

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4255

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Introduction and first reading
Referred to Health and Human Services Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; modifying the medical cannabis program; allowing vaporization
1.3 of flower, dried leaves, or plant form; making changes to the definition of qualifying
1.4 medical condition; authorizing manufacturers to operate mobile distribution units
1.5 and to deliver medical cannabis and medical cannabis products; amending
1.6 Minnesota Statutes 2018, section 152.22, subdivision 14, by adding subdivisions;
1.7 Minnesota Statutes 2019 Supplement, sections 152.22, subdivision 6; 152.29,
1.8 subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 152.

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

1.10 Section 1. Minnesota Statutes 2018, section 152.22, is amended by adding a subdivision
1.11 to read:

1.12 Subd. 2a. **Delivery vehicle.** "Delivery vehicle" means a motor vehicle as defined in
1.13 section 169.011, subdivision 42, that:

1.14 (1) is designed and originally manufactured to operate primarily on streets and highways;
1.15 and

1.16 (2) contains an enclosed cabin and an enclosed cargo-carrying area that may or may not
1.17 be separated from the operator's area.

1.18 Sec. 2. Minnesota Statutes 2019 Supplement, section 152.22, subdivision 6, is amended
1.19 to read:

1.20 Subd. 6. **Medical cannabis.** (a) "Medical cannabis" means any species of the genus
1.21 cannabis plant, or any mixture or preparation of them, including whole plant extracts and
1.22 resins, and is delivered in the form of:

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

2.1 (2) pill;

2.2 (3) vaporized delivery method with use of liquid or, oil ~~but which does not require the~~
2.3 ~~use of dried leaves or plant form,~~ or raw cannabis; or

2.4 (4) any other method, excluding smoking, approved by the commissioner.

2.5 (b) This definition includes any part of the genus cannabis plant prior to being processed
2.6 into a form allowed under paragraph (a), that is possessed by a person while that person is
2.7 engaged in employment duties necessary to carry out a requirement under sections 152.22
2.8 to 152.37 for a registered manufacturer or a laboratory under contract with a registered
2.9 manufacturer. This definition also includes any hemp acquired by a manufacturer by a hemp
2.10 grower as permitted under section 152.29, subdivision 1, paragraph (b).

2.11 Sec. 3. Minnesota Statutes 2018, section 152.22, is amended by adding a subdivision to
2.12 read:

2.13 Subd. 8a. **Mobile distribution unit.** "Mobile distribution unit" means a motor vehicle
2.14 as defined in section 169.011, subdivision 42, that:

2.15 (1) is designed and originally manufactured to operate primarily on streets and highways;

2.16 (2) contains an enclosed cabin and an enclosed cargo-carrying area that may or may not
2.17 be separated from the operator's area;

2.18 (3) is readily movable to multiple geographic locations in the geographical service areas
2.19 served by the manufacturer; and

2.20 (4) is used by a manufacturer to distribute medical cannabis and medical cannabis
2.21 products to patients enrolled in the registry program; registered designated caregivers; and
2.22 parents, legal guardians, and spouses of patients.

2.23 Sec. 4. Minnesota Statutes 2018, section 152.22, subdivision 14, is amended to read:

2.24 Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a
2.25 diagnosis of any of the following conditions:

2.26 (1) ~~cancer, if the underlying condition or treatment produces one or more of the~~
2.27 ~~following;~~

2.28 ~~(i) severe or chronic pain;~~

2.29 ~~(ii) nausea or severe vomiting; or~~

2.30 ~~(iii) cachexia or severe wasting;~~

- 3.1 (2) glaucoma;
- 3.2 (3) human immunodeficiency virus or acquired immune deficiency syndrome;
- 3.3 (4) Tourette's syndrome;
- 3.4 (5) amyotrophic lateral sclerosis;
- 3.5 (6) seizures, including those characteristic of epilepsy;
- 3.6 (7) severe and persistent muscle spasms, including those characteristic of multiple
- 3.7 sclerosis;
- 3.8 (8) inflammatory bowel disease, including Crohn's disease;
- 3.9 (9) terminal illness, with a probable life expectancy of under one year, ~~if the illness or~~
- 3.10 ~~its treatment produces one or more of the following; or~~
- 3.11 ~~(i) severe or chronic pain;~~
- 3.12 ~~(ii) nausea or severe vomiting; or~~
- 3.13 ~~(iii) cachexia or severe wasting; or~~
- 3.14 (10) any other medical condition or its treatment approved by the commissioner.

