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SENATE STATE OF MINNESOTA NINETY-SECOND SESSION

S.F. No. 4500

(SENATE AUTHORS: BIGHAM, Koran, López Franzen, Dziedzic and McEwen)DATED-PGOFFICIAL STATUS04/19/2022Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1	A bill for an act
1.2	relating to state government; establishing the Office of Cannabis Derivatives;
1.3	transferring the regulation and implementation of the medical cannabis program
1.4	to the Office of Cannabis Derivatives; transferring the regulation of industrial
1.5	hemp to the Office of Cannabis Derivatives; requiring the Office of Cannabis
1.6	Derivatives to regulate all hemp and hemp-derivative products; proposing coding
1.7	for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes
1.8	2020, sections 18K.01; 18K.02; 18K.03; 18K.04; 18K.05; 18K.06; 18K.07; 18K.08;
1.9	18K.09; 151.72, subdivisions 1, 2, 3, 4, 6; 152.21; 152.22, subdivisions 1, 2, 3, 4,
1.10	5, 5a, 5b, 7, 8, 9, 10, 12, 13, 14; 152.24; 152.25; 152.27, subdivisions 1, 5, 6, 7;
1.11	152.28, subdivisions 2, 3; 152.29, subdivisions 2, 3a, 4; 152.30; 152.32; 152.33;
1.12	152.34; 152.35; 152.36; 152.37; Minnesota Statutes 2021 Supplement, sections
1.13	151.72, subdivision 5; 152.22, subdivisions 5c, 6, 11; 152.23; 152.26; 152.27,
1.14	subdivisions 2, 3, 4; 152.28, subdivision 1; 152.29, subdivisions 1, 3, 3b, 3c;
1.15	152.31.
1.16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.17	Section 1. [342.01] DEFINITIONS.
	Section 1. [542.01] DEFINITIONS.
1.18	Subdivision 1. Terms. For purposes of this chapter, the following terms have the
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2.1	Subd. 5. Entity. "Entity" m	eans a corporation,	joint stock company, a	ssociation, limited
2.2	partnership, limited liability par	rtnership, limited li	ability company, irrevo	ocable trust, estate,
2.3	charitable organization, or othe	er similar organizat	ion, including any sucl	1 organization
2.4	participating in hemp production	on as a partner in a g	eneral partnership, a pa	articipant in a joint

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2.5 venture, or a participant in a similar organization.

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- 2.6 Subd. 6. Hemp. "Hemp" means the plant Cannabis sativa L. and any part of the plant,
- 2.7 whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts,
- 2.8 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a
- 2.9 <u>tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.</u>
- 2.10 Hemp does not include marijuana. Hemp does not include industrial hemp products.
- 2.11 Subd. 7. Hemp-derived consumable or topical product. "Hemp-derived consumable

2.12 or topical product" or "hemp product" means a finished product that is derived from hemp

- 2.13 and that contains cannabidiol or another cannabinoid, derivative, or extract of hemp and
- 2.14 the finished product:

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- 2.15 (1) is a cosmetic, food, food additive, or herb;
- 2.16 (2) is intended for human or animal use or consumption, including consumption through
- 2.17 a vaporized delivery method using a liquid or oil;
- 2.18 (3) contains any part of the hemp plant, including naturally occurring cannabinoids,
- 2.19 compounds, concentrates, extracts, isolates, resins, or derivatives; and

2.20 (4) contains a tetrahydrocannabinol concentration of no more than three-tenths of one

- 2.21 percent on a dry weight basis.
- 2.22 Subd. 8. Hemp grower. "Hemp grower" means a person licensed by the commissioner
 2.23 under this chapter to plant or grow raw hemp for commercial or research purposes.
- 2.24 Subd. 9. **Hemp processor.** "Hemp processor" means a person licensed by the

2.25 <u>commissioner under this chapter to process raw hemp into hemp products for commercial</u>

- 2.26 purposes.
- 2.27 <u>Subd. 10. Hemp retailer.</u> "Hemp retailer" means a person licensed by the commissioner
 2.28 <u>under this chapter to sell at the retail level hemp-derived consumable or topical products to</u>
 2.29 <u>consumers.</u>
- 2.30 Subd. 11. Industrial hemp product. "Industrial hemp product" means the intermediate
- 2.31 or finished product made from fibrous waste that is not intended for human or animal use
- 2.32 or consumption and is not usable or recognizable as medical cannabis or a hemp-derived
- 2.33 <u>consumable or topical product.</u>

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3.1	<u>Subd. 12.</u> La	abel. "Label" ha	is the meaning giv	en in section 151.01, subo	livision 18.
3.2	<u>Subd. 13.</u> M	arijuana. <u>"</u> Mar	ijuana" has the me	aning given in section 152.	01, subdivision
3.3	9. Marijuana do	es not include he	emp, industrial her	np products, or hemp-deriv	ved consumable
3.4	or topical produ	icts.			
3.5	<u>Subd. 14.</u> M	edical cannabis	s program. "Medi	cal cannabis program" mea	ans the program
3.6	administered in	accordance wit	h sections 342.15	to 342.29.	
3.7	<u>Subd. 15.</u> O	ffice. "Office" n	neans the Office of	f Cannabis Derivatives.	
3.8	<u>Subd. 16.</u> Pr	ocessing. "Proc	essing" means ren	dering by refinement hemp	plants or hemp
3.9	plant parts from	their natural or	original state after	er harvest. Processing inclu	udes but is not
3.10	limited to decor	tication, devital	ization, chopping	crushing, extraction, and	packaging.
3.11	Processing does	s not include typ	oical farm operation	ons such as sorting, gradin	g, baling, and
3.12	harvesting.				
3.13	<u>Subd. 17.</u> Pr	rocessing locati	on. "Processing lo	ocation" means any area, b	ouilding, plant,
3.14	or facility regist	tered with and a	pproved by the co	mmissioner in which a lic	ensee converts
3.15	raw hemp into a	a marketable pro	oduct.		
3.16	<u>Subd. 18.</u> R	aw hemp. "Raw	hemp" means the	e whole hemp plant, wheth	ner growing or
3.17	not, or the stalk	, viable seeds, u	naltered flowers of	r leaves, or any unprocess	ed plant pieces
3.18	or parts of the h	emp plant.			
3.19	Sec. 2. [342.0]	2] OFFICE OF	CANNABIS DE	CRIVATIVES.	
3.20	Subdivision	<u>1. Scope. (a) T</u>	he office is created	to establish and impleme	ent policy and
3.21	regulations for g	growing, cultiva	ting, and processi	ng hemp for the production	on of hemp
3.22	products, the co	mmercial retail	sale of these prod	ucts in this state, and the i	mplementation
3.23	of the medical c	annabis program	m under sections 3	342.15 to 342.29.	
3.24	(b) Nothing	in this chapter s	hall be construed	to regulate the sale of ind	ustrial hemp
3.25	products or any	other product w	with a tetrahydroca	unnabinol concentration of	more than 0.3
3.26	percent on a dry	weight basis. T	his paragraph doe	s not include medical canr	abis as defined
3.27	under section 34	42.15, subdivisi	on 5.		
3.28	(c) Nothing	in this chapter s	hall be construed	to authorize or regulate th	e recreational
3.29	use of marijuan	a unless the stat	e or federal gover	nment enacts legislation le	egalizing the
3.30	adult use of reci	reational mariju	ana.		

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4.1	Subd. 2. Cr	eation. The Off	ice of Cannabis D	erivatives is created with	a commissioner
4.2				onsent of the senate and se	
4.3	pleasure of the	governor.			
4.4	<u>Subd. 3.</u> Re	sponsibilities. T	The office has the	following powers and dut	ties:
4.5	(1) develop,	maintain, and e	enforce an organiz	ed system of regulation for	or hemp and
4.6	hemp-derived c	consumable or to	pical products;		
4.7	(2) establish	ı standards for p	roduct testing, pa	ckaging, and labeling of h	emp products;
4.8	(3) issue and	d reissue license	s for growing and	l processing raw hemp for	commercial
4.9	purposes;				
4.10	(4) issue and	d reissue license	s for the retail sale	es of hemp-derived consu	mable or topical
4.11	products to con	sumers;			
4.12	(5) inspect the	he premises, reco	ords, books, and ot	ther documents of license h	olders to ensure
4.13	compliance wit	h all applicable	laws and rules;		
4.14	(6) enforce	the laws and rule	es adopted under	this chapter;	
4.15	(7) authoriz	e research and st	tudies of the use of	of hemp products and med	ical cannabis as
4.16	defined under s	ection 342.15, s	ubdivision 5;		
4.17	(8) establish	limits on the po	otency of hemp-de	erived consumable or topic	cal products that
4.18	can be grown a	nd sold;			
4.19	(9) impleme	ent the medical c	annabis patient re	egistry program under sec	tions 342.15 to
4.20	342.29; and				
4.21	<u>(10)</u> exercis	e other powers a	and authority as re	equired by law.	
4.22	<u>Subd. 4.</u> Ru	lemaking. The	office may adopt	rules to implement any pr	ovision in this
4.23	chapter.				
4.24	Sec. 3. [342.0	<u>3] EXECUTIV</u>	<u>E OFFICERS; I</u>	EMPLOYEES.	
4.25	The office s	hall be under the	e administrative c	control of the commission	er. The
4.26	commissioner s	shall serve in the	unclassified serv	vice of the state civil servi	ce. On behalf of
4.27	the office, the c	ommissioner or	the commissione	r's designated representati	ve is authorized
4.28	to sign contract	s and execute al	l instruments nec	essary or appropriate to ca	arry out the
4.29	purposes of this	s chapter. The sa	lary of the comm	issioner shall be establish	ed according to
4.30	section 15A.08	15. The commiss	sioner may appoin	nt other professional empl	oyees who shall

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5.1	serve in the	unclassified service	e of the state civil	service. All other emplo	yees shall be in
5.2	the classified	d civil service.			
5.3	Sec. 4. [34	2.04] CANNABIS	ADVISORY C	DUNCIL.	
5.4	Subdivis	ion 1. <mark>Establishme</mark>	nt; membership	. <u>A cannabis advisory cou</u>	uncil to the office
5.5	is established	d. The members of	the advisory cou	ncil shall include the follo	owing members:
5.6	(1) the co	ommissioner of hea	lth or a designee	2	
5.7	(2) the co	ommissioner of pub	olic safety or a de	signee;	
5.8	(3) the co	ommissioner of agr	iculture or a desi	gnee;	
5.9	(4) the ex	xecutive director of	the board pharm	acy or a designee;	
5.10	<u>(5) a repr</u>	resentative from the	e League of Minr	esota Cities, appointed b	y the league;
5.11	<u>(6)</u> a repr	resentative from the	e Association of I	Minnesota Counties, appo	ointed by the
5.12	association;				
5.13	<u>(7) two p</u>	atient advocates w	ho are patients er	rolled in the medical can	nabis program;
5.14	and				
5.15	(8) three	representatives of t	he hemp market,	appointed by the commi	ssioner, with one
5.16	member repr	resenting hemp gro	wers, one membe	er representing hemp proc	cessors, and one
5.17	member rep	resenting retailers s	elling hemp prod	lucts in this state.	
5.18	Subd. 2.	Organization. The	advisory counci	l shall be organized and a	dministered as
5.19	provided in	section 15.059. The	e advisory counci	l shall select one of its m	embers to serve
5.20	as chair.				
5.21	Subd. 3.	Duties. The adviso	ry council shall c	letermine its meeting time	es as necessary
5.22	but must me	et at least quarterly	to advise the cor	nmissioner and make reco	ommendations to
5.23	the commiss	ioner as it finds ap	propriate regardi	ng the state's hemp indust	ry. The advisory
5.24	council shall	also meet at the ca	ll of the commis	sioner.	
5.25	<u>Subd. 4.</u>	Expiration. Notwi	thstanding sectio	n 15.059, the advisory co	uncil does not
5.26	expire.				
5.27	Sec. 5. [34	2.05] APPROVAL	OF HEMP PR	ODUCTS.	
5.28	(a) Notw	ithstanding any law	to the contrary.	a hemp product containir	ig cannabinoids
5.29	<u> </u>			np retailer if the product	<u> </u>
5.30		ion of more than 0.	C	· · · · ·	
5.50		ten er more man 0.		ny arovannaomor.	

