- 290.25 (3) Chorionic gonadotropin, except that a product containing chorionic gonadotropin is
290.26 not included if it is:
- 290.27 (i) expressly intended for administration to cattle or other nonhuman species; and
- 290.28 (ii) approved by the United States Food and Drug Administration for that use.

291.1 (g) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated
291.2 in a soft gelatin capsule in a United States Food and Drug Administration approved product.

291.3 (h) Any material, compound, mixture, or preparation containing the following narcotic
291.4 drug or its salt: buprenorphine.

291.5 (i) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
291.6 excepted or unless listed in another schedule, any natural or synthetic material, compound,
291.7 mixture, or preparation that contains any quantity of the following substances, their analogs,
291.8 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
291.9 of the isomers, esters, ethers, or salts is possible:

291.10 (1) marijuana;

291.11 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
291.12 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation
291.13 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
291.14 equivalents of the substances contained in the cannabis plant or in the resinous extractives
291.15 of the plant; or synthetic substances with similar chemical structure and pharmacological
291.16 activity to those substances contained in the plant or resinous extract, including but not
291.17 limited to 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
291.18 cis or trans tetrahydrocannabinol.

291.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

291.20

ARTICLE 9

291.21

IMPLEMENTATION; APPROPRIATIONS; TRANSFER

291.22 Section 1. **OFFICE OF CANNABIS MANAGEMENT; IMPLEMENTATION.**

291.23 (a) \$3,000,000 in fiscal year 2023 is appropriated from the general fund to the
291.24 commissioner of agriculture for the planning, research, analysis, and other efforts needed
291.25 to establish the Office of Cannabis Management and transition programs, authorities, and
291.26 responsibilities contained in Minnesota Statutes, chapter 342, to that office. This is a onetime
291.27 appropriation and is available until June 30, 2025.

291.28 (b) Upon the effective date of this act, the commissioner of agriculture may exercise all
291.29 authorities and responsibilities granted to the Office of Cannabis Management under
291.30 Minnesota Statutes, chapter 342, that are necessary to establish the Office of Cannabis
291.31 Management and transition programs, authorities, and responsibilities to that office.

292.1 (c) On or after January 1, 2024, and at such time the Office of Cannabis Management
292.2 is able to fulfill the powers and duties enumerated in Minnesota Statutes, section 342.02,
292.3 subdivision 2, the commissioner of agriculture may transfer all or some Minnesota Statutes,
292.4 chapter 342, programs, authorities, and responsibilities to the Office of Cannabis
292.5 Management. Upon such transfer, existing contracts, obligations, and funds managed by
292.6 the commissioner of agriculture that are necessary to administer the transferred programs,
292.7 authorities, or responsibilities shall be transferred to the Office of Cannabis Management.

292.8 (d) To the extent necessary to establish the Office of Cannabis Management and fulfill
292.9 the powers and duties enumerated in Minnesota Statutes, section 342.02, the commissioner
292.10 of agriculture and the Office of Cannabis Management are exempt from the requirements
292.11 of Minnesota Statutes, section 16A.15, subdivision 3, and chapter 16C, and any other state
292.12 procurement laws, rules, and procedures. This exemption expires on July 1, 2025.

292.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

292.14 **Sec. 2. APPROPRIATIONS; TRANSFER.**

292.15 Subdivision 1. **Office of Cannabis Management.** (a) \$20,814,000 in fiscal year 2024
292.16 and \$17,260,000 in fiscal year 2025 are appropriated from the general fund to the Office
292.17 of Cannabis Management for purposes of this act. The base for this appropriation is
292.18 \$31,787,000 in fiscal year 2026 and \$42,344,00 in fiscal year 2027.

292.19 (b) Of the base established in paragraph (a), \$12,000,000 in fiscal year 2026 and
292.20 \$20,000,000 in fiscal year 2027 are for cannabis industry community renewal grants. Of
292.21 these amounts, up to three percent may be used for administrative expenses.

292.22 (c) Of the base established in paragraph (a), \$1,000,000 in fiscal year 2026 and \$1,000,000
292.23 in fiscal year 2027 are for grants issued pursuant to Minnesota Statutes, section 342.73, to
292.24 eligible organizations to help farmers navigate the regulatory structure of the legal cannabis
292.25 industry and to nonprofit corporations to fund loans to farmers for expansion into the legal
292.26 cannabis industry. Of these amounts, up to three percent may be used for administrative
292.27 expenses.

292.28 Subd. 2. **Substance use treatment, recovery, and prevention grant account;**
292.29 **transfer.** Money for substance use treatment, recovery, and prevention is transferred from
292.30 the general fund to the substance use treatment, recovery, and prevention grant account
292.31 established under Minnesota Statutes, section 342.72. The transfer is \$4,000,000 in fiscal
292.32 years 2024 and 2025. The base for this transfer is \$12,000,000 in fiscal year 2026 and
292.33 \$16,000,000 in fiscal year 2027.

293.1 Subd. 3. **Office of Cannabis Management; extension and research grants.** (a) \$100,000
293.2 in fiscal year 2024 and \$100,000 in fiscal year 2025 are appropriated from the general fund
293.3 to the Office of Cannabis Management for grants to the University of Minnesota for cannabis
293.4 genetics and agronomy research. The base for this appropriation is \$750,000 in fiscal year
293.5 2026 and beyond.

293.6 (b) Projects involving cannabis genetics and agronomy research that are not currently
293.7 receiving financial support from the University of Minnesota are eligible for grants under
293.8 this section. Grant money must be used for the creation and maintenance of a University of
293.9 Minnesota Extension position and a postdoctoral position.

293.10 (c) In awarding grants, the Office of Cannabis Management must give priority to
293.11 applications by researchers who would be eligible to be social equity applicants as defined
293.12 in Minnesota Statutes, section 342.16.

293.13 Subd. 4. **Department of Agriculture.** \$411,000 in fiscal year 2024 and \$411,000 in
293.14 fiscal year 2025 are appropriated from the general fund to the commissioner of agriculture
293.15 to provide consultation services and assist the Office of Cannabis Management with licensing,
293.16 inspection, enforcement, laboratory services, surveillance of retail sales, outreach, and grants
293.17 to farmers, and to perform other duties as required by this act. The base for this appropriation
293.18 is \$338,000 in fiscal year 2026 and beyond.

293.19 Subd. 5. **Attorney General.** \$358,000 in fiscal year 2024 and \$358,000 in fiscal year
293.20 2025 are appropriated from the general fund to the attorney general for costs associated
293.21 with the Cannabis Expungement Board, including but not limited to reviewing records,
293.22 conducting interviews, drafting subpoenas, moving the court for orders to compel, and
293.23 drafting memoranda. The base in fiscal year 2029 and thereafter is \$0.

293.24 Subd. 6. **Cannabis Expungement Board.** \$4,880,000 in fiscal year 2024 and \$4,687,000
293.25 in fiscal year 2025 are appropriated from the general fund to the Cannabis Expungement
293.26 Board for staffing and other expenses related to reviewing criminal convictions and issuing
293.27 decisions related to expungement and resentencing. The base for this appropriation is
293.28 \$4,687,000 in fiscal years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter
293.29 is \$0.

293.30 Subd. 7. **Department of Commerce.** \$527,000 in fiscal year 2024 and \$1,093,000 in
293.31 fiscal year 2025 are appropriated from the general fund to the commissioner of commerce
293.32 for the purposes of this act. The base for this appropriation is \$1,341,000 in fiscal year 2026
293.33 and \$1,520,000 in fiscal year 2027.

294.1 Subd. 8. Department of Corrections. An appropriation to the commissioner of
294.2 corrections for correctional institutions is reduced by \$165,000 in fiscal year 2024 and
294.3 \$368,000 in fiscal year 2025. The base for this appropriation is reduced by \$460,000 in
294.4 fiscal year 2026 and \$503,000 in fiscal year 2027.

294.5 Subd. 9. Department of Education. \$180,000 in fiscal year 2024 and \$120,000 in fiscal
294.6 year 2025 are appropriated from the general fund to the commissioner of education for the
294.7 purposes of this act.

294.8 Subd. 10. Department of Employment and Economic Development. (a) \$10,400,000
294.9 in fiscal year 2024 and \$6,700,000 in fiscal year 2025 are appropriated from the general
294.10 fund to the commissioner of employment and economic development for the CanStartup,
294.11 CanNavigate, and CanTrain programs. Any unencumbered balances remaining in the first
294.12 year do not cancel but are available for the second year.

294.13 (b) Of the amount appropriated under paragraph (a), \$4,000,000 in fiscal year 2024 and
294.14 \$2,619,000 in fiscal year 2025 are for the CanStartup program.

