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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1023**

02/11/2021 Authored by Gomez; Garofalo; Xiong, J.; Hamilton and Jordan

The bill was read for the first time and referred to the Committee on Health Finance and Policy

02/22/2021 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act

1.2 relating to health; requiring the commissioner of health to apply for a federal

1.3 Schedule I exemption for the medical use of cannabis; reclassifying marijuana and

1.4 nonsynthetic THC from a Schedule I to a Schedule II controlled substance; changing

1.5 provisions to the patient registry program; amending Minnesota Statutes 2020,

1.6 sections 152.01, subdivision 23; 152.02, subdivisions 2, 3; 152.11, by adding a

1.7 subdivision; 152.12, by adding a subdivision; 152.125, subdivision 3; 152.32,

1.8 subdivisions 1, 2.

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

1.10 Section 1. Minnesota Statutes 2020, section 152.01, subdivision 23, is amended to read:

1.11 Subd. 23. **Analog.** (a) Except as provided in paragraph (b), "analog" means a substance,

1.12 the chemical structure of which is substantially similar to the chemical structure of a

1.13 controlled substance in Schedule I or II:

1.14 (1) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system

1.15 that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic

1.16 effect on the central nervous system of a controlled substance in Schedule I or II; or

1.17 (2) with respect to a particular person, if the person represents or intends that the substance

1.18 have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is

1.19 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect

1.20 on the central nervous system of a controlled substance in Schedule I or II.

1.21 (b) "Analog" does not include:

1.22 (1) a controlled substance;

1.23 (2) any substance for which there is an approved new drug application under the Federal

1.24 Food, Drug, and Cosmetic Act; ~~or~~

2.1 (3) with respect to a particular person, any substance, if an exemption is in effect for  
2.2 investigational use, for that person, as provided by United States Code, title 21, section 355,  
2.3 and the person is registered as a controlled substance researcher as required under section  
2.4 152.12, subdivision 3, to the extent conduct with respect to the substance is pursuant to the  
2.5 exemption and registration; or

2.6 (4) marijuana or tetrahydrocannabinols naturally contained in a plant of the genus  
2.7 cannabis or in the resinous extractives of the plant.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
2.9 committed on or after that date.

2.10 Sec. 2. Minnesota Statutes 2020, section 152.02, subdivision 2, is amended to read:

2.11 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

2.12 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the  
2.13 following substances, including their analogs, isomers, esters, ethers, salts, and salts of  
2.14 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,  
2.15 and salts is possible:

2.16 (1) acetylmethadol;

2.17 (2) allylprodine;

2.18 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl  
2.19 acetate);

2.20 (4) alphameprodine;

2.21 (5) alphamethadol;

2.22 (6) alpha-methylfentanyl benzethidine;

2.23 (7) betacetylmethadol;

2.24 (8) betameprodine;

2.25 (9) betamethadol;

2.26 (10) betaprodine;

2.27 (11) clonitazene;

2.28 (12) dextromoramide;

2.29 (13) diampromide;

- 3.1 (14) diethylambutene;
- 3.2 (15) difenoxin;
- 3.3 (16) dimenoxadol;
- 3.4 (17) dimepheptanol;
- 3.5 (18) dimethylambutene;
- 3.6 (19) dioxaphetyl butyrate;
- 3.7 (20) dipipanone;
- 3.8 (21) ethylmethylthiambutene;
- 3.9 (22) etonitazene;
- 3.10 (23) etoxeridine;
- 3.11 (24) furethidine;
- 3.12 (25) hydroxypethidine;
- 3.13 (26) ketobemidone;
- 3.14 (27) levomoramide;
- 3.15 (28) levophenacilmorphan;
- 3.16 (29) 3-methylfentanyl;
- 3.17 (30) acetyl-alpha-methylfentanyl;
- 3.18 (31) alpha-methylthiofentanyl;
- 3.19 (32) benzylfentanyl beta-hydroxyfentanyl;
- 3.20 (33) beta-hydroxy-3-methylfentanyl;
- 3.21 (34) 3-methylthiofentanyl;
- 3.22 (35) thenylfentanyl;
- 3.23 (36) thiofentanyl;
- 3.24 (37) para-fluorofentanyl;
- 3.25 (38) morpheridine;
- 3.26 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 3.27 (40) noracymethadol;