- (d) Any hemp product that has been approved for sale by the office and meets the 6.6
- requirements of this chapter is not a controlled substance under section 152.02. 6.7
- Sec. 6. [342.06] LICENSING. 6.8
- Subdivision 1. Requirement; issuance; presumption. (a) A person must obtain a license 6.9 6.10 from the commissioner before:
- (1) planting or growing hemp for commercial or research purposes; 6.11
- 6.12 (2) obtaining raw hemp materials for processing hemp to make hemp products for
- commercial purposes; and 6.13
- 6.14 (3) selling hemp-derived consumable and topical products at the retail level to consumers 6.15 for personal consumption.
- (b) To obtain a license under paragraph (a), a person must apply to the commissioner 6.16
- 6.17 in the form prescribed by the commissioner and must pay the annual registration and
- inspection fee established by the commissioner pursuant to section 16A.1285, subdivision 6.18
- 2. 6.19
- (c) For a license to grow hemp for commercial or research purposes, the license 6.20
- application must include the name and address of the applicant and the legal description of 6.21
- the land area or areas where hemp will be grown by the applicant and any other information 6.22
- required under Code of Federal Regulations, title 7, part 990. 6.23
- (d) For a license to process raw hemp for commercial purposes, the license application 6.24 must include the name and address of the applicant, the legal description of the processing 6.25 6.26 location, and any other information required by the commissioner.
- (e) For a license to sell hemp products at the retail level, the license application must 6.27
- include the name and address of the applicant, the address of the retail business, if applicable, 6.28
- and any other information required by the commissioner. 6.29
- (f) When an applicant has paid the fee and completed the application process to the 6.30
- satisfaction of the commissioner, the commissioner shall issue a license that is valid until 6.31
- December 31 of the year of application. 6.32

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7.1	(g) A per	son licensed under	this section to gr	ow or process hemp is p	presumed to be
7.2		processing hemp for			
7.3				tion. The commissioner	
7.4				ackground investigation	
7.5 7.6				of licensure. As part of sion must conduct crimin	
7.0				nge fingerprints with the	
7.8				igation for the purpose o	
7.9	· · · · ·			of the investigation mus	
7.10				he commissioner under	
7.11				ned in section 13.02, sub	
7.12	Subd. 3.	Federal requirem	ents. The applica	nt must demonstrate to t	he satisfaction of
7.13	the commiss	ioner that the appli	cant has complie	d with all applicable fed	eral requirements
7.14	pertaining to	the processing, pro	oduction, distribu	tion, and sale of hemp.	
7.15	Subd. 4.	Hemp licensing da	ata classification	. (a) In addition to data c	lassified pursuant
7.16	to section 13	.41, the following	data collected, cr	eated, or maintained by	the commissioner
7.17	under this ch	apter are classified	as private data, a	s defined in section 13.0	2, subdivision 12,
7.18	or nonpublic	data, as defined in	section 13.02, su	ubdivision 9:	
7.19	<u>(1) nonde</u>	esignated addresses	provided by lice	ensees and applicants; an	d
7.20	<u>(</u> 2) data t	hat identify the spe	cific locations w	here licensees and applic	cants grow or
7.21	process, or w	ill grow or process	, hemp, including	but not limited to legal d	lescriptions, street
7.22	addresses, ge	eospatial locations,	maps, and prope	rty boundaries and dime	nsions.
7.23	<u>(b)</u> The c	ommissioner may	disclose data clas	sified as private data or	nonpublic data
7.24	under this su	bdivision if the con	mmissioner deter	mines that there is a sub-	stantive threat to
7.25	human healt	h or safety or to the	e environment, or	to aid in the law enforce	ement process.
7.26	Subd. 5.	Hemp licensing da	ata security and	auditing. (a) The comm	nissioner must
7.27	establish wri	tten procedures to	ensure that only i	individuals authorized by	y law may access
7.28	the private d	ata and nonpublic	data identified in	subdivision 4. An autho	rized individual's
7.29	ability to ent	er, update, or acces	s data must corres	spond to the official dutie	es or training level
7.30	of the indivi	dual and to the stat	utory authorization	on granting access for the	at purpose. All
7.31	queries and	responses, includin	g the specific pur	pose for which data are	requested and, if
7.32	applicable, d	lisclosed, and all ac	tions in which da	ata are entered, updated,	accessed, shared,
7.33	or dissemina	ted must be recorded	ed in the data aud	it trail. Data contained in	the audit trail are
7.34	public to the	extent the data are	not otherwise cla	assified by law.	

8.1	(b) The commissioner must immediately and permanently revoke the authorization of
8.2	any individual who willfully entered, updated, accessed, shared, or disseminated data in
8.3	violation of state or federal law. If an individual willfully gained access to data without
8.4	authorization by law, the commissioner must forward the matter to the appropriate
8.5	prosecuting authority for prosecution.
8.6	(c) By January 15 of each odd-numbered year, the commissioner must provide a copy
8.7	of the data audit trail required under paragraph (a) to the commissioner of administration,
8.8	the chairs and ranking members of the legislative committees and divisions with jurisdiction
8.9	over public safety and data practices, and the Legislative Commission on Data Practices
8.10	and Personal Data Privacy or its successor commission.
8.11	Sec. 7. [342.07] TESTING REQUIREMENTS.
8.12	(a) A manufacturer of a hemp product regulated under this chapter must submit
8.13	representative samples of the product to an independent, accredited laboratory in order to
8.14	certify that the product complies with the standards adopted by the office. Testing must be
8.15	consistent with generally accepted industry standards for herbal and botanical substances
8.16	and, at a minimum, the testing must confirm that the product:
8.17	(1) contains the amount or percentage of cannabinoids that is stated on the label of the
8.18	product within a variation of plus or minus ten percent;
8.19	(2) does not contain more than trace amounts of any pesticides, fertilizers, or heavy
8.20	metals or residual solvents; and
8.21	(3) does not contain a concentration of tetrahydrocannabinol that exceeds the
8.22	concentration permitted for hemp.
8.23	(b) Upon the request of the office, the manufacturer of the product must provide the
8.24	office with the results of the testing required in this section.
8.25	Sec. 8. [342.08] LABELING.
8.26	Subdivision 1. General. All hemp-derived consumable or topical products sold in this
8.27	state must be labeled as required by this section and rules adopted under this chapter.
8.28	Subd. 2. Content of label; hemp-derived consumable or topical products. (a) All
8.29	hemp-derived consumable or topical products sold in this state must have affixed to the
8.30	packaging or container of the product a label that contains at least the following information:

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9.1	(1) the na	ame, location, conta	act phone number	, and website of the manu	ifacturer of the
9.2	product;				
9.3	(2) the na	ame and address of	the independent,	accredited laboratory use	d by the
9.4	manufacture	er to test the product	t; and		
9.5	<u>(3)</u> an ac	curate statement of	the amount or pe	ercentage of cannabinoids	found in each
9.6	unit of the p	roduct meant to be	consumed.		
9.7	<u>(b) The i</u>	nformation in parag	graph (a) may be	provided:	
9.8	<u>(1) on an</u>	outer package if th	e immediate con	tainer that holds the produ	ict is too small
9.9	to contain th	e information; and			
9.10	<u>(2)</u> throu	gh the use of a scan	nable barcode or	matrix barcode that links	to a page on the
9.11	manufacture	er's website if that p	age contains all th	he information required b	y this section.
9.12	<u>(c)</u> The in	nformation required	by this subdivision	on must be prominently an	d conspicuously
9.13	placed on the	e label or displayed o	on the website in t	erms that can be easily read	l and understood
9.14	by the consu	imer.			
9.15	<u>(d) The l</u>	abeling must not co	ntain any claim tl	hat the product may be use	ed or is effective
9.16	for the diagr	nosis, prevention, tr	eatment, or cure	of a disease or that it may	be used to alter
9.17	the structure	or function of hum	an or animal bodi	ies, unless the claim has be	een approved by
9.18	the United S	tates Food and Dru	g Administration	<u>.</u>	
9.19	Sec. 9. [34	2.09] PACKAGIN	<u>G.</u>		
9.20	Subdivis	ion 1. General. An	v hemp-derived c	consumable or topical pro-	duct sold in this
9.21				n and rules adopted under	
9.22	Subd. 2.	Packaging require	ments. (a) Any he	emp-derived consumable o	r topical product
9.23	sold in this s	state must be:			
9.24	<u>(1)</u> prepa	ckaged in packaging	g or a container th	at is plain, child-resistant,	tamper-evident,
9.25	and opaque;	or			
9.26	(2) place	d in packaging or a	container that is	plain, child-resistant, tam	per-evident, and
9.27	opaque at th	e final point of sale	to a customer.		
9.28	<u>(b) If a h</u>	emp-derived consu	mable or topical	product is packaged in a n	nanner that
9.29	indicates ser	ving sizes, the prod	luct must be pack	aged in one or more easily	y identifiable
9.30	single-servir	ng portions.			