294.15 (c) Of the amount appropriated under paragraph (a), \$2,000,000 in fiscal year 2024 and
294.16 \$1,884,000 in fiscal year 2025 are for the CanNavigate program.

294.17 (d) Of the amount appropriated under paragraph (a), \$4,400,000 in fiscal year 2024 and
294.18 \$2,197,000 in fiscal year 2025 are for the CanTrain program.

294.19 (e) Of these amounts, up to four percent may be used for administrative expenses.

294.20 Subd. 11. Department of Health. (a) \$9,680,000 in fiscal year 2024 and \$18,186,000
294.21 in fiscal year 2025 are appropriated from the general fund to the commissioner of health
294.22 for the purposes of this act.

294.23 (b) Of the amount appropriated under paragraph (a), \$1,674,000 in fiscal year 2024 and
294.24 \$1,674,000 in fiscal year 2025 are for education for women who are pregnant, breastfeeding,
294.25 or who may become pregnant. Of this amount, \$1,000,000 each year is for media campaign
294.26 contracts. The base for this appropriation is \$3,174,000 in fiscal year 2026 and thereafter.
294.27 Of the amounts appropriated in fiscal year 2026 and thereafter, \$2,500,000 is for media
294.28 campaign contracts.

294.29 (c) Of the amount appropriated under paragraph (a), \$330,000 in fiscal year 2024 and
294.30 \$277,000 in fiscal year 2025 are for data collection and reports. The base for this
294.31 appropriation is \$227,000 in fiscal year 2026 and \$277,000 in fiscal year 2027.

295.1 (d) Of the amount appropriated under paragraph (a), \$719,000 in fiscal year 2024 and
295.2 \$771,000 in fiscal year 2025 are for testing required by this act. The base for this
295.3 appropriation is \$690,000 in fiscal year 2026 and thereafter.

295.4 (e) Of the amount appropriated under paragraph (a), \$2,998,000 in fiscal year 2024 and
295.5 \$2,998,000 in fiscal year 2025 are for education for youth. Of this amount, \$1,000,000 each
295.6 year is for statewide youth awareness campaign contracts. The base for this appropriation
295.7 is \$4,498,000 in fiscal year 2026 and thereafter. Of the amounts in fiscal year 2026 and
295.8 thereafter, \$2,500,000 is for media campaign contracts.

295.9 (f) Of the amount appropriated under paragraph (a), \$9,000,000 in fiscal year 2025 is
295.10 for grants to local health departments for: (1) creation and dissemination of educational
295.11 materials on cannabis flower, cannabis products, lower-potency hemp edibles, and
295.12 hemp-derived consumer products; and (2) community education, technical assistance, and
295.13 outreach on prevention and safe use regarding cannabis flower, cannabis products,
295.14 lower-potency hemp edibles, and hemp-derived consumer products. The commissioner shall
295.15 distribute these grants according to a contract with the Local Public Health Association of
295.16 Minnesota. Of the appropriations in this paragraph, the commissioner may withhold up to
295.17 ten percent for grant administration and technical assistance to local health departments.

295.18 (g) Of the amount appropriated under paragraph (a), \$1,000,000 in fiscal year 2025 is
295.19 for grants to Tribal health departments for: (1) creation and dissemination of educational
295.20 materials on cannabis flower, cannabis products, lower-potency hemp edibles, and
295.21 hemp-derived consumer products; and (2) community education, technical assistance, and
295.22 outreach on prevention and safe use regarding cannabis flower, cannabis products,
295.23 lower-potency hemp edibles, and hemp-derived consumer products. Of the appropriations
295.24 in this paragraph, the commissioner may withhold up to ten percent for grant administration
295.25 and technical assistance to Tribal health departments.

295.26 Subd. 12. **Department of Health; Minnesota Poison Control System.** \$910,000 in
295.27 fiscal year 2024 and \$810,000 in fiscal year 2025 are appropriated from the general fund
295.28 to the commissioner of health to support the Poison Control System and award or supplement
295.29 grants pursuant to Minnesota Statutes, section 145.93.

295.30 Subd. 13. **Department of Human Services.** (a) \$1,566,000 in fiscal year 2024 and
295.31 \$1,420,000 in fiscal year 2025 are appropriated from the general fund to the commissioner
295.32 of human services for the purposes of this act. The base for this appropriation is \$1,420,000
295.33 in fiscal years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter is \$225,000.

296.1 (b) Of the amount appropriated under paragraph (a), \$1,043,000 in fiscal year 2024 and
296.2 \$1,195,000 in fiscal year 2025 are for the Background Studies Legal Division. The base for
296.3 this appropriation is \$1,195,000 in fiscal years 2026, 2027, and 2028. The base in fiscal
296.4 year 2029 and thereafter is \$0.

296.5 (c) Of the amount appropriated under paragraph (a), \$322,000 in fiscal year 2024 is for
296.6 technology system changes. This is a onetime appropriation.

296.7 (d) Of the amount appropriated under paragraph (a), \$201,000 in fiscal year 2024 and
296.8 \$225,000 in fiscal year 2025 are for costs associated with the Substance Use Disorder
296.9 Advisory Council.

296.10 Subd. 14. **Department of Labor and Industry.** \$116,000 in fiscal year 2024 and
296.11 \$123,000 in fiscal year 2025 are appropriated from the general fund to the commissioner
296.12 of labor and industry to identify occupational competency standards and provide technical
296.13 assistance for developing dual-training programs under Minnesota Statutes, section 175.45,
296.14 for the legal cannabis industry.

296.15 Subd. 15. **Department of Natural Resources.** \$338,000 in fiscal year 2024 is
296.16 appropriated from the general fund to the commissioner of natural resources for the purposes
296.17 of this act. This is a onetime appropriation.

296.18 Subd. 16. **Office of Higher Education.** \$1,000,000 in fiscal year 2024 and \$1,000,000
296.19 in fiscal year 2025 are appropriated from the general fund to the commissioner of higher
296.20 education for transfer to the dual training account in the special revenue fund under Minnesota
296.21 Statutes, section 136A.246, subdivision 10, for grants to employers in the legal cannabis
296.22 industry. The commissioner shall give priority to applications from employers who are, or
296.23 who are training employees who are, eligible to be social equity applicants under Minnesota
296.24 Statutes, section 342.16. After June 30, 2025, any unencumbered balance from this
296.25 appropriation may be used for grants to any eligible employer under Minnesota Statutes,
296.26 section 136A.246.

296.27 Subd. 17. **Pollution Control Agency.** (a) \$140,000 in fiscal year 2024 and \$70,000 in
296.28 fiscal year 2025 are appropriated from the general fund to the commissioner of the Pollution
296.29 Control Agency for the purposes of this act.

296.30 (b) Of the amount appropriated under paragraph (a), \$70,000 in fiscal year 2024 is for
296.31 wastewater staff. This is a onetime appropriation.

296.32 (c) Of the amount appropriated under paragraph (a), \$70,000 in fiscal year 2024 and
296.33 \$70,000 in fiscal year 2025 are for small business assistance staff.

297.1 Subd. 18. Department of Public Safety; Bureau of Criminal Apprehension. (a)
297.2 \$7,945,000 in fiscal year 2024 and \$4,543,000 in fiscal year 2025 are appropriated from
297.3 the general fund to the commissioner of public safety for use by the Bureau of Criminal
297.4 Apprehension. The base for this appropriation is \$3,551,000 in fiscal years 2026, 2027, and
297.5 2028. The base in fiscal year 2029 and thereafter is \$1,495,000.

297.6 (b) Of the amount appropriated under paragraph (a), \$992,000 in fiscal year 2024 and
297.7 \$992,000 in fiscal year 2025 are for expenses related to identifying and providing records
297.8 of convictions for certain offenses involving the possession of cannabis that may be eligible
297.9 for expungement and resentencing. The base for this appropriation is \$992,000 in fiscal
297.10 years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter is \$0.

297.11 (c) Of the amount appropriated under paragraph (a), \$1,766,000 in fiscal year 2024 and
297.12 \$1,240,000 in fiscal year 2025 are for forensic science services including additional staff,
297.13 equipment, and supplies.

297.14 (d) Of the amount appropriated under paragraph (a), \$255,000 in fiscal year 2024 and
297.15 \$255,000 in fiscal year 2025 are for investigation of diversion crimes.

297.16 Subd. 19. Department of Public Safety; Office of Traffic Safety. (a) \$1,620,000 in
297.17 fiscal year 2024 and \$1,117,000 in fiscal year 2025 are appropriated from the general fund
297.18 to the commissioner of public safety for use by the Office of Traffic Safety.

297.19 (b) Of the amount appropriated under paragraph (a), \$125,000 in fiscal year 2024 and
297.20 \$125,000 in fiscal year 2025 are for a statewide impaired driving coordinator with a specific
297.21 focus on cannabis and other drug driving issues.