3.15 Sec. 5. Minnesota Statutes 2019 Supplement, section 152.29, subdivision 3a, is amended

3.16 to read:

3.17 Subd. 3a. **Transportation of medical cannabis; staffing.** (a) A medical cannabis

3.18 manufacturer may staff a transport motor vehicle with only one employee if the medical

3.19 cannabis manufacturer is transporting medical cannabis to either a certified laboratory for

3.20 the purpose of testing or a facility for the purpose of disposal, or is delivering medical

3.21 cannabis according to section 152.294. If the medical cannabis manufacturer is transporting

3.22 medical cannabis for any other purpose or destination, the transport motor vehicle must be

3.23 staffed with a minimum of two employees as required by rules adopted by the commissioner.

3.24 (b) Notwithstanding paragraph (a), a medical cannabis manufacturer that is only

3.25 transporting hemp for any purpose may staff the transport motor vehicle with only one

3.26 employee.

3.27 Sec. 6. **[152.292] MANUFACTURER; MOBILE DISTRIBUTION UNITS.**

3.28 Subdivision 1. Operation of mobile distribution units authorized. In addition to

3.29 operating eight distribution facilities as required under section 152.29, subdivision 1, a

3.30 manufacturer may operate one or more mobile distribution units to distribute medical

4.1 cannabis and medical cannabis products to patients enrolled in the registry program;
4.2 registered designated caregivers; and parents, legal guardians, and spouses of patients. A
4.3 manufacturer shall operate a mobile distribution unit only in the geographical service areas
4.4 served by the manufacturer. In operating a mobile distribution unit, manufacturer employees
4.5 shall drive a mobile distribution unit to specific, predetermined locations according to a
4.6 predetermined schedule established by the manufacturer, and shall distribute medical
4.7 cannabis in compliance with section 152.29, subdivision 3. The predetermined schedule
4.8 must list specific locations at which the mobile distribution unit will distribute medical
4.9 cannabis and specific dates and times for each location. A manufacturer operating one or
4.10 more mobile distribution units may but is not required to distribute medical cannabis products
4.11 from a mobile distribution unit.

4.12 Subd. 2. **Locations for operation.** Before a mobile distribution unit begins operations
4.13 at a specific location, a manufacturer must obtain permission from the property owner for
4.14 the mobile distribution unit to operate at that location. A mobile distribution unit shall not
4.15 operate within 1,000 feet of a public or private school.

4.16 Subd. 3. **Staffing.** A manufacturer must staff a mobile distribution unit with a minimum
4.17 of two manufacturer employees, at least one of whom must be a pharmacist who gives final
4.18 approval for the distribution of medical cannabis to patients.

4.19 Subd. 4. **Notice of schedule.** A manufacturer operating a mobile distribution unit may
4.20 provide notice on the manufacturer's website of the mobile distribution unit's predetermined
4.21 schedule and may provide patients with notice of the mobile distribution unit's predetermined
4.22 schedule at the point of sale at a distribution facility or mobile distribution unit. All other
4.23 notices by a manufacturer regarding a mobile distribution unit's predetermined schedule are
4.24 subject to Minnesota Rules, part 4770.0800, subpart 2.

4.25 Subd. 5. **Deviation from schedule.** A mobile distribution unit shall not deviate from
4.26 the predetermined schedule established by the manufacturer unless necessary for rest, fuel,
4.27 or vehicle repair stops, or because road conditions make continued use of the route unsafe,
4.28 impossible, or impractical.

4.29 Subd. 6. **Security requirements.** A mobile distribution unit shall not carry medical
4.30 cannabis and medical cannabis products with a combined value in excess of \$..... at any
4.31 time. A manufacturer operating a mobile distribution unit must establish specific security
4.32 requirements for mobile distribution units to deter or prevent theft and unauthorized access
4.33 into areas containing medical cannabis.