- (c) If a hemp-derived consumable or topical product is an edible product for human 10.1
- consumption intended for more than a single use or containing multiple servings, the product 10.2
- 10.3 must be prepackaged or placed at the final point of sale in packaging or a container that is
- resealable. 10.4
- Subd. 3. Packaging prohibitions. (a) Hemp-derived consumable or topical products 10.5
- sold in this state must not be packaged in a manner that: 10.6
- (1) bears a reasonable resemblance to any commercially available product; or 10.7
- (2) is designed to appeal to persons under age 21. 10.8
- (b) Packaging for hemp-derived consumables or topical products must not contain or 10.9
- be coated with any perfluoroalkyl substance. 10.10
- Sec. 10. [342.10] ADVERTISEMENT. 10.11
- No business shall publish or cause to be published an advertisement for a hemp-derived 10.12
- consumable or topical product in a manner that: 10.13
- 10.14 (1) contains false or misleading statements; or
- 10.15 (2) contains unverified claims about the health or therapeutic benefits or effects of
- consuming the product. 10.16
- Sec. 11. [342.11] ENFORCEMENT. 10.17
- (a) A hemp product sold under this chapter shall be considered an adulterated drug if 10.18 the hemp product: 10.19
- 10.20 (1) consists, in whole or in part, of any filthy, putrid, or decomposed substance;
- (2) has been produced, prepared, packed, or held under unsanitary conditions where it 10.21

may have been rendered injurious to health or where it may have been contaminated with 10.22

- 10.23 filth;
- (3) has a container that is composed, in whole or in part, of any poisonous or deleterious 10.24 substance that may render the contents injurious to health; 10.25
- (4) contains any color additives or excipients that have been found by the FDA to be 10.26
- unsafe for human or animal consumption; or 10.27
- (5) contains an amount or percentage of cannabinoids that is different than the amount 10.28
- 10.29 or percentage stated on the label.

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11.1	(b) A pro	oduct sold under thi	s section shall be	e considered a misbranded	l drug if the
11.2				nanner or in violation of t	
11.3	of this section	on.			
11.4	(c) The c	office has the author	ity to issue cease	e and desist orders and to	seek injunctive
11.5		violation of this sect			
11.6	Sec. 12. [3	342.12] FEES.			
11.7	Fees col	lected under this cha	pter must be cree	dited to the hemp account,	which is hereby
11.8	established	in the state treasury.	Interest earned in	the account accrues to the	e account. Funds
11.9	in the hemp	account are annually	appropriated to t	he commissioner to imple	ment and enforce
11.10	this chapter.	<u>-</u>			
11.11	Sec. 13 [3	342.15] DEFINITI(ONS		
11.12			ourposes of section	ons 342.15 to 342.29, the	following terms
11.13	have the me	eanings given.			
11.14	<u>Subd. 2.</u>	Disqualifying felor	y offense. "Disq	ualifying felony offense" r	neans a violation
11.15				t is a felony under Minnes	
11.16				ss of the sentence imposed	<u>.</u>
11.17			•	iction was for the medical	use of cannabis
11.18	or assisting	with the medical us	e of cannabis.		
11.19	<u>Subd. 3.</u>	Health care practit	ioner. "Health ca	re practitioner" means a Mi	nnesota-licensed
11.20	doctor of m	edicine, a Minnesot	a-licensed physic	cian assistant acting within	1 the scope of
11.21				vanced practice registered	
11.22	v			nent of the qualifying med	ical condition of
11.23	a person dia	ignosed with a quali	fying medical co	ondition.	
11.24				neans health records as de	fined in section
11.25	<u>144.291, su</u>	bdivision 2, paragra	ph (c).		
11.26	Subd. 5.	Medical cannabis.	(a) "Medical can	nnabis" means any specie	s of the genus
11.27	cannabis pla	ant or any mixture o	r preparation of	them, including whole pla	nt extracts and
11.28	resins, and i	s delivered in the fo	orm of:		
11.29	<u>(1) liqui</u>	d, including but not	limited to oil;		
11.30	(2) pill;				
11 21		rized delivery metho	od with use of 12	uid or oil	
11.31	<u>(3) vapo</u>		ou will use of 110		

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12.1	<u>(4) comb</u>	oustion with use of	dried raw cannabi	is; or	
12.2	<u>(5) any c</u>	other method appro	ved by the commi	ssioner.	
12.3	(b) This	definition includes	any part of the gen	nus cannabis plant before	being processed
12.4	into a form	allowed under para	graph (a) that is p	ossessed by a person whi	ile that person is
12.5	engaged in o	employment duties	necessary to carry	y out a requirement under	r sections 342.15
12.6	to 342.29 fo	or a registered manu	facturer or a labo	ratory under contract wit	h a registered
12.7	manufacture	er. This definition al	so includes any he	emp acquired by a manufa	cturer by a hemp
12.8	grower as p	ermitted under sect	ion 342.17.		
12.9	(c) Medi	cal cannabis does r	not include industr	rial hemp products or her	np-derived
12.10	consumable	or topical products	<u>S.</u>		
12.11	<u>Subd. 6.</u>	Medical cannabis	manufacturer. "	Medical cannabis manuf	acturer" or
12.12	"manufactu	rer" means an entity	y registered by the	e commissioner to cultiva	ite, acquire,
12.13	manufacture	e, possess, prepare,	transfer, transport	t, supply, or dispense mee	dical cannabis,
12.14	delivery dev	vices, or related sup	plies and education	onal materials.	
12.15	<u>Subd. 7.</u>	Medical cannabis	product. "Medic	al cannabis product" mea	ans any delivery
12.16	device or re	lated supplies and e	educational materi	als used in the administr	ation of medical
12.17	cannabis for	a patient with a qu	alifying medical c	condition enrolled in the r	egistry program.
12.18	<u>Subd. 8.</u>	Patient. "Patient"	means a Minnesot	a resident who has been	diagnosed with a
12.19	qualifying n	nedical condition b	y a health care pra	actitioner and who has ot	herwise met any
12.20	other require	ements for patients	under sections 342	2.15 to 342.29 to participation 2.15 to 342.29 to 2.15 to 342.29 to 2.15 to 342.29 to 2.15 to 342.29 to 342.	ate in the registry
12.21	program une	der sections 342.15	to 342.29.		
12.22	<u>Subd. 9.</u>	Patient registry n	umber. "Patient r	egistry number" means a	unique
12.23	identificatio	n number assigned	by the commission	oner to a patient enrolled	in the registry
12.24	program.				
12.25	<u>Subd. 1(</u>). Registered desig	nated caregiver.	"Registered designated c	aregiver" means
12.26	a person wh	<u>.0:</u>			
12.27	(1) is at	least 18 years old;			
12.28	<u>(2) does</u>	not have a convicti	ion for a disqualif	ying felony offense;	
12.29	<u>(3) has b</u>	een approved by th	ne commissioner t	o assist a patient who req	uires assistance
12.30	<u>in administe</u>	ring medical cannal	bis or obtaining me	edical cannabis from a dis	tribution facility;
12.31	and				

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13.1	(4) is autl	horized by the com	missioner to assi	st the patient with the use	e of medical
13.2	cannabis.				
13.3	Subd. 11.	Registry progran	1. "Registry prog	ram" means the patient re	gistry established
13.4	in sections 34	42.15 to 342.29.			
13.5	Subd. 12.	Registry verificat	ion. "Registry ve	rification" means the veri	fication provided
13.6	by the comm	issioner that a pation	ent is enrolled in	the registry program and	that includes the
13.7	patient's nam	ne, registry number	, and, if applicabl	le, the name of the patien	t's registered
13.8	designated ca	aregiver or parent,	legal guardian, o	r spouse.	
13.9	Subd. 13.	Qualifying medic	<mark>cal condition.</mark> "Q	ualifying medical condit	ion" means a
13.10	diagnosis of	any of the followin	g conditions:		
13.11	<u>(1) cancer</u>	r, if the underlying c	ondition or treatn	nent produces one or more	of the following:
13.12	(i) severe	or chronic pain;			
13.13	<u>(ii) nause</u>	a or severe vomitir	ng; or		
13.14	(iii) cache	exia or severe wast	ing;		
13.15	(2) glauce	oma;			
13.16	<u>(3) huma</u>	n immunodeficienc	ey virus or acquir	ed immune deficiency sy	ndrome;
13.17	<u>(4) Toure</u>	tte syndrome;			
13.18	<u>(5)</u> amyor	trophic lateral sclei	osis;		
13.19	(6) seizur	es, including those	characteristic of	epilepsy;	
13.20	(7) severe	e and persistent mu	scle spasms, incl	uding those characteristic	e of multiple
13.21	sclerosis;				
13.22	<u>(8) inflan</u>	nmatory bowel dise	ease, including C	rohn's disease;	
13.23	(9) termin	nal illness, with a p	robable life expe	ctancy of under one year	, if the illness or
13.24	its treatment	produces one or m	ore of the follow	ing:	
13.25	(i) severe	or chronic pain;			
13.26	<u>(ii) nause</u>	a or severe vomitir	ng; or		
13.27	(iii) cache	exia or severe wast	ing; or		
13.28	<u>(10) any (</u>	other medical cond	ition or its treatm	nent approved by the com	missioner.

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14.1	Sec. 14. [342.16] PATIENT REGISTRY PROGRAM ESTABLISHED.
14.2	Subdivision 1. Patient registry program; establishment. (a) The commissioner shall
14.3	establish a patient registry program to evaluate data on patient demographics, effective
14.4	treatment options, clinical outcomes, and quality-of-life outcomes for the purpose of reporting
14.5	on the benefits, risks, and outcomes regarding patients with a qualifying medical condition
14.6	engaged in the therapeutic use of medical cannabis.
14.7	(b) The establishment of the registry program shall not be construed or interpreted to
14.8	condone or promote the illicit recreational use of marijuana.
14.9	Subd. 2. Commissioner duties. (a) The commissioner shall:
14.10	(1) give notice of the program to health care practitioners in the state who are eligible
14.11	to serve as health care practitioners and explain the purposes and requirements of the
14.12	program;
14.13	(2) allow each health care practitioner who meets or agrees to meet the program's
14.14	requirements and who requests to participate to be included in the registry program to collect
14.15	data for the patient registry;
14.16	(3) provide explanatory information and assistance to each health care practitioner in
14.17	understanding the nature of therapeutic use of medical cannabis within program requirements;
14.18	(4) create and provide a certification to be used by a health care practitioner for the
14.19	practitioner to certify whether a patient has been diagnosed with a qualifying medical
14.20	condition and include in the certification an option for the practitioner to certify whether
14.21	the patient, in the health care practitioner's medical opinion, is developmentally or physically
14.22	disabled and, as a result of that disability, the patient requires assistance in administering
14.23	medical cannabis or obtaining medical cannabis from a distribution facility;
14.24	(5) supervise the participation of the health care practitioner in conducting patient
14.25	treatment and health records reporting in a manner that ensures stringent security and
14.26	record-keeping requirements and that prevents the unauthorized release of private data on
14.27	individuals as defined by section 13.02;
14.28	(6) develop safety criteria for patients with a qualifying medical condition as a
14.29	requirement of the patient's participation in the program to prevent the patient from
14.30	undertaking any task under the influence of medical cannabis that would constitute negligence
14.31	or professional malpractice on the part of the patient; and
14.32	(7) conduct research and studies based on data from health records submitted to the
14.33	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 342.18,
 subdivision 2.
- (b) The commissioner may add a delivery method under section 342.15, subdivision 5, 15.4 or add, remove, or modify a qualifying medical condition under section 342.15, subdivision 15.5 13, upon a petition from a member of the public or the task force on medical cannabis 15.6 15.7 therapeutic research or as directed by law. The commissioner shall evaluate all petitions to 15.8 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 15.9 by law and may make the addition, removal, or modification if the commissioner determines 15.10 the addition, removal, or modification is warranted based on the best available evidence 15.11 and research. If the commissioner wishes to add a delivery method under section 342.15, 15.12 subdivision 5, or add or remove a qualifying medical condition under section 342.15, 15.13 subdivision 13, the commissioner must notify the chairs and ranking minority members of 15.14 the legislative committees with jurisdiction over health and public safety policy of the 15.15 addition or removal and the reasons for its addition or removal, including any written 15.16 comments received by the commissioner from the public and any guidance received from 15.17 the task force on medical cannabis research, by January 15 of the year in which the 15.18 commissioner wishes to make the change. The change is effective on August 1 of that year 15.19 unless the legislature by law provides otherwise. 15.20 Subd. 3. Patient application. (a) The commissioner shall develop a patient application 15.21 for enrollment into the registry program. The application shall be available to the patient 15.22 and given to health care practitioners in the state who are eligible to serve as health care 15.23 15.24 practitioners. The application must include: (1) the name, mailing address, and date of birth of the patient; 15.25 15.26 (2) the name, mailing address, and telephone number of the patient's health care practitioner; 15.27 15.28 (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 15.29 is acting as a caregiver; 15.30 (4) a copy of the certification from the patient's health care practitioner that is dated 15.31 within 90 days prior to submitting the application that certifies that the patient has been 15.32
 - 15.33 diagnosed with a qualifying medical condition; and