297.22 (c) Of the amount appropriated under paragraph (a), \$1,495,000 in fiscal year 2024 and
297.23 \$992,000 in fiscal year 2025 are to support oral fluid roadside testing.

297.24 Subd. 20. Department of Public Safety; State Patrol. \$6,157,000 in fiscal year 2024
297.25 and \$2,218,000 in fiscal year 2025 are appropriated from the trunk highway fund to the
297.26 commissioner of public safety for use by the Minnesota State Patrol for the purposes of this
297.27 act, including but not limited to replacing drug detection canines, providing accident
297.28 reconstruction services, identifying and investigating incidents and offenses that involve
297.29 driving under the influence, and sealing expunged records.

297.30 Subd. 21. Department of Public Safety; State Patrol. \$10,000,000 in fiscal year 2024
297.31 and \$5,000,000 in fiscal year 2025 are appropriated from the general fund to the Minnesota
297.32 State Patrol for its drug evaluation and classification program for drug recognition evaluator
297.33 training; additional phlebotomists; drug recognition training for peace officers, as defined

298.1 in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c); and required continuing
298.2 education training for drug recognition experts.

298.3 Subd. 22. **Department of Revenue.** \$3,709,000 in fiscal year 2024 and \$3,145,000 in
298.4 fiscal year 2025 are appropriated from the general fund to the commissioner of revenue for
298.5 the purposes of this act. The base for this appropriation is \$3,157,000 in fiscal year 2026
298.6 and beyond.

298.7 Subd. 23. **Supreme court.** \$545,000 in fiscal year 2024 and \$545,000 in fiscal year
298.8 2025 are appropriated from the general fund to the supreme court for reviewing records and
298.9 issuing orders related to the expungement or resentencing of certain cannabis offenses. The
298.10 base for this appropriation is \$0 in fiscal year 2026 and thereafter.

298.11 **ARTICLE 10**

298.12 **GRANTS MANAGEMENT**

298.13 Section 1. **FINANCIAL REVIEW OF NONPROFIT GRANT RECIPIENTS**
298.14 **REQUIRED.**

298.15 Subdivision 1. **Financial review required.** (a) Before awarding a competitive,
298.16 legislatively named, single-source, or sole-source grant to a nonprofit organization under
298.17 this act, the grantor must require the applicant to submit financial information sufficient for
298.18 the grantor to document and assess the applicant's current financial standing and management.
298.19 Items of significant concern must be addressed with the applicant and resolved to the
298.20 satisfaction of the grantor before a grant is awarded. The grantor must document the material
298.21 requested and reviewed; whether the applicant had a significant operating deficit, a deficit
298.22 in unrestricted net assets, or insufficient internal controls; whether and how the applicant
298.23 resolved the grantor's concerns; and the grantor's final decision. This documentation must
298.24 be maintained in the grantor's files.

298.25 (b) At a minimum, the grantor must require each applicant to provide the following
298.26 information:

298.27 (1) the applicant's most recent Form 990, Form 990-EZ, or Form 990-N filed with the
298.28 Internal Revenue Service. If the applicant has not been in existence long enough or is not
298.29 required to file Form 990, Form 990-EZ, or Form 990-N, the applicant must demonstrate
298.30 to the grantor that the applicant is exempt and must instead submit documentation of internal
298.31 controls and the applicant's most recent financial statement prepared in accordance with
298.32 generally accepted accounting principles and approved by the applicant's board of directors
298.33 or trustees, or if there is no such board, by the applicant's managing group;

299.1 (2) evidence of registration and good standing with the secretary of state under Minnesota
299.2 Statutes, chapter 317A, or other applicable law;

299.3 (3) unless exempt under Minnesota Statutes, section 309.515, evidence of registration
299.4 and good standing with the attorney general under Minnesota Statutes, chapter 309; and

299.5 (4) if required under Minnesota Statutes, section 309.53, subdivision 3, the applicant's
299.6 most recent audited financial statement prepared in accordance with generally accepted
299.7 accounting principles.

299.8 Subd. 2. Authority to postpone or forgo; reporting required. (a) Notwithstanding
299.9 any contrary provision in this act, a grantor that identifies an area of significant concern
299.10 regarding the financial standing or management of a legislatively named applicant may
299.11 postpone or forgo awarding the grant.

299.12 (b) No later than 30 days after a grantor exercises the authority provided under paragraph
299.13 (a), the grantor must report to the chairs and ranking minority members of the legislative
299.14 committees with jurisdiction over the grantor's operating budget. The report must identify
299.15 the legislatively named applicant and the grantor's reason for postponing or forgoing the
299.16 grant.

299.17 Subd. 3. Authority to award subject to additional assistance and oversight. A grantor
299.18 that identifies an area of significant concern regarding an applicant's financial standing or
299.19 management may award a grant to the applicant if the grantor provides or the grantee
299.20 otherwise obtains additional technical assistance, as needed, and the grantor imposes
299.21 additional requirements in the grant agreement. Additional requirements may include but
299.22 are not limited to enhanced monitoring, additional reporting, or other reasonable requirements
299.23 imposed by the grantor to protect the interests of the state.

299.24 Subd. 4. Relation to other law and policy. The requirements in this section are in
299.25 addition to any other requirements imposed by law; the commissioner of administration
299.26 under Minnesota Statutes, sections 16B.97 and 16B.98; or agency policy.

151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(c) "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

(d) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(e) "Label" has the meaning given in section 151.01, subdivision 18.

(f) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) affixed to the immediate container in which a product regulated under this section is sold;

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

(g) "Matrix barcode" means a code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

(h) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

(c) The board must have no authority over food products, as defined in section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from hemp.

Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; or

(2) to affect the structure or any function of the bodies of humans or other animals.

(c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.

(d) Products that meet the requirements of this section are not controlled substances under section 152.02.

Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

(1) contains the amount or percentage of cannabinoids that is stated on the label of the product;

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(2) does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals; and

(3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

(c) Testing of the hemp from which the nonintoxicating cannabinoid was derived, or possession of a certificate of analysis for such hemp, does not meet the testing requirements of this section.

Subd. 5. Labeling requirements. (a) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and

(3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed.

(b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information.

(c) The information required in paragraph (a) may be provided through the use of a scannable barcode or matrix barcode that links to a page on the manufacturer's website if that page contains all of the information required by this subdivision.

(d) The label must also include a statement stating that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously placed on the label or displayed on the website in terms that can be easily read and understood by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.

Subd. 5a. Additional requirements for edible cannabinoid products. (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

(b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;

(4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

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(d) If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.

(e) A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:

- (1) the serving size;
 - (2) the cannabinoid profile per serving and in total;
 - (3) a list of ingredients, including identification of any major food allergens declared by name;
- and
- (4) the following statement: "Keep this product out of reach of children."

(f) An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

Subd. 6. **Enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered an adulterated drug if:

- (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;
- (2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;
- (3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;
- (4) it contains any food additives, color additives, or excipients that have been found by the FDA to be unsafe for human or animal consumption;
- (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount or percentage stated on the label;
- (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or
- (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be

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required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

152.21 THC THERAPEUTIC RESEARCH ACT.

Subdivision 1. **Findings and purpose.** The legislature finds that scientific literature indicates promise for delta-9-tetrahydro-cannabinol (THC), the active component of marijuana, in alleviating certain side effects of cancer chemotherapy under strictly controlled medical circumstances.

The legislature also finds that further research and strictly controlled experimentation regarding the therapeutic use of THC is necessary and desirable. The intent of this section is to establish an extensive research program to investigate and report on the therapeutic effects of THC under strictly controlled circumstances in compliance with all federal laws and regulations promulgated by the federal Food and Drug Administration, the National Institute on Drug Abuse and the Drug Enforcement Administration. The intent of the legislature is to allow this research program the greatest possible access to qualified cancer patients residing in Minnesota who meet protocol requirements. The establishment of this research program is not intended in any manner whatsoever to condone or promote the illicit recreational use of marijuana.

Subd. 2. **Definitions.** For purposes of this section, the following terms shall have the meanings given.

(a) "Commissioner" means the commissioner of health.

(b) "Marijuana" means marijuana as defined in section 152.01, subdivision 9, and delta-9-tetrahydro-cannabinol (THC), tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols, and all species of the genus Cannabis.

(c) "Principal investigator" means the individual responsible for the medical and scientific aspects of the research, development of protocol, and contacting and qualifying the clinical investigators in the state.

(d) "Clinical investigators" means those individuals who conduct the clinical trials.

(e) "Sponsor" means that individual or organization who, acting on behalf of the state, has the total responsibility for the state program.