- 4.1 (41) norlevorphanol;
- 4.2 (42) normethadone;
- 4.3 (43) norpipanone;
- 4.4 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 4.5 (45) phenadoxone;
- 4.6 (46) phenampromide;
- 4.7 (47) phenomorphan;
- 4.8 (48) phenoperidine;
- 4.9 (49) piritramide;
- 4.10 (50) proheptazine;
- 4.11 (51) properidine;
- 4.12 (52) propiram;
- 4.13 (53) racemoramide;
- 4.14 (54) tilidine;
- 4.15 (55) trimeperidine;
- 4.16 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 4.17 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 4.18 methylbenzamide(U47700);
- 4.19 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 4.20 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 4.21 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 4.22 fentanyl);
- 4.23 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 4.24 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 4.25 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 4.26 fentanyl);
- 4.27 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 4.28 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);

- 5.1 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide  
5.2 (para-chloroisobutyryl fentanyl);
- 5.3 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl  
5.4 fentanyl);
- 5.5 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide  
5.6 (para-methoxybutyryl fentanyl);
- 5.7 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 5.8 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl  
5.9 fentanyl or para-fluoroisobutyryl fentanyl);
- 5.10 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or  
5.11 acryloylfentanyl);
- 5.12 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl  
5.13 fentanyl);
- 5.14 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl  
5.15 or 2-fluorofentanyl);
- 5.16 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide  
5.17 (tetrahydrofuranyl fentanyl); and
- 5.18 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,  
5.19 esters and ethers, meaning any substance not otherwise listed under another federal  
5.20 Administration Controlled Substance Code Number or not otherwise listed in this section,  
5.21 and for which no exemption or approval is in effect under section 505 of the Federal Food,  
5.22 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related  
5.23 to fentanyl by one or more of the following modifications:
- 5.24 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether  
5.25 or not further substituted in or on the monocycle;
- 5.26 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,  
5.27 haloalkyl, amino, or nitro groups;
- 5.28 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,  
5.29 hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 5.30 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further  
5.31 substituted in or on the aromatic monocycle; or

- 6.1 (v) replacement of the N-propionyl group by another acyl group.
- 6.2 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,  
6.3 and salts of isomers, unless specifically excepted or unless listed in another schedule,  
6.4 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 6.5 (1) acetorphine;
- 6.6 (2) acetyldihydrocodeine;
- 6.7 (3) benzylmorphine;
- 6.8 (4) codeine methylbromide;
- 6.9 (5) codeine-n-oxide;
- 6.10 (6) cyprenorphine;
- 6.11 (7) desomorphine;
- 6.12 (8) dihydromorphine;
- 6.13 (9) drotebanol;
- 6.14 (10) etorphine;
- 6.15 (11) heroin;
- 6.16 (12) hydromorphanol;
- 6.17 (13) methyldesorphine;
- 6.18 (14) methyldihydromorphine;
- 6.19 (15) morphine methylbromide;
- 6.20 (16) morphine methylsulfonate;
- 6.21 (17) morphine-n-oxide;
- 6.22 (18) myrophine;
- 6.23 (19) nicocodeine;
- 6.24 (20) nicomorphine;
- 6.25 (21) normorphine;
- 6.26 (22) pholcodine; and
- 6.27 (23) thebacon.