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16.1	(5) all other	signed affidavits	and enrollment	forms required by the com	nmissioner under
16.2	sections 342.15	to 342.29, includ	ling but not limi	ted to the disclosure form	n required under
16.3	paragraph (c).				

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- (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.

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- 16.7 (c) The commissioner shall develop a disclosure form and require, as a condition of
 16.8 enrollment, all patients to sign a copy of the disclosure. The disclosure must include:
- 16.9 (1) a statement that, notwithstanding any law to the contrary, the commissioner, or an
- 16.10 employee of any state agency, may not be held civilly or criminally liable for an injury, loss
- 16.11 of property, personal injury, or death caused by any act or omission while acting within the
- 16.12 scope of office or employment under sections 342.15 to 342.29; and
- 16.13 (2) the patient's acknowledgment that enrollment in the patient registry program is
- 16.14 <u>conditional on the patient's agreement to meet the requirements of sections 342.15 to 342.29.</u>
- 16.15 Subd. 4. Registered designated caregiver. (a) The commissioner shall register a
- 16.16 designated caregiver for a patient if the patient requires assistance in administering medical
- 16.17 cannabis or obtaining medical cannabis from a distribution facility and the caregiver has
- 16.18 agreed, in writing, to be the patient's designated caregiver. As a condition of registration as
- 16.19 a designated caregiver, the commissioner shall require the person to:
- 16.20 (1) be at least 18 years of age;

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- (2) agree to only possess the patient's medical cannabis for purposes of assisting the
 patient; and
- 16.23 (3) agree that if the application is approved, the person will not be a registered designated
- 16.24 caregiver for more than six registered patients at one time. Patients who reside in the same
- 16.25 residence shall count as one patient.
- 16.26 (b) The commissioner shall conduct a criminal background check on the designated
- 16.27 caregiver prior to registration to ensure that the person does not have a conviction for a
- 16.28 disqualifying felony offense. Any cost of the background check shall be paid by the person
- 16.29 seeking registration as a designated caregiver. A designated caregiver must have the criminal
- 16.30 background check renewed every two years.
- 16.31 (c) Nothing in sections 342.15 to 342.29 shall be construed to prevent a person registered
- 16.32 as a designated caregiver from also being enrolled in the registry program as a patient and
- 16.33 possessing and using medical cannabis as a patient.

17.1	Subd. 5. Parent, legal guardian, or spouse. A parent, legal guardian, or spouse of a
17.2	patient may act as the caregiver to the patient without having to register as a designated
17.3	caregiver. The parent, legal guardian, or spouse shall follow the requirements in sections
17.4	342.15 to 342.29. Nothing in sections 342.15 to 342.29 limits any legal authority of a parent,
17.5	legal guardian, or spouse for the patient under any other law.
17.6	Subd. 6. Patient enrollment. (a) After receipt of a patient's application, application fees,
17.7	and signed disclosure, the commissioner shall enroll the patient in the registry program and
17.8	issue a registry verification to the patient and patient's registered designated caregiver or
17.9	parent, legal guardian, or spouse, if applicable. The commissioner shall approve or deny a
17.10	patient's application for participation in the registry program within 30 days after the
17.11	commissioner receives the patient's application and application fee. A patient's enrollment
17.12	in the registry program shall only be denied if the patient:
17.13	(1) does not have certification from a health care practitioner that the patient has been
17.14	diagnosed with a qualifying medical condition;
17.15	(2) has not signed and returned to the commissioner the disclosure form required under
17.16	subdivision 3, paragraph (c);
17.17	(3) does not provide the information required;
17.18	(4) has previously been removed from the registry program for violations of section
17.19	<u>342.20 or 342.24; or</u>
17.20	(5) provides false information.
17.21	(b) The commissioner shall give written notice to a patient of the reason for denying
17.22	enrollment in the registry program.
17.23	(c) Denial of enrollment into the registry program is considered a final decision of the
17.24	commissioner and is subject to judicial review under the Administrative Procedure Act
17.25	pursuant to chapter 14.
17.26	(d) A patient's enrollment in the registry program may only be revoked upon the death
17.27	of the patient or if a patient violates a requirement under section 342.20 or 342.24.
17.28	(e) The commissioner shall develop a registry verification to provide to the patient, the
17.29	health care practitioner identified in the patient's application, and the manufacturer. The
17.30	registry verification shall include:
17.31	(1) the patient's name and date of birth;

18.1	(3) the name and date of birth of the patient's registered designated caregiver, if any, or
18.2	the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or
18.3	spouse is acting as a caregiver.
18.4	Subd. 7. Notice requirements. Patients and registered designated caregivers shall notify
18.5	the commissioner of any address or name change within 30 days of the change. A patient
18.6	or registered designated caregiver is subject to a \$100 fine for failure to notify the
18.7	commissioner of the change.
18.8	Sec. 15. [342.17] COMMISSIONER DUTIES.
18.9	Subdivision 1. Medical cannabis manufacturer registration. (a) The commissioner
18.10	shall register two in-state manufacturers for the production of all medical cannabis within
18.11	the state. A registration agreement between the commissioner and a manufacturer is
18.12	nontransferable. The commissioner shall register new manufacturers or reregister the existing
18.13	manufacturers by December 1 every two years using the factors described in this subdivision.
18.14	The commissioner shall accept applications after December 1, 2014, if one of the
18.15	manufacturers registered before December 1, 2014, ceases to be registered as a manufacturer.
18.16	The commissioner's determination that no manufacturer exists to fulfill the duties under
18.17	sections 342.15 to 342.29 is subject to judicial review in Ramsey County District Court.
18.18	Data submitted during the application process are private data on individuals or nonpublic
18.19	data as defined in section 13.02 until the manufacturer is registered under this section. Data
18.20	on a manufacturer that is registered are public data unless the data are trade secret or security
18.21	information under section 13.37.
18.22	(b) As a condition for registration, a manufacturer must:
18.23	(1) supply medical cannabis to patients; and
18.24	(2) comply with sections 342.15 to 342.29.
18.25	(c) The commissioner shall consider the following factors when determining which
18.26	manufacturer to register:
18.27	(1) the technical expertise of the manufacturer in cultivating medical cannabis and
18.28	converting the medical cannabis into an acceptable delivery method under section 342.15,
18.29	subdivision 5;
18.30	(2) the qualifications of the manufacturer's employees;
18.31	(3) the long-term financial stability of the manufacturer;