Subd. 3. **Research grant.** The commissioner of health shall grant funds to the principal investigator selected by the commissioner pursuant to subdivision 4 for the purpose of conducting a research program under a protocol approved by the FDA regarding the therapeutic use of oral THC and other dosage forms, if available, according to the guidelines and requirements of the federal Food and Drug Administration, the Drug Enforcement Administration and the National Institute on Drug Abuse. The commissioner shall ensure that the research principal investigator complies with the requirements of subdivision 5. The commissioner may designate the principal investigator as the sponsor.

Subd. 4. **Principal investigator.** Within three months of April 25, 1980, the commissioner shall, in consultation with a representative chosen by the state Board of Pharmacy and a representative chosen by the state Board of Medical Examiners, select a person or research organization to be the principal investigator of the research program.

Subd. 5. **Duties.** The principal investigator shall:

(1) apply to the Food and Drug Administration for a notice of "Claimed Investigational Exemption for a New Drug (IND)" pursuant to the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 301, et seq., and shall comply with all applicable laws and regulations of the federal Food and Drug Administration, the Drug Enforcement Administration, and the National Institute on Drug Abuse in establishing the program;

(2) notify every oncologist in the state of the program, explain the purposes and requirements of the program to them, provide on request each of them with a copy of the approved protocol which shall include summaries of current papers in medical journals reporting on research concerning the safety, efficacy and appropriate use of THC in alleviating the nausea and emetic effects of cancer chemotherapy, and provide on request each of them with a bibliography of other articles published in medical journals;

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(3) allow each oncologist (clinical investigator) in the state who meets or agrees to meet all applicable federal requirements for investigational new drug research and who so requests to be included in the research program as a clinical investigator to conduct the clinical trials;

(4) provide explanatory information and assistance to each clinical investigator in understanding the nature of therapeutic use of THC within program requirements, including the informed consent document contained in the protocol, informing and counseling patients involved in the program regarding the appropriate use and the effects of therapeutic use of THC;

(5) apply to contract with the National Institute on Drug Abuse for receipt of dosage forms of THC, fully characterized as to contents and delivery to the human system, pursuant to regulations promulgated by the National Institute on Drug Abuse, and the federal Food and Drug Administration. The principal investigator shall ensure delivery of the THC dosages to clinical investigators as needed for participation in the program;

(6) conduct the research program in compliance with federal laws and regulations promulgated by the federal Food and Drug Administration, the Drug Enforcement Administration, the National Institute on Drug Abuse, and the purposes and provisions of this section;

(7) submit periodic reports as determined by the commissioner on the numbers of oncologists and patients involved in the program and the results of the program;

(8) submit reports on intermediate or final research results, as appropriate, to the major scientific journals in the United States; and

(9) otherwise comply with the provisions of this section.

Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the following are not violations under this chapter:

(1) use or possession of THC, or both, by a patient in the research program;

(2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and

(3) possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under sections 609.531 to 609.5316.

For the purposes of this section, THC is removed from Schedule I contained in section 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision 3.

Subd. 7. **Citation.** This section may be cited as the "THC Therapeutic Research Act."

152.22 DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of sections 152.22 to 152.37, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 3. **Disqualifying felony offense.** "Disqualifying felony offense" means a violation of a state or federal controlled substance law that is a felony under Minnesota law, or would be a felony if committed in Minnesota, regardless of the sentence imposed, unless the commissioner determines that the person's conviction was for the medical use of cannabis or assisting with the medical use of cannabis.

Subd. 4. **Health care practitioner.** "Health care practitioner" means a Minnesota licensed doctor of medicine, a Minnesota licensed physician assistant, or a Minnesota licensed advanced practice registered nurse who has the primary responsibility for the care and treatment of the qualifying medical condition of a person diagnosed with a qualifying medical condition.

Subd. 5. **Health records.** "Health records" means health records as defined in section 144.291, subdivision 2, paragraph (c).

Subd. 5a. **Hemp.** "Hemp" has the meaning given to industrial hemp in section 18K.02, subdivision 3.

Subd. 5b. **Hemp grower.** "Hemp grower" means a person licensed by the commissioner of agriculture under chapter 18K to grow hemp for commercial purposes.

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Subd. 6. **Medical cannabis.** (a) "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

- (1) liquid, including, but not limited to, oil;
- (2) pill;
- (3) vaporized delivery method with use of liquid or oil;
- (4) combustion with use of dried raw cannabis; or
- (5) any other method approved by the commissioner.

(b) This definition includes any part of the genus cannabis plant prior to being processed into a form allowed under paragraph (a), that is possessed by a person while that person is engaged in employment duties necessary to carry out a requirement under sections 152.22 to 152.37 for a registered manufacturer or a laboratory under contract with a registered manufacturer. This definition also includes any hemp acquired by a manufacturer by a hemp grower as permitted under section 152.29, subdivision 1, paragraph (b).

Subd. 7. **Medical cannabis manufacturer.** "Medical cannabis manufacturer" or "manufacturer" means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.

Subd. 8. **Medical cannabis product.** "Medical cannabis product" means any delivery device or related supplies and educational materials used in the administration of medical cannabis for a patient with a qualifying medical condition enrolled in the registry program.

Subd. 9. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has otherwise met any other requirements for patients under sections 152.22 to 152.37 to participate in the registry program under sections 152.22 to 152.37.

Subd. 10. **Patient registry number.** "Patient registry number" means a unique identification number assigned by the commissioner to a patient enrolled in the registry program.

Subd. 11. **Registered designated caregiver.** "Registered designated caregiver" means a person who:

- (1) is at least 18 years old;
- (2) does not have a conviction for a disqualifying felony offense;
- (3) has been approved by the commissioner to assist a patient who requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility; and
- (4) is authorized by the commissioner to assist the patient with the use of medical cannabis.

Subd. 12. **Registry program.** "Registry program" means the patient registry established in sections 152.22 to 152.37.

Subd. 13. **Registry verification.** "Registry verification" means the verification provided by the commissioner that a patient is enrolled in the registry program and that includes the patient's name, registry number, and, if applicable, the name of the patient's registered designated caregiver or parent, legal guardian, or spouse.

Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

- (1) cancer, if the underlying condition or treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting;
- (2) glaucoma;
- (3) human immunodeficiency virus or acquired immune deficiency syndrome;

- (4) Tourette's syndrome;
- (5) amyotrophic lateral sclerosis;
- (6) seizures, including those characteristic of epilepsy;
- (7) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (8) inflammatory bowel disease, including Crohn's disease;
- (9) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting; or
- (10) any other medical condition or its treatment approved by the commissioner.

152.23 LIMITATIONS.

(a) Nothing in sections 152.22 to 152.37 permits any person to engage in and does not prevent the imposition of any civil, criminal, or other penalties for:

- (1) undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice;
- (2) possessing or engaging in the use of medical cannabis:
 - (i) on a school bus or van;
 - (ii) on the grounds of any preschool or primary or secondary school;
 - (iii) in any correctional facility; or
 - (iv) on the grounds of any child care facility or home day care;
- (3) vaporizing or combusting medical cannabis pursuant to section 152.22, subdivision 6:
 - (i) on any form of public transportation;
 - (ii) where the vapor would be inhaled by a nonpatient minor child or where the smoke would be inhaled by a minor child; or
 - (iii) in any public place, including any indoor or outdoor area used by or open to the general public or a place of employment as defined under section 144.413, subdivision 1b; and
- (4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat, or working on transportation property, equipment, or facilities while under the influence of medical cannabis.

(b) Nothing in sections 152.22 to 152.37 require the medical assistance and MinnesotaCare programs to reimburse an enrollee or a provider for costs associated with the medical use of cannabis. Medical assistance and MinnesotaCare shall continue to provide coverage for all services related to treatment of an enrollee's qualifying medical condition if the service is covered under chapter 256B or 256L.

152.24 FEDERALLY APPROVED CLINICAL TRIALS.

The commissioner may prohibit enrollment of a patient in the registry program if the patient is simultaneously enrolled in a federally approved clinical trial for the treatment of a qualifying medical condition with medical cannabis. The commissioner shall provide information to all patients enrolled in the registry program on the existence of federally approved clinical trials for the treatment of the patient's qualifying medical condition with medical cannabis as an alternative to enrollment in the patient registry program.

152.25 COMMISSIONER DUTIES.

Subdivision 1. **Medical cannabis manufacturer registration.** (a) The commissioner shall register two in-state manufacturers for the production of all medical cannabis within the state. A registration agreement between the commissioner and a manufacturer is nontransferable. The commissioner shall register new manufacturers or reregister the existing manufacturers by December

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1 every two years, using the factors described in this subdivision. The commissioner shall accept applications after December 1, 2014, if one of the manufacturers registered before December 1, 2014, ceases to be registered as a manufacturer. The commissioner's determination that no manufacturer exists to fulfill the duties under sections 152.22 to 152.37 is subject to judicial review in Ramsey County District Court. Data submitted during the application process are private data on individuals or nonpublic data as defined in section 13.02 until the manufacturer is registered under this section. Data on a manufacturer that is registered are public data, unless the data are trade secret or security information under section 13.37.