7.1 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any  
7.2 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,  
7.3 or geometric), and salts of isomers, unless specifically excepted or unless listed in another  
7.4 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is  
7.5 possible:

- 7.6 (1) methylenedioxy amphetamine;
- 7.7 (2) methylenedioxymethamphetamine;
- 7.8 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 7.9 (4) n-hydroxy-methylenedioxyamphetamine;
- 7.10 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 7.11 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 7.12 (7) 4-methoxyamphetamine;
- 7.13 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 7.14 (9) alpha-ethyltryptamine;
- 7.15 (10) bufotenine;
- 7.16 (11) diethyltryptamine;
- 7.17 (12) dimethyltryptamine;
- 7.18 (13) 3,4,5-trimethoxyamphetamine;
- 7.19 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 7.20 (15) ibogaine;
- 7.21 (16) lysergic acid diethylamide (LSD);
- 7.22 (17) mescaline;
- 7.23 (18) parahexyl;
- 7.24 (19) N-ethyl-3-piperidyl benzilate;
- 7.25 (20) N-methyl-3-piperidyl benzilate;
- 7.26 (21) psilocybin;
- 7.27 (22) psilocyn;
- 7.28 (23) tenocyclidine (TPCP or TCP);

- 8.1 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 8.2 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 8.3 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 8.4 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 8.5 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 8.6 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 8.7 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 8.8 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 8.9 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 8.10 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 8.11 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 8.12 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 8.13 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 8.14 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 8.15 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 8.16 (2-CB-FLY);
- 8.17 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 8.18 (40) alpha-methyltryptamine (AMT);
- 8.19 (41) N,N-diisopropyltryptamine (DiPT);
- 8.20 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 8.21 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 8.22 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 8.23 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 8.24 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 8.25 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 8.26 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 8.27 (49) 5-methoxy- $\alpha$ -methyltryptamine (5-MeO-AMT);



- 9.1 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 9.2 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 9.3 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 9.4 (53) 5-methoxy- $\alpha$ -ethyltryptamine (5-MeO-AET);
- 9.5 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 9.6 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 9.7 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 9.8 (57) methoxetamine (MXE);
- 9.9 (58) 5-iodo-2-aminoindane (5-IAI);
- 9.10 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 9.11 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 9.12 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 9.13 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 9.14 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 9.15 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 9.16 (65) N,N-Dipropyltryptamine (DPT);
- 9.17 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 9.18 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 9.19 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 9.20 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 9.21 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,  
9.22 ethketamine, NENK);
- 9.23 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 9.24 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 9.25 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 9.26 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*  
9.27 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,  
9.28 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,

10.1 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not  
10.2 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian  
10.3 Church, and members of the American Indian Church are exempt from registration. Any  
10.4 person who manufactures peyote for or distributes peyote to the American Indian Church,  
10.5 however, is required to obtain federal registration annually and to comply with all other  
10.6 requirements of law.

10.7 (f) Central nervous system depressants. Unless specifically excepted or unless listed in  
10.8 another schedule, any material compound, mixture, or preparation which contains any  
10.9 quantity of the following substances, their analogs, salts, isomers, and salts of isomers  
10.10 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

10.11 (1) mecloqualone;

10.12 (2) methaqualone;

10.13 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

10.14 (4) flunitrazepam;

10.15 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,  
10.16 methoxyketamine);

10.17 (6) tianeptine;

10.18 (7) clonazepam;

10.19 (8) etizolam;

10.20 (9) flubromazolam; and

10.21 (10) flubromazepam.

10.22 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any  
10.23 material compound, mixture, or preparation which contains any quantity of the following  
10.24 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the  
10.25 analogs, salts, isomers, and salts of isomers is possible:

10.26 (1) aminorex;

10.27 (2) cathinone;

10.28 (3) fenethylamine;

10.29 (4) methcathinone;

10.30 (5) methylaminorex;

- 11.1 (6) N,N-dimethylamphetamine;
- 11.2 (7) N-benzylpiperazine (BZP);
- 11.3 (8) methylmethcathinone (mephedrone);
- 11.4 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 11.5 (10) methoxymethcathinone (methedrone);
- 11.6 (11) methylenedioxypropylone (MDPV);
- 11.7 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 11.8 (13) methylethcathinone (MEC);
- 11.9 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 11.10 (15) dimethylmethcathinone (DMMC);
- 11.11 (16) fluoroamphetamine;
- 11.12 (17) fluoromethamphetamine;
- 11.13 (18)  $\alpha$ -methylaminobutyrophenone (MABP or buphedrone);
- 11.14 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 11.15 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 11.16 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 11.17 naphyrone);
- 11.18 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 11.19 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 11.20 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 11.21 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 11.22 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 11.23 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 11.24 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentydone);
- 11.25 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 11.26 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 11.27 (31) alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP);