 (4) the ability to provide appropriate security measures on the manufacturer; (5) whether the manufacturer has demonstrated an ability to m production needs required by sections 342.15 to 342.29; and (6) the manufacturer's projection and ongoing assessment of f qualifying medical condition. (d) If an officer, director, or controlling person of the manufactured guilty of intentionally diverting medical cannabis to a person othe under section 342.24, subdivision 1, the commissioner may decid registration of the manufacturer, provided the violation occurred officer, director, or controlling person of the manufacturer. (e) The commissioner shall require each medical cannabis manufacturer. (f) The commissioner shall require each medical cannabis manufacturer in a manufacturer in a manufacturer. (g) The commissioner shall approve the laboratory chosen by each manufacturer in a manufacturer. (h) Subd. 2. Revocation or nonrenewal of a medical cannabis produced by the is section, the commissioner must first notify in writing the manufacturer with an op hearing under the contested case provisions of chapter 14. If the propriot is to be taken and provide the manufacturer with an op hearing under the contested case provisions of chapter 14. If the propriot is provide the commissioner in writing within 19.23 the notice of proposed action, the commissioner may proceed with the section is to be provide the commissioner in writing within 19.23 the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with the notice of proposed action, the commissioner may proceed with th	
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19.10registration of the manufacturer, provided the violation occurred19.11officer, director, or controlling person of the manufacturer.19.12(e) The commissioner shall require each medical cannabis man19.13an independent laboratory to test medical cannabis produced by t19.14commissioner shall approve the laboratory chosen by each manuf19.15the laboratory report testing results to the manufacturer in a manuf19.16commissioner.19.17Subd. 2. Revocation or nonrenewal of a medical cannabis or19.18registration. If the commissioner intends to revoke or not renew a19.19this section, the commissioner must first notify in writing the manuf19.20hearing under the contested case provisions of chapter 14. If the request a hearing by notifying the commissioner in writing within	person other than allowed by law
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19.12(e) The commissioner shall require each medical cannabis man19.13an independent laboratory to test medical cannabis produced by t19.14commissioner shall approve the laboratory chosen by each manuf19.15the laboratory report testing results to the manufacturer in a man19.16commissioner.19.17Subd. 2. Revocation or nonrenewal of a medical cannabis produced by t19.18registration. If the commissioner intends to revoke or not renew a19.19this section, the commissioner must first notify in writing the man19.20the action is to be taken and provide the manufacturer with an op19.21hearing under the contested case provisions of chapter 14. If the p19.22request a hearing by notifying the commissioner in writing within	occurred while the person was an
19.13an independent laboratory to test medical cannabis produced by t19.13an independent laboratory to test medical cannabis produced by t19.14commissioner shall approve the laboratory chosen by each manual19.15the laboratory report testing results to the manufacturer in a manual19.16commissioner.19.17Subd. 2. Revocation or nonrenewal of a medical cannabis to19.18registration. If the commissioner intends to revoke or not renew a19.19this section, the commissioner must first notify in writing the manufacturer with an op19.20the action is to be taken and provide the manufacturer with an op19.21hearing under the contested case provisions of chapter 14. If the test19.22request a hearing by notifying the commissioner in writing within	lrer.
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19.15the laboratory report testing results to the manufacturer in a manufacturer in a manufacturer in a manufacturer in a manufacturer.19.16commissioner.19.17Subd. 2. Revocation or nonrenewal of a medical cannabis of registration. If the commissioner intends to revoke or not renew at this section, the commissioner must first notify in writing the manufacturer with an op the action is to be taken and provide the manufacturer with an op hearing under the contested case provisions of chapter 14. If the request a hearing by notifying the commissioner in writing within	duced by the manufacturer. The
19.16commissioner.19.17Subd. 2. Revocation or nonrenewal of a medical cannabis of19.18registration. If the commissioner intends to revoke or not renew a19.19this section, the commissioner must first notify in writing the man19.20the action is to be taken and provide the manufacturer with an op19.21hearing under the contested case provisions of chapter 14. If the r19.22request a hearing by notifying the commissioner in writing within	each manufacturer and require that
19.17Subd. 2. Revocation or nonrenewal of a medical cannabis19.18registration. If the commissioner intends to revoke or not renew a19.19this section, the commissioner must first notify in writing the man19.20the action is to be taken and provide the manufacturer with an op19.21hearing under the contested case provisions of chapter 14. If the r19.22request a hearing by notifying the commissioner in writing within	r in a manner determined by the
 19.18 registration. If the commissioner intends to revoke or not renew a 19.19 this section, the commissioner must first notify in writing the man 19.20 the action is to be taken and provide the manufacturer with an op 19.21 hearing under the contested case provisions of chapter 14. If the n 19.22 request a hearing by notifying the commissioner in writing within 	
 this section, the commissioner must first notify in writing the man the action is to be taken and provide the manufacturer with an op hearing under the contested case provisions of chapter 14. If the n request a hearing by notifying the commissioner in writing within 	cannabis manufacturer
 the action is to be taken and provide the manufacturer with an op hearing under the contested case provisions of chapter 14. If the r request a hearing by notifying the commissioner in writing within 	not renew a registration issued under
 19.21 hearing under the contested case provisions of chapter 14. If the 1 19.22 request a hearing by notifying the commissioner in writing within 	ing the manufacturer against whom
19.22 request a hearing by notifying the commissioner in writing within	with an opportunity to request a
	14. If the manufacturer does not
19.23 the notice of proposed action, the commissioner may proceed wit	iting within 20 days after receipt of
	proceed with the action without a
19.24 hearing. For revocations, the registration of a manufacturer is cor	turer is considered revoked on the
19.25 date specified in the commissioner's written notice of revocation.	evocation.
19.26 Subd. 3. Temporary suspension proceedings. The commissi	e commissioner may institute
19.27 proceedings to temporarily suspend the registration of a medical c	a medical cannabis manufacturer for
19.28 up to 90 days by notifying the manufacturer in writing if any action	if any action by an employee, agent,
	lrer:
19.29 officer, director, or controlling person of the manufacturer:	dopted under those sections;
	olation of state law at the
19.29 officer, director, or controlling person of the manufacturer:	facturing, packaging, and processing
 19.29 officer, director, or controlling person of the manufacturer: 19.30 (1) violates sections 342.15 to 342.29 or the rules adopted und 	

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20.1	(3) perfor	rms an act contrary t	o the welfare of a	registered patient or regis	stered designated
20.2	caregiver; or	-			
20.3	(4) obtair	is or attempts to obt	ain a registration	by fraudulent means or m	isrepresentation.
	<u> </u>				
20.4				ation or nonrenewal of a n on of an enforcement acti	
20.5 20.6				of a registered patient, a	
20.0				rent, legal guardian, or sp	
20.7				the enforcement action, t	
20.0			~	he patient's registered desi	
20.10			•	pouse about the outcome of	
20.11		• • • •		nanufacturers. The notice 1	· · ·
20.12				ate of the revocation, non	
20.13	enforcement				i
20.14	Subd. 5.	Range of compour	ids and dosages	; report. The commission	ner shall review
20.15				ntific literature regarding	
20.16				on and the range of chemi	
20.17			• • • • •	y be medically beneficial	•
20.18		<u> </u>		er shall make the informat	
20.19				update the information an	
20.20	commissione	er may consult with	the independent	laboratory under contrac	t with the
20.21	manufacture	r or other experts in	reporting the rai	nge of recommended dos	ages for each
20.22	qualifying m	edical condition, the	range of chemica	l compositions that will lik	cely be medically
20.23	beneficial, an	nd any risks of nonc	annabis drug int	eractions. The commissio	ner shall consult
20.24	with each ma	nufacturer on an an	nual basis on mee	lical cannabis offered by t	he manufacturer.
20.25	The list of me	edical cannabis offe	red by a manufac	turer shall be published or	n the Department
20.26	of Health we	bsite.			
20.27	Subd. 6.	Reports. (a) The co	mmissioner shal	l provide regular updates t	to the Task Force
20.28	on Medical C	Cannabis Therapeuti	c Research and to	o the chairs and ranking m	inority members
20.29	of the legisla	tive committees wit	h jurisdiction ove	er health and human servic	es, public safety,
20.30	judiciary, and	d civil law regardin	g: (1) any change	es in federal law or regula	atory restrictions
20.31	regarding the	e use of medical car	nnabis or hemp; a	and (2) the market deman	d and supply in
20.32	this state for	products made from	n hemp that can	be used for medicinal pur	poses.
20.33	<u>(b)</u> The c	ommissioner may s	ubmit medical re	esearch based on the data	collected under
20.34	sections 342	.15 to 342.29 to any	v federal agency	with regulatory or enforce	ement authority

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21.1	over medical	cannabis to demon	strate the effectiv	eness of medical canna	bis for treating a
21.2	-	edical condition.			0
21.3	Sec. 16. [34	42.18] HEALTH C	CARE PRACTIT	IONER DUTIES.	
21.4	Subdivisi	on 1. Health care	practitioner duti	es. (a) Prior to a patient	's enrollment in
21.5	the registry p	orogram, a health ca	re practitioner sh	all:	
21.6	(1) determ	nine, in the health ca	re practitioner's m	edical judgment, whethe	er a patient suffers
21.7	from a qualif	ying medical condi	tion and, if so det	ermined, provide the pa	ntient with a
21.8	certification	of that diagnosis;			
21.9	(2) advise	e patients, registered	d designated care	givers, and parents, lega	ll guardians, or
21.10	spouses who	are acting as caregiv	vers of the existen	ce of any nonprofit patie	nt support groups
21.11	or organizati	ons;			
21.12	<u>(</u> 3) provid	le explanatory infor	rmation from the	commissioner to patient	s with qualifying
21.13	medical cond	litions, including di	sclosure to all pa	tients about the experim	ental nature of
21.14	therapeutic u	se of medical canna	abis; the possible	risks, benefits, and side	effects of the
21.15	proposed trea	atment; and the app	lication and other	materials from the com	missioner; and
21.16	provide patie	ents with the Tennes	ssen warning as re	equired by section 13.04	, subdivision 2;
21.17	and				
21.18	(4) agree	to continue treatme	ent of the patient's	qualifying medical con	dition and report
21.19	medical find	ings to the commiss	sioner.		
21.20	(b) Upon	notification from th	ne commissioner	of the patient's enrollme	ent in the registry
21.21	program, the	health care practiti	oner shall:		
21.22	(1) partici	pate in the patient re	egistry reporting s	ystem under the guidanc	e and supervision
21.23	of the comm	issioner;			
21.24	(2) report	health records of t	he patient to the c	ommissioner throughou	it the ongoing
21.25	treatment of	the patient in a mar	nner determined b	y the commissioner and	in accordance
21.26	with subdivis	sion 2;			
21.27	(3) deterr	nine, on a yearly ba	sis, if the patient	continues to suffer from	n a qualifying
21.28	medical cond	lition and, if so, iss	ue the patient a ne	ew certification of that c	liagnosis; and
21.29	(4) other	vise comply with al	ll requirements de	eveloped by the commis	sioner.
21.30	<u>(c) A hea</u>	lth care practitioner	may conduct a pa	tient assessment to issu	e a recertification
21.31	<u> </u>			lehealth, as defined in s	
21.32	subdivision 2	<u>2.</u>			

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22.1	(d) Nothi	ng in this section re	equires a health ca	re practitioner to particip	bate in the registry
22.2	program.		•		
22.3	Subd 2 1	Data Data collect	ed on natients by	a health care practitioner	r and reported to
22.3	· · · · · · · · · · · · · · · · · · ·		. .	on 144.291 and are priva	•
22.5				r reported in an aggregate	
22.6				ation of research conduc	
22.7	342.17 or in	the creation of sun	nmary data, as de	fined in section 13.02, su	ubdivision 19.
22.8	Subd. 3. /	Advertising restri	ctions. (a) A heal	th care practitioner shall	not publish or
22.9		ublished any adve			
22.10	`	¥		bout medical cannabis or	the medical
22.10 22.11	<u> </u>	istry program;	ing statements at	Sout methear carmabis of	the medical
22.12	<u>(2) uses c</u>	olloquial terms to	refer to medical c	annabis, such as pot, we	eed, or grass;
22.13	(3) states	or implies the heal	th care practitione	r is endorsed by the Depa	artment of Health,
22.14	the Office of	Cannabis Derivati	ives, or the medic	al cannabis registry prog	gram;
22.15	(4) includ	les images of cann	abis in its plant or	leaf form or of cannabi	s-smoking
22.16	paraphernalia	a; or			
22.17	(5) contai	ns medical symbo	ls that could reaso	onably be confused with	symbols of
22.18	established n	nedical association	s or groups.		
22.19	(b) A heal	th care practitioner	found by the com	missioner to have violate	ed this subdivision
22.20	is prohibited	from certifying the	at patients have a	qualifying medical cond	ition for purposes
22.21	of patient par	rticipation in the re	egistry program. T	The commissioner's decis	sion that a health
22.22	care practitio	mer has violated th	is subdivision is a	a final decision of the co	mmissioner and
22.23	is not subject	t to the contested c	ase procedures in	chapter 14.	
22.24	Sec. 17. [3 4	42.19] MANUFA(CTURER OF MI	EDICAL CANNABIS I	DUTIES.
22.25 22.26				s. (a) A manufacturer ma nufacturer's single locatio	
22.20			-	ssing but is not required	
22.27				eographical service area	
22.20				roughout the state to im	
22.30				two distribution facilitie	•
22.31				turer by the commissione	
22.32	<u> </u>			on, harvesting, manufact	