(b) As a condition for registration, a manufacturer must agree to:

- (1) begin supplying medical cannabis to patients by July 1, 2015; and
- (2) comply with all requirements under sections 152.22 to 152.37.

(c) The commissioner shall consider the following factors when determining which manufacturer to register:

- (1) the technical expertise of the manufacturer in cultivating medical cannabis and converting the medical cannabis into an acceptable delivery method under section 152.22, subdivision 6;
- (2) the qualifications of the manufacturer's employees;
- (3) the long-term financial stability of the manufacturer;
- (4) the ability to provide appropriate security measures on the premises of the manufacturer;
- (5) whether the manufacturer has demonstrated an ability to meet the medical cannabis production needs required by sections 152.22 to 152.37; and
- (6) the manufacturer's projection and ongoing assessment of fees on patients with a qualifying medical condition.

(d) If an officer, director, or controlling person of the manufacturer pleads or is found guilty of intentionally diverting medical cannabis to a person other than allowed by law under section 152.33, subdivision 1, the commissioner may decide not to renew the registration of the manufacturer, provided the violation occurred while the person was an officer, director, or controlling person of the manufacturer.

(e) The commissioner shall require each medical cannabis manufacturer to contract with an independent laboratory to test medical cannabis produced by the manufacturer. The commissioner shall approve the laboratory chosen by each manufacturer and require that the laboratory report testing results to the manufacturer in a manner determined by the commissioner.

Subd. 1a. Revocation or nonrenewal of a medical cannabis manufacturer registration. If the commissioner intends to revoke or not renew a registration issued under this section, the commissioner must first notify in writing the manufacturer against whom the action is to be taken and provide the manufacturer with an opportunity to request a hearing under the contested case provisions of chapter 14. If the manufacturer does not request a hearing by notifying the commissioner in writing within 20 days after receipt of the notice of proposed action, the commissioner may proceed with the action without a hearing. For revocations, the registration of a manufacturer is considered revoked on the date specified in the commissioner's written notice of revocation.

Subd. 1b. Temporary suspension proceedings. The commissioner may institute proceedings to temporarily suspend the registration of a medical cannabis manufacturer for a period of up to 90 days by notifying the manufacturer in writing if any action by an employee, agent, officer, director, or controlling person of the manufacturer:

- (1) violates any of the requirements of sections 152.21 to 152.37 or the rules adopted thereunder;
- (2) permits, aids, or abets the commission of any violation of state law at the manufacturer's location for cultivation, harvesting, manufacturing, packaging, and processing or at any site for distribution of medical cannabis;
- (3) performs any act contrary to the welfare of a registered patient or registered designated caregiver; or
- (4) obtains, or attempts to obtain, a registration by fraudulent means or misrepresentation.

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Subd. 1c. **Notice to patients.** Upon the revocation or nonrenewal of a manufacturer's registration under subdivision 1a or implementation of an enforcement action under subdivision 1b that may affect the ability of a registered patient, registered designated caregiver, or a registered patient's parent, legal guardian, or spouse to obtain medical cannabis from the manufacturer subject to the enforcement action, the commissioner shall notify in writing each registered patient and the patient's registered designated caregiver or registered patient's parent, legal guardian, or spouse about the outcome of the proceeding and information regarding alternative registered manufacturers. This notice must be provided two or more business days prior to the effective date of the revocation, nonrenewal, or other enforcement action.

Subd. 2. **Range of compounds and dosages; report.** The commissioner shall review and publicly report the existing medical and scientific literature regarding the range of recommended dosages for each qualifying condition and the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the qualifying medical conditions. The commissioner shall make this information available to patients with qualifying medical conditions beginning December 1, 2014, and update the information annually. The commissioner may consult with the independent laboratory under contract with the manufacturer or other experts in reporting the range of recommended dosages for each qualifying medical condition, the range of chemical compositions that will likely be medically beneficial, and any risks of noncannabis drug interactions. The commissioner shall consult with each manufacturer on an annual basis on medical cannabis offered by the manufacturer. The list of medical cannabis offered by a manufacturer shall be published on the Department of Health website.

Subd. 3. **Deadlines.** The commissioner shall adopt rules necessary for the manufacturer to begin distribution of medical cannabis to patients under the registry program by July 1, 2015, and have notice of proposed rules published in the State Register prior to January 1, 2015.

Subd. 4. **Reports.** (a) The commissioner shall provide regular updates to the task force on medical cannabis therapeutic research and to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services, public safety, judiciary, and civil law regarding: (1) any changes in federal law or regulatory restrictions regarding the use of medical cannabis or hemp; and (2) the market demand and supply in this state for products made from hemp that can be used for medicinal purposes.

(b) The commissioner may submit medical research based on the data collected under sections 152.22 to 152.37 to any federal agency with regulatory or enforcement authority over medical cannabis to demonstrate the effectiveness of medical cannabis for treating a qualifying medical condition.

152.26 RULEMAKING.

(a) The commissioner may adopt rules to implement sections 152.22 to 152.37. Rules for which notice is published in the State Register before January 1, 2015, may be adopted using the process in section 14.389.

(b) The commissioner may adopt or amend rules, using the procedure in section 14.386, paragraph (a), to implement the addition of dried raw cannabis as an allowable form of medical cannabis under section 152.22, subdivision 6, paragraph (a), clause (4). Section 14.386, paragraph (b), does not apply to these rules.

152.261 RULES; ADVERSE INCIDENTS.

(a) The commissioner of health shall adopt rules to establish requirements for reporting incidents when individuals who are not authorized to possess medical cannabis under sections 152.22 to 152.37 are found in possession of medical cannabis. The rules must identify professionals required to report, the information they are required to report, and actions the reporter must take to secure the medical cannabis.

(b) The commissioner of health shall adopt rules to establish requirements for law enforcement officials and health care professionals to report incidents involving an overdose of medical cannabis to the commissioner of health.

(c) Rules must include the method by which the commissioner will collect and tabulate reports of unauthorized possession and overdose.

152.27 PATIENT REGISTRY PROGRAM ESTABLISHED.

Subdivision 1. **Patient registry program; establishment.** (a) The commissioner shall establish a patient registry program to evaluate data on patient demographics, effective treatment options,

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clinical outcomes, and quality-of-life outcomes for the purpose of reporting on the benefits, risks, and outcomes regarding patients with a qualifying medical condition engaged in the therapeutic use of medical cannabis.

(b) The establishment of the registry program shall not be construed or interpreted to condone or promote the illicit recreational use of marijuana.

Subd. 2. **Commissioner duties.** (a) The commissioner shall:

(1) give notice of the program to health care practitioners in the state who are eligible to serve as health care practitioners and explain the purposes and requirements of the program;

(2) allow each health care practitioner who meets or agrees to meet the program's requirements and who requests to participate, to be included in the registry program to collect data for the patient registry;

(3) provide explanatory information and assistance to each health care practitioner in understanding the nature of therapeutic use of medical cannabis within program requirements;

(4) create and provide a certification to be used by a health care practitioner for the practitioner to certify whether a patient has been diagnosed with a qualifying medical condition and include in the certification an option for the practitioner to certify whether the patient, in the health care practitioner's medical opinion, is developmentally or physically disabled and, as a result of that disability, the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility;

(5) supervise the participation of the health care practitioner in conducting patient treatment and health records reporting in a manner that ensures stringent security and record-keeping requirements and that prevents the unauthorized release of private data on individuals as defined by section 13.02;

(6) develop safety criteria for patients with a qualifying medical condition as a requirement of the patient's participation in the program, to prevent the patient from undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice on the part of the patient; and

(7) conduct research and studies based on data from health records submitted to the registry program and submit reports on intermediate or final research results to the legislature and major scientific journals. The commissioner may contract with a third party to complete the requirements of this clause. Any reports submitted must comply with section 152.28, subdivision 2.

(b) The commissioner may add a delivery method under section 152.22, subdivision 6, or add, remove, or modify a qualifying medical condition under section 152.22, subdivision 14, upon a petition from a member of the public or the task force on medical cannabis therapeutic research or as directed by law. The commissioner shall evaluate all petitions to add a qualifying medical condition or to remove or modify an existing qualifying medical condition submitted by the task force on medical cannabis therapeutic research or as directed by law and may make the addition, removal, or modification if the commissioner determines the addition, removal, or modification is warranted based on the best available evidence and research. If the commissioner wishes to add a delivery method under section 152.22, subdivision 6, or add or remove a qualifying medical condition under section 152.22, subdivision 14, the commissioner must notify the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety of the addition or removal and the reasons for its addition or removal, including any written comments received by the commissioner from the public and any guidance received from the task force on medical cannabis research, by January 15 of the year in which the commissioner wishes to make the change. The change shall be effective on August 1 of that year, unless the legislature by law provides otherwise.