5.1 **Sec. 7. [152.294] MANUFACTURER; DELIVERY TO PATIENTS.**

5.2 **Subdivision 1. Delivery of medical cannabis authorized.** (a) A manufacturer may
5.3 deliver medical cannabis and medical cannabis products from a manufacturer's distribution
5.4 facility to patients enrolled in the registry program; registered designated caregivers; and
5.5 parents, legal guardians, and spouses of patients. A manufacturer that chooses to offer
5.6 delivery services may but is not required to deliver medical cannabis products.

5.7 (b) All deliveries must be performed by employees of the manufacturer.

5.8 **Subd. 2. Delivery request.** A patient; registered designated caregiver; or parent, legal
5.9 guardian, or spouse of a patient may request delivery by the manufacturer operating in the
5.10 geographical service area in which the patient resides of up to a 90-day supply of the patient's
5.11 medical cannabis and of medical cannabis products. The patient or other person requesting
5.12 delivery must provide the manufacturer with the information necessary to confirm that the
5.13 patient is enrolled in the registry program and must specify the physical address to which
5.14 the medical cannabis and medical cannabis products will be delivered.

5.15 **Subd. 3. Delivery requirements.** (a) Before leaving a distribution facility, a delivery
5.16 employee must have an inventory ledger with information on the medical cannabis and
5.17 medical cannabis products in the possession of the delivery employee and on the patients
5.18 or other persons authorized to accept delivery. All deliveries must be made in person and
5.19 made directly to a patient; registered designated caregiver; or parent, legal guardian, or
5.20 spouse of a patient. When a delivery employee arrives at an address to make a delivery, the
5.21 delivery employee may only transfer medical cannabis and medical cannabis products to a
5.22 person accepting delivery after the delivery employee checks the identification of the person
5.23 accepting delivery and confirms that the person is a patient; registered designated caregiver;
5.24 or parent, legal guardian, or spouse of a patient. Upon receipt of medical cannabis and
5.25 medical cannabis products from the delivery employee, the person accepting delivery must
5.26 sign the inventory ledger or another document to indicate receipt of the delivered items,
5.27 and the delivery employee must provide the person accepting delivery with a receipt for
5.28 the delivered items. After each delivery, the delivery employee must update the inventory
5.29 ledger to reflect the current inventory in the possession of the delivery employee.

5.30 (b) When a delivery employee returns to a distribution facility at the end of the employee's
5.31 scheduled deliveries, all undelivered medical cannabis and medical cannabis products must
5.32 be returned to the inventory of the distribution facility.

5.33 **Subd. 4. Deviation from schedule.** When making deliveries, a delivery employee shall
5.34 only travel from the distribution facility to a delivery address; from one delivery address to

6.1 another delivery address; or from a delivery address back to the distribution facility. A
6.2 delivery employee shall not deviate from this delivery path unless necessary for rest, fuel,
6.3 or vehicle repair stops, or because road conditions make continued use of the route unsafe,
6.4 impossible, or impractical.

6.5 Subd. 5. **Delivery limitations; security requirements.** (a) A manufacturer shall deliver
6.6 medical cannabis and medical cannabis products only to specific physical addresses. A
6.7 manufacturer is prohibited from delivering medical cannabis to prekindergarten programs,
6.8 primary or secondary schools, child care facilities, or, during their hours of operation, family
6.9 day care or group family day care programs.

6.10 (b) A manufacturer must establish security requirements for delivery vehicles and security
6.11 procedures for the delivery of medical cannabis and medical cannabis products to deter or
6.12 prevent theft. A delivery employee shall:

6.13 (1) make deliveries using a delivery vehicle;

6.14 (2) ensure that medical cannabis and medical cannabis products in the delivery vehicle
6.15 are not visible to the public and are maintained in a locked container until removed from
6.16 the locked container for transfer to patients or others; and

6.17 (3) not leave medical cannabis and medical cannabis products unattended in a delivery
6.18 vehicle unless the vehicle is locked and the vehicle's alarm system is activated.

6.19 (c) A delivery vehicle shall not carry medical cannabis and medical cannabis products
6.20 with a combined value in excess of \$..... at any time.

6.21 Subd. 6. **Staffing.** A manufacturer may staff a delivery vehicle with one employee of
6.22 the manufacturer.