and processing of medical cannabis shall be conducted. This location may be one of the 23.1 manufacturer's distribution facility sites. The additional distribution facilities may dispense 23.2 23.3 medical cannabis and medical cannabis products but may not contain any medical cannabis in a form other than those forms allowed under section 342.15, subdivision 5, and the 23.4 manufacturer shall not conduct any cultivation, harvesting, manufacturing, packaging, or 23.5 23.6 processing at the other distribution facility sites. Any distribution facility operated by the manufacturer is subject to the requirements applying to the manufacturer under sections 23.7 23.8 342.15 to 342.29, 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 23.9 acquire hemp products produced by a hemp processor. A manufacturer may manufacture 23.10 or process hemp and hemp products into an allowable form of medical cannabis under 23.11 section 342.15, subdivision 5. Hemp and hemp products acquired by a manufacturer under 23.12 this paragraph are subject to the same quality control program, security and testing 23.13 requirements, and other requirements that apply to medical cannabis under sections 342.15 23.14 to 342.29 and Minnesota Rules, chapter 4770. 23.15 (c) A medical cannabis manufacturer shall contract with a laboratory approved by the 23.16 commissioner, subject to any additional requirements set by the commissioner, for purposes 23.17 of testing medical cannabis manufactured or hemp or hemp products acquired by the medical 23.18 cannabis manufacturer as to content, contamination, and consistency to verify the medical 23.19 cannabis meets the requirements of section 342.15, subdivision 5. The cost of laboratory 23.20 testing shall be paid by the manufacturer. 23.21 (d) The operating documents of a manufacturer must include procedures for: 23.22 (1) the oversight of the manufacturer and procedures to ensure accurate record keeping; 23.23 (2) the implementation of appropriate security measures to deter and prevent the theft 23.24 of medical cannabis and unauthorized entrance into areas containing medical cannabis; and 23.25 (3) the delivery and transportation of hemp between hemp growers and manufacturers 23.26 and for the delivery and transportation of hemp products between hemp processors and 23.27 manufacturers. 23.28 (e) A manufacturer shall implement security requirements, including requirements for 23.29 the delivery and transportation of hemp and hemp products, protection of each location by 23.30 a fully operational security alarm system, facility access controls, perimeter intrusion 23.31 23.32 detection systems, and a personnel identification system.

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24.1	(f) A manuf	acturer shall not sh	nare office space	with, refer patients to, or h	ave any financial
24.2	<u> </u>	th a health care p			
24.3			permit any pers	son to consume medical ca	nnabis on the
24.4	property of the	manufacturer.			
24.5	(h) A manu	facturer is subject	to reasonable i	nspection by the commiss	ioner.
24.6	(i) For purp	ooses of sections 3	42.15 to 342.29), a medical cannabis man	ufacturer is not
24.7	subject to the H	Board of Pharmac	y licensure or re	egulatory requirements une	der chapter 151.
24.8	(j) A medic	al cannabis manut	facturer may no	t employ any person who i	s under 21 years
24.9	of age or who	has been convicte	d of a disqualif	ying felony offense. An en	ployee of a
24.10	medical cannal	ois manufacturer 1	nust submit a c	ompleted criminal history	records check
24.11	consent form, a	a full set of classif	fiable fingerprir	ts, and the required fees for	or submission to
24.12	the Bureau of (Criminal Apprehe	nsion before an	employee may begin wor	king with the
24.13	manufacturer.	The bureau must o	conduct a Minn	esota criminal history reco	rds check and
24.14	the superintend	lent is authorized	to exchange the	e fingerprints with the Fed	eral Bureau of
24.15	Investigation to	o obtain the applic	cant's national c	riminal history record info	ormation. The
24.16	bureau shall re	turn the results of	the Minnesota a	and federal criminal histor	y records checks
24.17	to the commiss	sioner.			
24.18	(k) A manu	facturer may not	operate in any l	ocation, whether for distri	bution or
24.19	cultivation, ha	vesting, manufac	turing, packagii	ng, or processing, within 1	,000 feet of a
24.20	public or priva	te school existing	before the date	of the manufacturer's regi	stration with the
24.21	commissioner.				
24.22	<u>(1)</u> A manu:	facturer shall com	ply with reason	able restrictions set by the	commissioner
24.23	relating to sign	age, marketing, d	isplay, and adve	ertising of medical cannab	is.
24.24	(m) Before	a manufacturer ac	equires hemp fr	om a hemp grower or hem	p products from
24.25	a hemp process	sor, the manufactu	irer must verify	that the hemp grower or h	emp processor
24.26	has a valid lice	nse issued by the	commissioner u	under this chapter.	
24.27	(n) Until a s	state-centralized, s	eed-to-sale syst	em is implemented that car	n track a specific
24.28	medical cannal	ois plant from cult	ivation through	testing and point of sale, th	ne commissioner
24.29	shall conduct at	t least one unannou	inced inspection	per year of each manufact	arer that includes
24.30	inspection of:				
24.31	(1) busines	s operations;			
24.32	(2) physica	l locations of the 1	manufacturer's	manufacturing facility and	distribution
24.33	facilities;				

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25.1	(3) financi	ial information and	d inventory docu	mentation, including labor	atory testing
25.2	results; and				
25.3	(4) physic	al and electronic s	ecurity alarm sys	stems.	
25.4	<u>Subd. 2.</u> N	/Ianufacturer; pro	oduction. (a) A	manufacturer of medical ca	annabis shall
25.5	provide a relia	uble and ongoing su	pply of all medic	al cannabis needed for the r	egistry program
25.6	through cultiv	vation by the manu	facturer and thro	ough the purchase of hemp	from hemp
25.7	growers.				
25.8	(b) All cul	ltivation, harvestin	g, manufacturing	g, packaging, and processing	ng of medical
25.9	cannabis mus	t take place in an e	enclosed, locked	facility at a physical addre	ess provided to
25.10	the commission	oner during the reg	gistration process	<u>s.</u>	
25.11	(c) A man	ufacturer must pro	cess and prepare	e any medical cannabis pla	nt material or
25.12	hemp plant m	aterial into a form	allowable under	section 342.15, subdivisio	on 5, before
25.13	distribution o	f any medical canr	nabis.		
25.14	<u>Subd. 3.</u> N	/lanufacturer; dis	tribution. (a) A	manufacturer shall require	that employees
25.15	licensed as ph	armacists pursuant	to chapter 151 b	e the only employees to giv	<u>'e final approval</u>
25.16	for the distrib	ution of medical ca	annabis to a patie	ent. A manufacturer may tra	ansport medical
25.17	cannabis or m	edical cannabis pr	oducts that have	been cultivated, harvested	, manufactured,
25.18	packaged, and	d processed by that	t manufacturer to	another registered manuf	acturer for the
25.19	other manufa	cturer to distribute	<u>.</u>		
25.20	<u>(b)</u> A man	ufacturer may distr	ibute medical car	nnabis products whether or	not the products
25.21	have been ma	nufactured by that	manufacturer.		
25.22	(c) Prior to	o distribution of ar	ny medical canna	bis, the manufacturer shal	<u>l:</u>
25.23	(1) verify	that the manufactu	arer has received	the registry verification fr	om the
25.24	commissioner	r for that individua	ll patient;		
25.25	(2) verify	that the person rec	uesting the distr	ibution of medical cannabi	is is the patient,
25.26	the patient's re	egistered designate	d caregiver, or th	e patient's parent, legal gua	rdian, or spouse
25.27	listed in the re	gistry verification u	using the procedu	res described in section 152	.11, subdivision
25.28	<u>2d;</u>				
25.29	(3) assign	a tracking number	to any medical c	annabis distributed from th	e manufacturer;
25.30	(4) ensure	that any employed	e of the manufac	turer licensed as a pharma	cist pursuant to
25.31	chapter 151 h	as consulted with t	he patient to dete	ermine the proper dosage for	or the individual
25.32	patient after r	eviewing the range	es of chemical co	ompositions of the medical	cannabis and

26.1	the ranges of proper dosages reported by the commissioner. For purposes of this clause, a
26.2	consultation may be conducted remotely by secure videoconference, telephone, or other
26.3	remote means if the employee providing the consultation is able to confirm the identity of
26.4	the patient and the consultation adheres to patient privacy requirements that apply to health
26.5	care services delivered through telehealth. A pharmacist consultation under this clause is
26.6	not required if a manufacturer is distributing medical cannabis to a patient according to a
26.7	patient-specific dosage plan established with that manufacturer and is not modifying the
26.8	dosage or product being distributed under that plan and the medical cannabis is distributed
26.9	by a pharmacy technician;
26.10	(5) properly package medical cannabis in compliance with the United States Poison
26.11	Prevention Packing Act regarding child-resistant packaging and exemptions for packaging
26.12	for elderly patients, and label distributed medical cannabis with a list of all active ingredients
26.13	and individually identifying information, including:
26.14	(i) the patient's name and date of birth;
26.15	(ii) the name and date of birth of the patient's registered designated caregiver or, if listed
26.16	on the registry verification, the name of the patient's parent or legal guardian, if applicable;
26.17	(iii) the patient's registry identification number;
26.18	(iv) the chemical composition of the medical cannabis; and
26.19	(v) the dosage; and
26.20	(6) ensure that the medical cannabis distributed contains a maximum of a 90-day supply
26.21	of the dosage determined for that patient.
26.22	(d) A manufacturer shall require an employee of the manufacturer who is transporting
26.23	medical cannabis or medical cannabis products to a distribution facility or to another
26.24	registered manufacturer to carry identification showing that the person is an employee of
26.25	the manufacturer.
26.26	(e) A manufacturer shall distribute medical cannabis in dried raw cannabis form only
26.27	to a patient age 21 or older or to the registered designated caregiver, parent, legal guardian,
26.28	or spouse of a patient age 21 or older.
26.29	Subd. 4. Transportation of medical cannabis; staffing. (a) A medical cannabis
26.30	manufacturer may staff a transport motor vehicle with only one employee if the medical
26.31	cannabis manufacturer is transporting medical cannabis to either a certified laboratory for
26.32	the purpose of testing or a facility for the purpose of disposal. If the medical cannabis
26.33	manufacturer is transporting medical cannabis for any other purpose or destination, the