Subd. 3. **Patient application.** (a) The commissioner shall develop a patient application for enrollment into the registry program. The application shall be available to the patient and given to health care practitioners in the state who are eligible to serve as health care practitioners. The application must include:

(1) the name, mailing address, and date of birth of the patient;

(2) the name, mailing address, and telephone number of the patient's health care practitioner;

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(3) the name, mailing address, and date of birth of the patient's designated caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver;

(4) a copy of the certification from the patient's health care practitioner that is dated within 90 days prior to submitting the application that certifies that the patient has been diagnosed with a qualifying medical condition; and

(5) all other signed affidavits and enrollment forms required by the commissioner under sections 152.22 to 152.37, including, but not limited to, the disclosure form required under paragraph (c).

(b) The commissioner shall require a patient to resubmit a copy of the certification from the patient's health care practitioner on a yearly basis and shall require that the recertification be dated within 90 days of submission.

(c) The commissioner shall develop a disclosure form and require, as a condition of enrollment, all patients to sign a copy of the disclosure. The disclosure must include:

(1) a statement that, notwithstanding any law to the contrary, the commissioner, or an employee of any state agency, may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37; and

(2) the patient's acknowledgment that enrollment in the patient registry program is conditional on the patient's agreement to meet all of the requirements of sections 152.22 to 152.37.

Subd. 4. Registered designated caregiver. (a) The commissioner shall register a designated caregiver for a patient if the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility and the caregiver has agreed, in writing, to be the patient's designated caregiver. As a condition of registration as a designated caregiver, the commissioner shall require the person to:

(1) be at least 18 years of age;

(2) agree to only possess the patient's medical cannabis for purposes of assisting the patient; and

(3) agree that if the application is approved, the person will not be a registered designated caregiver for more than six registered patients at one time. Patients who reside in the same residence shall count as one patient.

(b) The commissioner shall conduct a criminal background check on the designated caregiver prior to registration to ensure that the person does not have a conviction for a disqualifying felony offense. Any cost of the background check shall be paid by the person seeking registration as a designated caregiver. A designated caregiver must have the criminal background check renewed every two years.

(c) Nothing in sections 152.22 to 152.37 shall be construed to prevent a person registered as a designated caregiver from also being enrolled in the registry program as a patient and possessing and using medical cannabis as a patient.

Subd. 5. Parents, legal guardians, and spouses. A parent, legal guardian, or spouse of a patient may act as the caregiver to the patient without having to register as a designated caregiver. The parent, legal guardian, or spouse shall follow all of the requirements of parents, legal guardians, and spouses listed in sections 152.22 to 152.37. Nothing in sections 152.22 to 152.37 limits any legal authority a parent, legal guardian, or spouse may have for the patient under any other law.

Subd. 6. Patient enrollment. (a) After receipt of a patient's application, application fees, and signed disclosure, the commissioner shall enroll the patient in the registry program and issue the patient and patient's registered designated caregiver or parent, legal guardian, or spouse, if applicable, a registry verification. The commissioner shall approve or deny a patient's application for participation in the registry program within 30 days after the commissioner receives the patient's application and application fee. The commissioner may approve applications up to 60 days after the receipt of a patient's application and application fees until January 1, 2016. A patient's enrollment in the registry program shall only be denied if the patient:

(1) does not have certification from a health care practitioner that the patient has been diagnosed with a qualifying medical condition;

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(2) has not signed and returned the disclosure form required under subdivision 3, paragraph (c), to the commissioner;

(3) does not provide the information required;

(4) has previously been removed from the registry program for violations of section 152.30 or 152.33; or

(5) provides false information.

(b) The commissioner shall give written notice to a patient of the reason for denying enrollment in the registry program.

(c) Denial of enrollment into the registry program is considered a final decision of the commissioner and is subject to judicial review under the Administrative Procedure Act pursuant to chapter 14.

(d) A patient's enrollment in the registry program may only be revoked upon the death of the patient or if a patient violates a requirement under section 152.30 or 152.33.

(e) The commissioner shall develop a registry verification to provide to the patient, the health care practitioner identified in the patient's application, and to the manufacturer. The registry verification shall include:

(1) the patient's name and date of birth;

(2) the patient registry number assigned to the patient; and

(3) the name and date of birth of the patient's registered designated caregiver, if any, or the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver.

Subd. 7. **Notice requirements.** Patients and registered designated caregivers shall notify the commissioner of any address or name change within 30 days of the change having occurred. A patient or registered designated caregiver is subject to a \$100 fine for failure to notify the commissioner of the change.

152.28 HEALTH CARE PRACTITIONER DUTIES.

Subdivision 1. **Health care practitioner duties.** (a) Prior to a patient's enrollment in the registry program, a health care practitioner shall:

(1) determine, in the health care practitioner's medical judgment, whether a patient suffers from a qualifying medical condition, and, if so determined, provide the patient with a certification of that diagnosis;

(2) advise patients, registered designated caregivers, and parents, legal guardians, or spouses who are acting as caregivers of the existence of any nonprofit patient support groups or organizations;

(3) provide explanatory information from the commissioner to patients with qualifying medical conditions, including disclosure to all patients about the experimental nature of therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the proposed treatment; the application and other materials from the commissioner; and provide patients with the Tennessee warning as required by section 13.04, subdivision 2; and

(4) agree to continue treatment of the patient's qualifying medical condition and report medical findings to the commissioner.

(b) Upon notification from the commissioner of the patient's enrollment in the registry program, the health care practitioner shall:

(1) participate in the patient registry reporting system under the guidance and supervision of the commissioner;

(2) report health records of the patient throughout the ongoing treatment of the patient to the commissioner in a manner determined by the commissioner and in accordance with subdivision 2;

(3) determine, on a yearly basis, if the patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certification of that diagnosis; and

(4) otherwise comply with all requirements developed by the commissioner.

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(c) A health care practitioner may conduct a patient assessment to issue a recertification as required under paragraph (b), clause (3), via telehealth, as defined in section 62A.673, subdivision 2.

(d) Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 2. **Data.** Data collected on patients by a health care practitioner and reported to the patient registry are health records under section 144.291, and are private data on individuals under section 13.02, but may be used or reported in an aggregated, nonidentifiable form as part of a scientific, peer-reviewed publication of research conducted under section 152.25 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Subd. 3. **Advertising restrictions.** (a) A health care practitioner shall not publish or cause to be published any advertisement that:

(1) contains false or misleading statements about medical cannabis or about the medical cannabis registry program;

(2) uses colloquial terms to refer to medical cannabis, such as pot, weed, or grass;

(3) states or implies the health care practitioner is endorsed by the Department of Health or by the medical cannabis registry program;

(4) includes images of cannabis in its plant or leaf form or of cannabis-smoking paraphernalia; or

(5) contains medical symbols that could reasonably be confused with symbols of established medical associations or groups.

(b) A health care practitioner found by the commissioner to have violated this subdivision is prohibited from certifying that patients have a qualifying medical condition for purposes of patient participation in the registry program. The commissioner's decision that a health care practitioner has violated this subdivision is a final decision of the commissioner and is not subject to the contested case procedures in chapter 14.

152.29 MANUFACTURER OF MEDICAL CANNABIS DUTIES.

Subdivision 1. **Manufacturer; requirements.** (a) A manufacturer may operate eight distribution facilities, which may include the manufacturer's single location for cultivation, harvesting, manufacturing, packaging, and processing but is not required to include that location. The commissioner shall designate the geographical service areas to be served by each manufacturer based on geographical need throughout the state to improve patient access. A manufacturer shall not have more than two distribution facilities in each geographical service area assigned to the manufacturer by the commissioner. A manufacturer shall operate only one location where all cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis shall be conducted. This location may be one of the manufacturer's distribution facility sites. The additional distribution facilities may dispense medical cannabis and medical cannabis products but may not contain any medical cannabis in a form other than those forms allowed under section 152.22, subdivision 6, and the manufacturer shall not conduct any cultivation, harvesting, manufacturing, packaging, or processing at the other distribution facility sites. Any distribution facility operated by the manufacturer is subject to all of the requirements applying to the manufacturer under sections 152.22 to 152.37, including, but not limited to, security and distribution requirements.

(b) A manufacturer may acquire hemp grown in this state from a hemp grower, and may acquire hemp products produced by a hemp processor. A manufacturer may manufacture or process hemp and hemp products into an allowable form of medical cannabis under section 152.22, subdivision 6. Hemp and hemp products acquired by a manufacturer under this paragraph are subject to the same quality control program, security and testing requirements, and other requirements that apply to medical cannabis under sections 152.22 to 152.37 and Minnesota Rules, chapter 4770.