- 12.1 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 12.2 (33) 1-phenyl-2-(1-pyrrolidiny)-1-heptanone (PV8);
- 12.3 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 12.4 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 12.5 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 12.6 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 12.7 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 12.8 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 12.9 and
- 12.10 (40) any other substance, except bupropion or compounds listed under a different
- 12.11 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 12.12 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 12.13 compound is further modified in any of the following ways:
- 12.14 (i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
- 12.15 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 12.16 system by one or more other univalent substituents;
- 12.17 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 12.18 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 12.19 methoxybenzyl groups; or
- 12.20 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 12.21 (h) ~~Marijuana~~, Synthetic tetrahydrocannabinols, and synthetic cannabinoids. Unless
- 12.22 specifically excepted or unless listed in another schedule, any ~~natural~~ or synthetic material,
- 12.23 compound, mixture, or preparation that contains any quantity of the following substances,
- 12.24 their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
- 12.25 the existence of the isomers, esters, ethers, or salts is possible:
- 12.26 ~~(1) marijuana;~~
- 12.27 ~~(2) (1) synthetic~~ tetrahydrocannabinols ~~naturally contained in a plant of the genus~~
- 12.28 Cannabis, that are the synthetic equivalents of the substances contained in the cannabis
- 12.29 plant or in the resinous extractives of the plant, or synthetic substances with similar chemical
- 12.30 structure and pharmacological activity to those substances contained in the plant or resinous

13.1 extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans  
13.2 tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

13.3 ~~(3)~~ (2) synthetic cannabinoids, including the following substances:

13.4 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole  
13.5 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
13.6 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
13.7 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any  
13.8 extent and whether or not substituted in the naphthyl ring to any extent. Examples of  
13.9 naphthoylindoles include, but are not limited to:

13.10 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

13.11 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

13.12 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

13.13 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

13.14 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

13.15 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

13.16 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

13.17 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

13.18 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

13.19 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

13.20 (ii) Naphthylmethylindoles, which are any compounds containing a  
13.21 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the  
13.22 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
13.23 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
13.24 substituted in the indole ring to any extent and whether or not substituted in the naphthyl  
13.25 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

13.26 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

13.27 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

13.28 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole  
13.29 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,  
13.30 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
13.31 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any

14.1 extent, whether or not substituted in the naphthyl ring to any extent. Examples of  
14.2 naphthoylpyrroles include, but are not limited to,  
14.3 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

14.4 (iv) Naphthylmethylenes, which are any compounds containing a naphthylideneindene  
14.5 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,  
14.6 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
14.7 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any  
14.8 extent, whether or not substituted in the naphthyl ring to any extent. Examples of  
14.9 naphthylmethylenes include, but are not limited to,  
14.10 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

14.11 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole  
14.12 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
14.13 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
14.14 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any  
14.15 extent, whether or not substituted in the phenyl ring to any extent. Examples of  
14.16 phenylacetylindoles include, but are not limited to:

14.17 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

14.18 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

14.19 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

14.20 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

14.21 (vi) Cyclohexylphenols, which are compounds containing a  
14.22 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic  
14.23 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
14.24 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted  
14.25 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not  
14.26 limited to:

14.27 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

14.28 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol  
14.29 (Cannabicyclohexanol or CP 47,497 C8 homologue);

14.30 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]  
14.31 -phenol (CP 55,940).

15.1 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure  
15.2 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,  
15.3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
15.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any  
15.5 extent and whether or not substituted in the phenyl ring to any extent. Examples of  
15.6 benzoylindoles include, but are not limited to:

15.7 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

15.8 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

15.9 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN  
15.10 48,098 or Pravadoline).