27.1	transport motor vehicle must be staffed with a minimum of two employees as required by
27.2	rules adopted by the commissioner.
27.3	(b) Notwithstanding paragraph (a), a medical cannabis manufacturer that is only
27.4	transporting hemp for any purpose may staff the transport motor vehicle with only one
27.5	employee.
27.6	Subd. 5. Distribution to recipient in a motor vehicle. A manufacturer may distribute
27.7	medical cannabis to a patient, registered designated caregiver, or parent, legal guardian, or
27.8	spouse of a patient who is at the distribution facility but remains in a motor vehicle if:
27.9	(1) distribution facility staff receive payment and distribute medical cannabis in a
27.10	designated zone that is as close as possible to the front door of the distribution facility;
27.11	(2) the manufacturer ensures that the receipt of payment and distribution of medical
27.12	cannabis are visually recorded by a closed-circuit television surveillance camera at the
27.13	distribution facility and provides any other necessary security safeguards;
27.14	(3) the manufacturer does not store medical cannabis outside a restricted access area at
27.15	the distribution facility, and distribution facility staff transport medical cannabis from a
27.16	restricted access area at the distribution facility to the designated zone for distribution only
27.17	after confirming that the patient, designated caregiver, or parent, guardian, or spouse has
27.18	arrived in the designated zone;
27.19	(4) the payment and distribution of medical cannabis take place only after a pharmacist
27.20	consultation takes place, if required under subdivision 3, paragraph (c), clause (4);
27.21	(5) immediately following distribution of medical cannabis, distribution facility staff
27.22	enter the transaction in the state medical cannabis registry information technology database;
27.23	and
27.24	(6) immediately following distribution of medical cannabis, distribution facility staff
27.25	take the payment received into the distribution facility.
27.26	Subd. 6. Disposal of medical cannabis plant root balls. Notwithstanding Minnesota
27.27	Rules, part 4770.1200, subpart 2, item C, a manufacturer is not required to grind root balls
27.28	of medical cannabis plants or incorporate them with a greater quantity of nonconsumable
27.29	solid waste before transporting root balls to another location for disposal. For purposes of
27.30	this subdivision, "root ball" means a compact mass of roots formed by a plant and any
27.31	attached growing medium.
27.32	Subd. 7. Report. Each manufacturer shall report to the commissioner on a monthly basis
27.33	the following information on each individual patient for the month prior to the report:

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28.1	(1) the a	nount and dosages	of medical canna	bis distributed;	
28.2	(2) the cl	nemical compositio	n of the medical	cannabis; and	
28.3	<u> </u>			ical cannabis distributed.	
28.4	Sec. 18. [3	42.20] PATIENT	DUTIES.		
28.5	<u>(a)</u> A pat	ient shall apply to t	he commissioner	for enrollment in the reg	gistry program by
28.6	submitting a	n application as rec	uired in section	342.16 and an annual reg	istration fee as
28.7	determined	under section 342.2	<u></u>		
28.8	<u>(b)</u> As a	condition of contin	ued enrollment, a	patient shall agree to:	
28.9	<u>(1) contin</u>	nue to receive regul	arly scheduled tr	eatment for a qualifying r	nedical condition
28.10	from the pat	ient's health care pr	cactitioner; and		
28.11	<u>(2)</u> repor	t changes in the pat	tient's qualifying	medical condition to the	patient's health
28.12	care practitio	oner.			
28.13	<u>(c)</u> A pat	ient shall only rece	ive medical cann	abis from a registered ma	anufacturer but is
28.14	not required	to receive medical	cannabis produc	ts from only a registered	manufacturer.
28.15	Sec. 19. [3	42.21] LIMITATI	ONS.		
28.16	(a) Nothi	ng in sections 342.	15 to 342.29 peri	nits any person to engag	e in and does not
28.17	prevent the i	mposition of any c	ivil, criminal, or	other penalties for:	
28.18	<u>(1)</u> under	taking any task un	der the influence	of medical cannabis that	would constitute
28.19	negligence o	or professional mal	practice;		
28.20	<u>(2) posse</u>	essing or engaging i	in the use of med	ical cannabis:	
28.21	<u>(i) on a s</u>	chool bus or van;			
28.22	<u>(ii) on th</u>	e grounds of any pr	reschool or prima	ry or secondary school;	
28.23	<u>(iii) in ar</u>	y correctional facil	lity; or		
28.24	<u>(iv) on th</u>	ne grounds of any c	hild care facility	or home day care;	
28.25	<u>(3) vapoi</u>	rizing or combustin	g medical cannab	ois pursuant to section 34	2.15, subdivision
28.26	<u>5:</u>				
28.27	<u>(i) on any</u>	y form of public tra	nsportation;		
28.28	(ii) where	e the vapor would l	be inhaled by a no	onpatient minor child or	where the smoke
28.29	would be inl	naled by a minor ch	nild; or		

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(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 342.15 to 342.29 requires the medical assistance and

29.8 MinnesotaCare programs to reimburse an enrollee or a provider for costs associated with
 29.9 the medical use of cannabis. Medical assistance and MinnesotaCare shall continue to provide

- 29.10 coverage for all services related to treatment of an enrollee's qualifying medical condition
- 29.11 if the service or services are covered under chapter 256B or 256L.
- 29.12 Sec. 20. [342.22] DATA PRACTICES.

(a) Government data in patient files maintained by the commissioner and the health care 29.13 practitioner, and data submitted to or by a medical cannabis manufacturer, are private data 29.14 on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in 29.15 29.16 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 29.17 performance of official duties. The provisions of section 13.05, subdivision 11, apply to a 29.18 registration agreement entered between the commissioner and a medical cannabis 29.19 29.20 manufacturer under section 342.17.

- (b) Not public data maintained by the commissioner may not be used for any purpose
 not provided for in sections 342.15 to 342.29 and may not be combined or linked in any
- 29.23 manner with any other list, dataset, or database.
 - 29.24 (c) The commissioner may execute data-sharing arrangements with the commissioner
 29.25 of agriculture to verify licensing, inspection, and compliance information related to hemp
 29.26 growers and hemp processors under this chapter.

29.27 Sec. 21. [342.23] PROTECTIONS FOR REGISTRY PROGRAM PARTICIPATION.

29.28 <u>Subdivision 1. Presumption.</u> (a) There is a presumption that a patient enrolled in the
 29.29 registry program under sections 342.15 to 342.29 is engaged in the authorized use of medical
 29.30 cannabis.

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30.1	(b) The presumption may be rebutted by evidence that conduct related to use of medical
30.2	cannabis was not for the purpose of treating or alleviating the patient's qualifying medical
30.3	condition or symptoms associated with the patient's qualifying medical condition.
30.4	Subd. 2. Criminal and civil protections. (a) Subject to section 342.21, the following
30.5	are not violations under this chapter:
30.6	(1) use or possession of medical cannabis or medical cannabis products by a patient
30.7	enrolled in the registry program or possession by a registered designated caregiver or the
30.8	parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed
30.9	on the registry verification;
30.10	(2) possession, dosage determination, or sale of medical cannabis or medical cannabis
30.11	products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory
30.12	conducting testing on medical cannabis, or employees of the laboratory; and
30.13	(3) possession of medical cannabis or medical cannabis products by any person while
30.14	carrying out the duties required under sections 342.15 to 342.29.
30.15	(b) Medical cannabis obtained and distributed pursuant to sections 342.15 to 342.29 and
30.16	associated property is not subject to forfeiture under sections 609.531 to 609.5316.
30.17	(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors,
30.18	and any health care practitioner are not subject to any civil or disciplinary penalties by the
30.19	Board of Medical Practice, the Board of Nursing, or any business, occupational, or
30.20	professional licensing board or entity solely for participation in the registry program under
30.21	sections 342.15 to 342.29. A pharmacist licensed under chapter 151 is not subject to any
30.22	civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with
30.23	sections 342.15 to 342.29. Nothing in this section affects a professional licensing board
30.24	from taking action in response to violations of any other section of law.
30.25	(d) Notwithstanding any law to the contrary, the commissioner, the governor of
30.26	Minnesota, or an employee of any state agency may not be held civilly or criminally liable
30.27	for any injury, loss of property, personal injury, or death caused by any act or omission
30.28	while acting within the scope of office or employment under sections 342.15 to 342.29.
30.29	(e) Federal, state, and local law enforcement authorities are prohibited from accessing
30.30	the patient registry under sections 342.15 to 342.29, except when acting pursuant to a valid
30.31	search warrant.
30.32	(f) Notwithstanding any law to the contrary, neither the commissioner nor a public

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31.1	document, or	r registry created u	nder sections 342	.15 to 342.29 or any info	ormation obtained
31.2				ot as provided in sections	
31.3	(g) No int	formation containe	d in a report. docu	ment, or registry or obtain	ned from a patient
31.4			-	d as evidence in a crimin	
31.5			·	with a proceeding involv	
31.6	sections 342	.15 to 342.29.			
31.7	(h) Notw	ithstanding section	13.09, any person	n who violates paragraph	(e) or (f) is guilty
31.8	of a gross m	isdemeanor.			
31.9	<u>(i)</u> An att	orney may not be	subject to discipli	nary action by the Minne	esota Supreme
31.10	Court or the	Lawyers Professic	onal Responsibilit	y Board for providing le	gal assistance to
31.11	prospective of	or registered manut	facturers or others	related to activity that is	no longer subject
31.12	to criminal p	enalties under stat	e law pursuant to	sections 342.15 to 342.2	<u>9.</u>
31.13	(j) Posses	ssion of a registry	verification or app	olication for enrollment i	n the program by
31.14	a person entit	iled to possess or ap	oply for enrollmen	t in the registry program c	loes not constitute
31.15	probable cau	se or reasonable su	spicion, nor shall	it be used to support a set	arch of the person
31.16	or property of	of the person posse	ssing or applying	for the registry verificat	ion or otherwise
31.17	subject the p	erson or property	of the person to in	spection by any governr	nental agency.
31.18	Subd. 3.	Discrimination p	rohibited. (a) No	school or landlord may 1	efuse to enroll or
31.19	lease to and	may not otherwise	penalize a persor	n solely for the person's s	tatus as a patient
31.20	enrolled in the	ne registry program	n under sections 3	42.15 to 342.29 unless f	ailing to do so
31.21	would violat	e federal law or re	gulations or cause	the school or landlord to	o lose a monetary
31.22	or licensing-	related benefit und	ler federal law or	regulations.	
31.23	<u>(b)</u> For th	ne purposes of mec	lical care, includi	ng organ transplants, a re	gistry program
31.24	enrollee's use	e of medical canna	bis under section	s 342.15 to 342.29 is cor	sidered the
31.25	equivalent of	the authorized use	of any other med	ication used at the discret	ion of a physician
31.26	or advanced	practice registered	nurse and does n	ot constitute the use of a	n illicit substance
31.27	or otherwise	disqualify a patier	nt from needed me	edical care.	
31.28	(c) Unless	s a failure to do so y	would violate fede	ral law or regulations or c	ause an employer
31.29	to lose a mon	etary or licensing-	related benefit und	der federal law or regulat	ions, an employer
31.30	may not disc	riminate against a	person in hiring,	termination, or any term	or condition of
31.31	employment	or otherwise pena	lize a person if the	e discrimination is based	upon either of the
31.32	following:				

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2.1	(1) the pe	erson's status as a pa	tient enrolled in th	ne registry program und	er sections 342.15

32.1	(1) the person's status as a patient enrolled in the registry program under sections 342.15
32.2	to 342.29; or
32.3	(2) a patient's positive drug test for cannabis components or metabolites, unless the
32.4	patient used, possessed, or was impaired by medical cannabis on the premises of the place
32.5	of employment or during the hours of employment.
32.6	(d) An employee who is required to undergo employer drug testing pursuant to section
32.7	181.953 may present verification of enrollment in the patient registry as part of the employee's
32.8	explanation under section 181.953, subdivision 6.
32.9	(e) A person shall not be denied custody of a minor child or visitation rights or parenting
32.10	time with a minor child solely based on the person's status as a patient enrolled in the registry
32.11	program under sections 342.15 to 342.29. There shall be no presumption of neglect or child
32.12	endangerment for conduct allowed under sections 342.15 to 342.29 unless the person's
32.13	behavior is such that it creates an unreasonable danger to the safety of the minor as

32.14 <u>established by clear and convincing evidence</u>.