(c) A medical cannabis manufacturer shall contract with a laboratory approved by the commissioner, subject to any additional requirements set by the commissioner, for purposes of testing medical cannabis manufactured or hemp or hemp products acquired by the medical cannabis manufacturer as to content, contamination, and consistency to verify the medical cannabis meets the requirements of section 152.22, subdivision 6. The cost of laboratory testing shall be paid by the manufacturer.

(d) The operating documents of a manufacturer must include:

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(1) procedures for the oversight of the manufacturer and procedures to ensure accurate record keeping;

(2) procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis; and

(3) procedures for the delivery and transportation of hemp between hemp growers and manufacturers and for the delivery and transportation of hemp products between hemp processors and manufacturers.

(e) A manufacturer shall implement security requirements, including requirements for the delivery and transportation of hemp and hemp products, protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

(f) A manufacturer shall not share office space with, refer patients to a health care practitioner, or have any financial relationship with a health care practitioner.

(g) A manufacturer shall not permit any person to consume medical cannabis on the property of the manufacturer.

(h) A manufacturer is subject to reasonable inspection by the commissioner.

(i) For purposes of sections 152.22 to 152.37, a medical cannabis manufacturer is not subject to the Board of Pharmacy licensure or regulatory requirements under chapter 151.

(j) A medical cannabis manufacturer may not employ any person who is under 21 years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabis manufacturer must submit a completed criminal history records check consent form, a full set of classifiable fingerprints, and the required fees for submission to the Bureau of Criminal Apprehension before an employee may begin working with the manufacturer. The bureau must conduct a Minnesota criminal history records check and the superintendent is authorized to exchange the fingerprints with the Federal Bureau of Investigation to obtain the applicant's national criminal history record information. The bureau shall return the results of the Minnesota and federal criminal history records checks to the commissioner.

(k) A manufacturer may not operate in any location, whether for distribution or cultivation, harvesting, manufacturing, packaging, or processing, within 1,000 feet of a public or private school existing before the date of the manufacturer's registration with the commissioner.

(l) A manufacturer shall comply with reasonable restrictions set by the commissioner relating to signage, marketing, display, and advertising of medical cannabis.

(m) Before a manufacturer acquires hemp from a hemp grower or hemp products from a hemp processor, the manufacturer must verify that the hemp grower or hemp processor has a valid license issued by the commissioner of agriculture under chapter 18K.

(n) Until a state-centralized, seed-to-sale system is implemented that can track a specific medical cannabis plant from cultivation through testing and point of sale, the commissioner shall conduct at least one unannounced inspection per year of each manufacturer that includes inspection of:

(1) business operations;

(2) physical locations of the manufacturer's manufacturing facility and distribution facilities;

(3) financial information and inventory documentation, including laboratory testing results; and

(4) physical and electronic security alarm systems.

Subd. 2. Manufacturer; production. (a) A manufacturer of medical cannabis shall provide a reliable and ongoing supply of all medical cannabis needed for the registry program through cultivation by the manufacturer and through the purchase of hemp from hemp growers.

(b) All cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis must take place in an enclosed, locked facility at a physical address provided to the commissioner during the registration process.

(c) A manufacturer must process and prepare any medical cannabis plant material or hemp plant material into a form allowable under section 152.22, subdivision 6, prior to distribution of any medical cannabis.

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Subd. 3. **Manufacturer; distribution.** (a) A manufacturer shall require that employees licensed as pharmacists pursuant to chapter 151 be the only employees to give final approval for the distribution of medical cannabis to a patient. A manufacturer may transport medical cannabis or medical cannabis products that have been cultivated, harvested, manufactured, packaged, and processed by that manufacturer to another registered manufacturer for the other manufacturer to distribute.

(b) A manufacturer may distribute medical cannabis products, whether or not the products have been manufactured by that manufacturer.

(c) Prior to distribution of any medical cannabis, the manufacturer shall:

(1) verify that the manufacturer has received the registry verification from the commissioner for that individual patient;

(2) verify that the person requesting the distribution of medical cannabis is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse listed in the registry verification using the procedures described in section 152.11, subdivision 2d;

(3) assign a tracking number to any medical cannabis distributed from the manufacturer;

(4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to chapter 151 has consulted with the patient to determine the proper dosage for the individual patient after reviewing the ranges of chemical compositions of the medical cannabis and the ranges of proper dosages reported by the commissioner. For purposes of this clause, a consultation may be conducted remotely by secure videoconference, telephone, or other remote means, so long as the employee providing the consultation is able to confirm the identity of the patient and the consultation adheres to patient privacy requirements that apply to health care services delivered through telehealth. A pharmacist consultation under this clause is not required when a manufacturer is distributing medical cannabis to a patient according to a patient-specific dosage plan established with that manufacturer and is not modifying the dosage or product being distributed under that plan and the medical cannabis is distributed by a pharmacy technician;

(5) properly package medical cannabis in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients, and label distributed medical cannabis with a list of all active ingredients and individually identifying information, including:

(i) the patient's name and date of birth;

(ii) the name and date of birth of the patient's registered designated caregiver or, if listed on the registry verification, the name of the patient's parent or legal guardian, if applicable;

(iii) the patient's registry identification number;

(iv) the chemical composition of the medical cannabis; and

(v) the dosage; and

(6) ensure that the medical cannabis distributed contains a maximum of a 90-day supply of the dosage determined for that patient.

(d) A manufacturer shall require any employee of the manufacturer who is transporting medical cannabis or medical cannabis products to a distribution facility or to another registered manufacturer to carry identification showing that the person is an employee of the manufacturer.

(e) A manufacturer shall distribute medical cannabis in dried raw cannabis form only to a patient age 21 or older, or to the registered designated caregiver, parent, legal guardian, or spouse of a patient age 21 or older.

Subd. 3a. **Transportation of medical cannabis; staffing.** (a) A medical cannabis manufacturer may staff a transport motor vehicle with only one employee if the medical cannabis manufacturer is transporting medical cannabis to either a certified laboratory for the purpose of testing or a facility for the purpose of disposal. If the medical cannabis manufacturer is transporting medical cannabis for any other purpose or destination, the transport motor vehicle must be staffed with a minimum of two employees as required by rules adopted by the commissioner.

(b) Notwithstanding paragraph (a), a medical cannabis manufacturer that is only transporting hemp for any purpose may staff the transport motor vehicle with only one employee.

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

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

152.30 PATIENT DUTIES.

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

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

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

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

(c) A patient shall only receive medical cannabis from a registered manufacturer but is not required to receive medical cannabis products from only a registered manufacturer.

152.31 DATA PRACTICES.

(a) Government data in patient files maintained by the commissioner and the health care practitioner, and data submitted to or by a medical cannabis manufacturer, are private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9, but may be used for purposes of complying with chapter 13 and complying with a request from the legislative auditor or the state auditor in the performance of official duties. The provisions of section 13.05, subdivision 11, apply to a registration agreement entered between the commissioner and a medical cannabis manufacturer under section 152.25.

(b) Not public data maintained by the commissioner may not be used for any purpose not provided for in sections 152.22 to 152.37, and may not be combined or linked in any manner with any other list, dataset, or database.

(c) The commissioner may execute data sharing arrangements with the commissioner of agriculture to verify licensing, inspection, and compliance information related to hemp growers and hemp processors under chapter 18K.

152.32 PROTECTIONS FOR REGISTRY PROGRAM PARTICIPATION.

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

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

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

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

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

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

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

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of

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Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

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

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

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

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

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

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

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

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

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

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

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

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

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

(e) A person shall not be denied custody of a minor child or visitation rights or parenting time with a minor child solely based on the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37. There shall be no presumption of neglect or child endangerment

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for conduct allowed under sections 152.22 to 152.37, unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

152.33 VIOLATIONS.

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

Subd. 1a. **Intentional diversion outside the state; penalties.** (a) In addition to any other applicable penalty in law, the commissioner may levy a fine of \$250,000 against a manufacturer and may immediately initiate proceedings to revoke the manufacturer's registration, using the procedure in section 152.25, if:

(1) an officer, director, or controlling person of the manufacturer pleads or is found guilty under subdivision 1 of intentionally transferring medical cannabis, while the person was an officer, director, or controlling person of the manufacturer, to a person other than allowed by law; and

(2) in intentionally transferring medical cannabis to a person other than allowed by law, the officer, director, or controlling person transported or directed the transport of medical cannabis outside of Minnesota.

(b) All fines collected under this subdivision shall be deposited in the state government special revenue fund.