15.11 (viii) Others specifically named:

15.12 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
15.13 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

15.14 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
15.15 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

15.16 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]  
15.17 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

15.18 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

15.19 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone  
15.20 (XLR-11);

15.21 (F) 1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indazole-3-carboxamide  
15.22 (AKB-48(APINACA));

15.23 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide  
15.24 (5-Fluoro-AKB-48);

15.25 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

15.26 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

15.27 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide  
15.28 (AB-PINACA);

15.29 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-  
15.30 1H-indazole-3-carboxamide (AB-FUBINACA);

- 16.1 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-  
16.2 indazole-3-carboxamide(AB-CHMINACA);
- 16.3 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3- methylbutanoate  
16.4 (5-fluoro-AMB);
- 16.5 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 16.6 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone  
16.7 (FUBIMINA);
- 16.8 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo  
16.9 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 16.10 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)  
16.11 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 16.12 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)  
16.13 -1H-indole-3-carboxamide;
- 16.14 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)  
16.15 -1H-indazole-3-carboxamide;
- 16.16 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;
- 16.17 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1  
16.18 H-indazole-3-carboxamide (MAB-CHMINACA);
- 16.19 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide  
16.20 (ADB-PINACA);
- 16.21 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 16.22 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-  
16.23 3-carboxamide. (APP-CHMINACA);
- 16.24 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 16.25 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 16.26 (ix) Additional substances specifically named:
- 16.27 (A) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1  
16.28 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 16.29 (B) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide  
16.30 (4-CN-Cumyl-Butinaca);



- 17.1 (C) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);
- 17.2 (D) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
- 17.3 H-indazole-3-carboxamide (5F-ABPINACA);
- 17.4 (E) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
- 17.5 (MDMB CHMICA);
- 17.6 (F) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
- 17.7 (5F-ADB; 5F-MDMB-PINACA); and
- 17.8 (G) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
- 17.9 1H-indazole-3-carboxamide (ADB-FUBINACA).
- 17.10 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
- 17.11 for human consumption.

17.12 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

17.13 committed on or after that date.

17.14 Sec. 3. Minnesota Statutes 2020, section 152.02, subdivision 3, is amended to read:

17.15 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

17.16 (b) Unless specifically excepted or unless listed in another schedule, any of the following

17.17 substances whether produced directly or indirectly by extraction from substances of vegetable

17.18 origin or independently by means of chemical synthesis, or by a combination of extraction

17.19 and chemical synthesis:

17.20 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or

17.21 opiate.

17.22 (i) Excluding:

17.23 (A) apomorphine;

17.24 (B) thebaine-derived butorphanol;

17.25 (C) dextrophan;

17.26 (D) nalbuphine;

17.27 (E) nalmefene;

17.28 (F) naloxegol;

17.29 (G) naloxone;

- 18.1 (H) naltrexone; and
- 18.2 (I) their respective salts;
- 18.3 (ii) but including the following:
- 18.4 (A) opium, in all forms and extracts;
- 18.5 (B) codeine;
- 18.6 (C) dihydroetorphine;
- 18.7 (D) ethylmorphine;
- 18.8 (E) etorphine hydrochloride;
- 18.9 (F) hydrocodone;
- 18.10 (G) hydromorphone;
- 18.11 (H) metopon;
- 18.12 (I) morphine;
- 18.13 (J) oxycodone;
- 18.14 (K) oxymorphone;
- 18.15 (L) thebaine;
- 18.16 (M) oripavine;
- 18.17 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
- 18.18 or identical with any of the substances referred to in clause (1), except that these substances
- 18.19 shall not include the isoquinoline alkaloids of opium;
- 18.20 (3) opium poppy and poppy straw;
- 18.21 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
- 18.22 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
- 18.23 and derivatives), and any salt, compound, derivative, or preparation thereof which is
- 18.24 chemically equivalent or identical with any of these substances, except that the substances
- 18.25 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
- 18.26 do not contain cocaine or ecgonine;
- 18.27 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
- 18.28 or powder form which contains the phenanthrene alkaloids of the opium poppy).

19.1 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
19.2 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,  
19.3 whenever the existence of such isomers, esters, ethers and salts is possible within the specific  
19.4 chemical designation:

19.5 (1) alfentanil;

19.6 (2) alphaprodine;

19.7 (3) anileridine;

19.8 (4) bezitramide;

19.9 (5) bulk dextropropoxyphene (nondosage forms);

19.10 (6) carfentanil;

19.11 (7) dihydrocodeine;

19.12 (8) dihydromorphinone;

19.13 (9) diphenoxylate;

19.14 (10) fentanyl;

19.15 (11) isomethadone;

19.16 (12) levo-alpha-acetylmethadol (LAAM);

19.17 (13) levomethorphan;

19.18 (14) levorphanol;

19.19 (15) metazocine;

19.20 (16) methadone;

19.21 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

19.22 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic  
19.23 acid;

19.24 (19) pethidine;

19.25 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;

19.26 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;

19.27 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

19.28 (23) phenazocine;

20.1 (24) piminodine;

20.2 (25) racemethorphan;

20.3 (26) racemorphan;

20.4 (27) remifentanyl;

20.5 (28) sufentanyl;

20.6 (29) tapentadol;

20.7 (30) 4-Anilino-N-phenethylpiperidine.

20.8 (d) Unless specifically excepted or unless listed in another schedule, any material,  
20.9 compound, mixture, or preparation which contains any quantity of the following substances  
20.10 having a stimulant effect on the central nervous system:

20.11 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

20.12 (2) methamphetamine, its salts, isomers, and salts of its isomers;

20.13 (3) phenmetrazine and its salts;

20.14 (4) methylphenidate;

20.15 (5) lisdexamfetamine.

20.16 (e) Unless specifically excepted or unless listed in another schedule, any material,  
20.17 compound, mixture, or preparation which contains any quantity of the following substances  
20.18 having a depressant effect on the central nervous system, including its salts, isomers, and  
20.19 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible  
20.20 within the specific chemical designation:

20.21 (1) amobarbital;

20.22 (2) glutethimide;

20.23 (3) secobarbital;

20.24 (4) pentobarbital;

20.25 (5) phencyclidine;

20.26 (6) phencyclidine immediate precursors:

20.27 (i) 1-phenylcyclohexylamine;

20.28 (ii) 1-piperidinocyclohexanecarbonitrile;

20.29 (7) phenylacetone.

21.1 (f) Cannabis and cannabinoids:

21.2 (1) nabilone;

21.3 (2) unless specifically excepted or unless listed in another schedule, any natural material,  
21.4 compound, mixture, or preparation that contains any quantity of the following substances,  
21.5 their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever  
21.6 the existence of the isomers, esters, ethers, or salts is possible:

21.7 (i) marijuana; and

21.8 (ii) tetrahydrocannabinols naturally contained in a plant of the genus cannabis or in the  
21.9 resinous extractives of the plant; and

21.10 ~~(2)~~ (3) dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in an oral  
21.11 solution in a drug product approved for marketing by the United States Food and Drug  
21.12 Administration.

21.13 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
21.14 committed on or after that date.

21.15 Sec. 4. Minnesota Statutes 2020, section 152.11, is amended by adding a subdivision to  
21.16 read:

21.17 **Subd. 5. Exception.** References in this section to Schedule II controlled substances do  
21.18 not extend to marijuana or tetrahydrocannabinols.

21.19 Sec. 5. Minnesota Statutes 2020, section 152.12, is amended by adding a subdivision to  
21.20 read:

21.21 **Subd. 6. Exception.** References in this section to Schedule II controlled substances do  
21.22 not extend to marijuana or tetrahydrocannabinols.

21.23 Sec. 6. Minnesota Statutes 2020, section 152.125, subdivision 3, is amended to read:

21.24 Subd. 3. **Limits on applicability.** This section does not apply to:

21.25 (1) a physician's treatment of an individual for chemical dependency resulting from the  
21.26 use of controlled substances in Schedules II to V of section 152.02;

21.27 (2) the prescription or administration of controlled substances in Schedules II to V of  
21.28 section 152.02 to an individual whom the physician knows to be using the controlled  
21.29 substances for nontherapeutic purposes;

22.1 (3) the prescription or administration of controlled substances in Schedules II to V of  
22.2 section 152.02 for the purpose of terminating the life of an individual having intractable  
22.3 pain; ~~or~~

22.4 (4) the prescription or administration of a controlled substance in Schedules II to V of  
22.5 section 152.02 that is not a controlled substance approved by the United States Food and  
22.6 Drug Administration for pain relief; or

22.7 (5) the administration of medical cannabis under sections 152.22 to 152.37.