Subd. 2. **Diversion by patient, registered designated caregiver, parent, legal guardian, or patient's spouse; criminal penalty.** In addition to any other applicable penalty in law, a patient, registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient who intentionally sells or otherwise transfers medical cannabis to a person other than a patient, designated registered caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 3. **False statement; criminal penalty.** A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both. The penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by sections 152.22 to 152.37. If a person convicted of violating this subdivision is a patient or a registered designated caregiver, the person is disqualified from further participation under sections 152.22 to 152.37.

Subd. 4. **Submission of false records; criminal penalty.** A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis under sections 152.22 to 152.37 is guilty of a felony and may be sentenced to imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 5. **Violation by health care practitioner; criminal penalty.** A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both.

Subd. 6. **Other violations; civil penalty.** A manufacturer shall be fined up to \$1,000 for any violation of sections 152.22 to 152.37, or the regulations issued pursuant to them, where no penalty has been specified. This penalty is in addition to any other applicable penalties in law.

152.34 HEALTH CARE FACILITIES.

(a) Health care facilities licensed under chapter 144A, hospice providers licensed under chapter 144A, boarding care homes or supervised living facilities licensed under section 144.50, assisted living facilities, facilities owned, controlled, managed, or under common control with hospitals licensed under chapter 144, and other health facilities licensed by the commissioner of health, may

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adopt reasonable restrictions on the use of medical cannabis by a patient enrolled in the registry program who resides at or is actively receiving treatment or care at the facility. The restrictions may include a provision that the facility will not store or maintain the patient's supply of medical cannabis, that the facility is not responsible for providing the medical cannabis for patients, and that medical cannabis be used only in a place specified by the facility.

(b) Any employee or agent of a facility listed in this section or a person licensed under chapter 144E is not subject to violations under this chapter for possession of medical cannabis while carrying out employment duties, including providing or supervising care to a registered patient, or distribution of medical cannabis to a registered patient who resides at or is actively receiving treatment or care at the facility with which the employee or agent is affiliated. Nothing in this section shall require the facilities to adopt such restrictions and no facility shall unreasonably limit a patient's access to or use of medical cannabis to the extent that use is authorized by the patient under sections 152.22 to 152.37.

152.35 FEES; DEPOSIT OF REVENUE.

(a) The commissioner shall collect an enrollment fee of \$200 from patients enrolled under this section. If the patient provides evidence of receiving Social Security disability insurance (SSDI), Supplemental Security Income (SSI), veterans disability, or railroad disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee shall be \$50. For purposes of this section:

(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time the patient was transitioned to retirement benefits by the United States Social Security Administration; and

(2) veterans disability payments include VA dependency and indemnity compensation.

Unless a patient provides evidence of receiving payments from or participating in one of the programs specifically listed in this paragraph, the commissioner of health must collect the \$200 enrollment fee from a patient to enroll the patient in the registry program. The fees shall be payable annually and are due on the anniversary date of the patient's enrollment. The fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(b) The commissioner shall collect an application fee of \$20,000 from each entity submitting an application for registration as a medical cannabis manufacturer. Revenue from the fee shall be deposited in the state treasury and credited to the state government special revenue fund.

(c) The commissioner shall establish and collect an annual fee from a medical cannabis manufacturer equal to the cost of regulating and inspecting the manufacturer in that year. Revenue from the fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(d) A medical cannabis manufacturer may charge patients enrolled in the registry program a reasonable fee for costs associated with the operations of the manufacturer. The manufacturer may establish a sliding scale of patient fees based upon a patient's household income and may accept private donations to reduce patient fees.

152.36 IMPACT ASSESSMENT OF MEDICAL CANNABIS THERAPEUTIC RESEARCH.

Subdivision 1. **Task force on medical cannabis therapeutic research.** (a) A 23-member task force on medical cannabis therapeutic research is created to conduct an impact assessment of medical cannabis therapeutic research. The task force shall consist of the following members:

(1) two members of the house of representatives, one selected by the speaker of the house, the other selected by the minority leader;

(2) two members of the senate, one selected by the majority leader, the other selected by the minority leader;

(3) four members representing consumers or patients enrolled in the registry program, including at least two parents of patients under age 18;

(4) four members representing health care providers, including one licensed pharmacist;

(5) four members representing law enforcement, one from the Minnesota Chiefs of Police Association, one from the Minnesota Sheriff's Association, one from the Minnesota Police and Peace Officers Association, and one from the Minnesota County Attorneys Association;

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(6) four members representing substance use disorder treatment providers; and

(7) the commissioners of health, human services, and public safety.

(b) Task force members listed under paragraph (a), clauses (3), (4), (5), and (6), shall be appointed by the governor under the appointment process in section 15.0597. Members shall serve on the task force at the pleasure of the appointing authority. All members must be appointed by July 15, 2014, and the commissioner of health shall convene the first meeting of the task force by August 1, 2014.

(c) There shall be two cochair of the task force chosen from the members listed under paragraph (a). One cochair shall be selected by the speaker of the house and the other cochair shall be selected by the majority leader of the senate. The authority to convene meetings shall alternate between the cochairs.

(d) Members of the task force other than those in paragraph (a), clauses (1), (2), and (7), shall receive expenses as provided in section 15.059, subdivision 6.

Subd. 1a. **Administration.** The commissioner of health shall provide administrative and technical support to the task force.

Subd. 2. **Impact assessment.** The task force shall hold hearings to evaluate the impact of the use of medical cannabis and hemp and Minnesota's activities involving medical cannabis and hemp, including, but not limited to:

- (1) program design and implementation;
- (2) the impact on the health care provider community;
- (3) patient experiences;
- (4) the impact on the incidence of substance abuse;
- (5) access to and quality of medical cannabis, hemp, and medical cannabis products;
- (6) the impact on law enforcement and prosecutions;
- (7) public awareness and perception; and
- (8) any unintended consequences.

Subd. 3. **Cost assessment.** By January 15 of each year, beginning January 15, 2015, and ending January 15, 2019, the commissioners of state departments impacted by the medical cannabis therapeutic research study shall report to the cochair of the task force on the costs incurred by each department on implementing sections 152.22 to 152.37. The reports must compare actual costs to the estimated costs of implementing these sections and must be submitted to the task force on medical cannabis therapeutic research.

Subd. 4. **Reports to the legislature.** (a) The cochair of the task force shall submit the following reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services, public safety, judiciary, and civil law:

(1) by February 1, 2015, a report on the design and implementation of the registry program; and every two years thereafter, a complete impact assessment report; and

(2) upon receipt of a cost assessment from a commissioner of a state agency, the completed cost assessment.

(b) The task force may make recommendations to the legislature on whether to add or remove conditions from the list of qualifying medical conditions.

Subd. 5. **No expiration.** The task force on medical cannabis therapeutic research does not expire.

152.37 FINANCIAL EXAMINATIONS; PRICING REVIEWS.

Subdivision 1. **Financial records.** A medical cannabis manufacturer shall maintain detailed financial records in a manner and format approved by the commissioner, and shall keep all records updated and accessible to the commissioner when requested.

Subd. 2. **Certified annual audit.** A medical cannabis manufacturer shall submit the results of an annual certified financial audit to the commissioner no later than May 1 of each year for the calendar year beginning January 2015. The annual audit shall be conducted by an independent certified public accountant and the costs of the audit are the responsibility of the medical cannabis manufacturer. Results of the audit shall be provided to the medical cannabis manufacturer and the

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commissioner. The commissioner may also require another audit of the medical cannabis manufacturer by a certified public accountant chosen by the commissioner with the costs of the audit paid by the medical cannabis manufacturer.

Subd. 3. Power to examine. (a) The commissioner or designee may examine the business affairs and conditions of any medical cannabis manufacturer, including but not limited to a review of the financing, budgets, revenues, sales, and pricing.

(b) An examination may cover the medical cannabis manufacturer's business affairs, practices, and conditions including but not limited to a review of the financing, budgets, revenues, sales, and pricing. The commissioner shall determine the nature and scope of each examination and in doing so shall take into account all available relevant factors concerning the financial and business affairs, practices, and conditions of the examinee. The costs incurred by the department in conducting an examination shall be paid for by the medical cannabis manufacturer.

(c) When making an examination under this section, the commissioner may retain attorneys, appraisers, independent economists, independent certified public accountants, or other professionals and specialists as designees. A certified public accountant retained by the commissioner may not be the same certified public accountant providing the certified annual audit in subdivision 2.

(d) The commissioner shall make a report of an examination conducted under this section and provide a copy to the medical cannabis manufacturer. The commissioner shall then post a copy of the report on the department's website. All working papers, recorded information, documents, and copies produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination, other than the information contained in any commissioner official report, made under this section are private data on individuals or nonpublic data, as defined in section 13.02.