22.8 Sec. 7. Minnesota Statutes 2020, section 152.32, subdivision 1, is amended to read:

22.9 Subdivision 1. **Presumption Presumptions.** (a) There is a presumption that a patient  
22.10 enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized  
22.11 use of medical cannabis.

22.12 (b) The presumption in paragraph (a) may be rebutted by evidence that conduct related  
22.13 to use of medical cannabis was not for the purpose of treating or alleviating the patient's  
22.14 qualifying medical condition or symptoms associated with the patient's qualifying medical  
22.15 condition.

22.16 (c) Sections 152.22 to 152.37 do not create any positive conflict with federal drug laws  
22.17 or regulations and are consistent with United States Code, title 21, section 903.

22.18 Sec. 8. Minnesota Statutes 2020, section 152.32, subdivision 2, is amended to read:

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

22.21 (1) use or possession of medical cannabis or medical cannabis products by a patient  
22.22 enrolled in the registry program, or possession by a registered designated caregiver or the  
22.23 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed  
22.24 on the registry verification;

22.25 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis  
22.26 products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory  
22.27 conducting testing on medical cannabis, or employees of the laboratory; and

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

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

23.1 (c) The commissioner, the commissioner's staff, the commissioner's agents or contractors,  
23.2 and any health care practitioner are not subject to any civil or disciplinary penalties by the  
23.3 Board of Medical Practice, the Board of Nursing, or by any business, occupational, or  
23.4 professional licensing board or entity, solely for the participation in the registry program  
23.5 under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to  
23.6 any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance  
23.7 with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional  
23.8 licensing board from taking action in response to violations of any other section of law.

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

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

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

23.20 (g) No information contained in a report, document, or registry or obtained from a patient  
23.21 under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding  
23.22 unless independently obtained or in connection with a proceeding involving a violation of  
23.23 sections 152.22 to 152.37.

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

23.26 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme  
23.27 Court or professional responsibility board for providing legal assistance to prospective or  
23.28 registered manufacturers or others related to activity that is no longer subject to criminal  
23.29 penalties under state law pursuant to sections 152.22 to 152.37.

23.30 (j) Possession of a registry verification or application for enrollment in the program by  
23.31 a person entitled to possess or apply for enrollment in the registry program does not constitute  
23.32 probable cause or reasonable suspicion, nor shall it be used to support a search of the person  
23.33 or property of the person possessing or applying for the registry verification, or otherwise  
23.34 subject the person or property of the person to inspection by any governmental agency.

24.1 (k) Subject to section 152.23, the listing of tetrahydrocannabinols as a Schedule I  
24.2 controlled substance under this chapter does not apply to protected activities specified in  
24.3 this subdivision.

24.4 Sec. 9. **FEDERAL SCHEDULE I EXEMPTION APPLICATION FOR MEDICAL**  
24.5 **USE OF CANNABIS.**

24.6 By September 1, 2021, the commissioner of health shall apply to the Drug Enforcement  
24.7 Administration's Office of Diversion Control for an exception under Code of Federal  
24.8 Regulations, title 21, section 1307.03, and request formal written acknowledgment that the  
24.9 listing of marijuana, marijuana extract, and tetrahydrocannabinols as controlled substances  
24.10 in federal Schedule I does not apply to the protected activities in Minnesota Statutes, section  
24.11 152.32, subdivision 2, pursuant to the medical cannabis program established under Minnesota  
24.12 Statutes, sections 152.22 to 152.37. The application shall include the list of presumptions  
24.13 in Minnesota Statutes, section 152.32, subdivision 1.