32.15 Sec. 22. [342.24] VIOLATIONS.

32.16 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 32.17 32.18 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 32.19 guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not 32.20 more than two years or by payment of a fine of not more than \$3,000, or both. A person 32.21 convicted under this subdivision may not continue to be affiliated with the manufacturer 32.22 32.23 and is disqualified from further participation under sections 342.15 to 342.29. Subd. 2. Intentional diversion outside the state; penalties. (a) In addition to any other 32.24 applicable penalty in law, the commissioner may levy a fine of \$250,000 against a 32.25 manufacturer and may immediately initiate proceedings to revoke the manufacturer's 32.26 registration using the procedure in section 342.17 if: 32.27

- 32.28 (1) an officer, director, or controlling person of the manufacturer pleads or is found
- 32.29 guilty under subdivision 1 of intentionally transferring medical cannabis, while the person
- 32.30 was an officer, director, or controlling person of the manufacturer, to a person other than
- 32.31 allowed by law; and

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- (2) in intentionally transferring medical cannabis to a person other than allowed by law, 33.1 the officer, director, or controlling person transported or directed the transport of medical 33.2 33.3 cannabis outside of Minnesota. (b) All fines collected under this subdivision shall be deposited in the state government 33.4 33.5 special revenue fund. Subd. 3. Diversion by patient, registered designated caregiver, parent, legal guardian, 33.6 or patient's spouse; criminal penalty. In addition to any other applicable penalty in law, 33.7 a patient, a registered designated caregiver, or, if listed on the registry verification, a parent, 33.8 legal guardian, or spouse of a patient who intentionally sells or otherwise transfers medical 33.9 33.10 cannabis to a person other than a patient, a designated registered caregiver, or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony 33.11 punishable by imprisonment for not more than two years or payment of a fine of not more 33.12 than \$3,000, or both. 33.13 Subd. 4. False statement; criminal penalty. A person who intentionally makes a false 33.14 statement to a law enforcement official about any fact or circumstance relating to the medical 33.15 use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by 33.16 imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, 33.17 or both. The penalty is in addition to any other penalties that may apply for making a false 33.18 statement or for the possession, cultivation, or sale of cannabis not protected by sections 33.19 342.15 to 342.29. If a person convicted of violating this subdivision is a patient or a registered 33.20 designated caregiver, the person is disqualified from further participation under sections 33.21 342.15 to 342.29. 33.22 Subd. 5. Submission of false records; criminal penalty. A person who knowingly 33.23 submits false records or documentation required by the commissioner to register as a 33.24 manufacturer of medical cannabis under sections 342.15 to 342.29 is guilty of a felony and 33.25 33.26 may be sentenced to imprisonment for not more than two years or payment of a fine of not more than \$3,000, or both. 33.27
- 33.28 Subd. 6. Violation by health care practitioner; criminal penalty. A health care
 33.29 practitioner who knowingly refers patients to a manufacturer or to a designated caregiver,
 33.30 who advertises as a manufacturer, or who issues certifications while holding a financial
 33.31 interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment
 33.32 for not more than 90 days or payment of a fine of not more than \$1,000, or both.

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34.1Subd. 7. Other violations; civil penalty. If no penalty has been specified, a manufacturer34.2must be fined up to \$1,000 for any violation of sections 342.15 to 342.29 or the regulations

34.3 issued pursuant to them. This penalty is in addition to any other applicable penalties in law.

34.4 Sec. 23. [342.25] HEALTH CARE FACILITIES.

(a) Health care facilities licensed under chapter 144A; hospice providers licensed under 34.5 chapter 144A; boarding care homes or supervised living facilities licensed under section 34.6 34.7 144.50; assisted living facilities; facilities owned, controlled, managed, or under common control with hospitals licensed under chapter 144; and other health facilities licensed by the 34.8 34.9 commissioner of health may 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 34.10 or care at the facility. The restrictions may include a provision that the facility will not store 34.11 or maintain the patient's supply of medical cannabis, that the facility is not responsible for 34.12 providing the medical cannabis for patients, and that medical cannabis is used only in a 34.13 34.14 place specified by the facility. (b) Any employee or agent of a facility listed in this section or a person licensed under 34.15

34.16 <u>chapter 144E is not subject to violations under this chapter for possession of medical cannabis</u>

34.17 while carrying out employment duties, including providing or supervising care to a registered

34.18 patient, or distribution of medical cannabis to a registered patient who resides at or is actively

34.19 receiving treatment or care at the facility with which the employee or agent is affiliated.

34.20 Nothing in this section requires the facilities to adopt such restrictions and no facility shall

34.21 <u>unreasonably limit a patient's access to or use of medical cannabis to the extent that use is</u>

34.22 authorized by the patient under sections 342.15 to 342.29.

34.23 Sec. 24. [342.26] FEES; DEPOSIT OF REVENUE.

34.24 (a) The commissioner shall collect an enrollment fee of \$40 from patients enrolled in
34.25 the registry program. The fees shall be payable annually and are due on the anniversary
34.26 date of the patient's enrollment. The fee amount shall be deposited in the state treasury and
34.27 credited to the state government special revenue fund.

34.28 (b) The commissioner shall collect an application fee of \$20,000 from each entity

34.29 submitting an application for registration as a medical cannabis manufacturer. Revenue

34.30 from the fee shall be deposited in the state treasury and credited to the state government

- 34.31 special revenue fund.
- 34.32 (c) The commissioner shall establish and collect an annual fee from a medical cannabis
 34.33 manufacturer equal to the cost of regulating and inspecting the manufacturer in that year.

35.1	Revenue from the fee amount shall be deposited in the state treasury and credited to the
35.2	state government special revenue fund.
35.3	(d) A medical cannabis manufacturer may charge patients enrolled in the registry program
35.4	a reasonable fee for costs associated with the operations of the manufacturer. The
35.5	manufacturer may establish a sliding scale of patient fees based on a patient's household
35.6	income and may accept private donations to reduce patient fees.
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35.7	Sec. 25. [342.27] IMPACT ASSESSMENT OF MEDICAL CANNABIS
35.8	THERAPEUTIC RESEARCH.
35.9	Subdivision 1. Task Force on Medical Cannabis Therapeutic Research. (a) A
35.10	23-member Task Force on Medical Cannabis Therapeutic Research is created to conduct
35.11	an impact assessment of medical cannabis therapeutic research. The task force shall consist
35.12	of the following members:
35.13	(1) two members of the house of representatives, one selected by the speaker of the
35.14	house, the other selected by the minority leader;
35.15	(2) two members of the senate, one selected by the majority leader, the other selected
35.16	by the minority leader;
35.17	(3) four members representing consumers or patients enrolled in the registry program,
35.18	including at least two parents of patients under age 18;
35.19	(4) four members representing health care providers, including one licensed pharmacist;
35.20	(5) four members representing law enforcement, one from the Minnesota Chiefs of
35.21	Police Association, one from the Minnesota Sheriff's Association, one from the Minnesota
35.22	Police and Peace Officers Association, and one from the Minnesota County Attorneys
35.23	Association;
35.24	(6) four members representing substance use disorder treatment providers; and
35.25	(7) the commissioners of health, human services, and public safety.
35.26	(b) Task force members listed under paragraph (a), clauses (3), (4), (5), and (6), shall
35.27	be appointed by the governor under the appointment process in section 15.0597. Members
35.28	shall serve on the task force at the pleasure of the appointing authority.
35.29	(c) There shall be two cochairs of the task force. One cochair shall be selected by the
35.30	speaker of the house and the other cochair shall be selected by the majority leader of the
35.31	senate. The authority to convene meetings shall alternate between the cochairs.

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36.1	(d) Members of the task force other than those in paragraph (a), clauses (1), (2), and (7),
36.2	shall receive expenses as provided in section 15.059, subdivision 6.
36.3	Subd. 2. Administration. The commissioner of health shall provide administrative and
36.4	technical support to the task force.
36.5	Subd. 3. Impact assessment. The task force shall hold hearings to evaluate the impact
36.6	of the use of medical cannabis and Minnesota's activities involving medical cannabis,
36.7	including but not limited to:
36.8	(1) program design and implementation;
36.9	(2) the impact on the health care provider community;
36.10	(3) patient experiences;
36.11	(4) the impact on the incidence of substance abuse;
36.12	(5) access to and quality of medical cannabis and medical cannabis products;
36.13	(6) the impact on law enforcement and prosecutions;
36.14	(7) public awareness and perception; and
36.15	(8) any unintended consequences.
36.16	Subd. 4. No expiration. The Task Force on Medical Cannabis Therapeutic Research
36.17	does not expire.
36.18	Sec. 26. [342.28] FEDERALLY APPROVED CLINICAL TRIALS.
36.19	The commissioner may prohibit enrollment of a patient in the registry program if the
36.20	patient is simultaneously enrolled in a federally approved clinical trial for the treatment of
36.21	a qualifying medical condition with medical cannabis. The commissioner shall provide
36.22	information to all patients enrolled in the registry program on the existence of federally
36.23	approved clinical trials for the treatment of the patient's qualifying medical condition with
36.24	medical cannabis as an alternative to enrollment in the patient registry program.
36.25	Sec. 27. [342.29] FINANCIAL EXAMINATIONS; PRICING REVIEWS.
36.26	Subdivision 1. Financial records. A medical cannabis manufacturer shall maintain
36.27	detailed financial records in a manner and format approved by the commissioner and shall
36.28	keep all records updated and accessible to the commissioner when requested.
36.29	Subd. 2. Certified annual audit. A medical cannabis manufacturer shall submit the
36.30	results of an annual certified financial audit to the commissioner no later than May 1 of

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37.1	each year for the previous calendar year. The annual audit shall be conducted by an
37.2	independent certified public accountant and the costs of the audit are the responsibility of
37.3	the medical cannabis manufacturer. Results of the audit shall be provided to the medical
37.4	cannabis manufacturer and the commissioner. The commissioner may also require another
37.5	audit of the medical cannabis manufacturer by a certified public accountant chosen by the
37.6	commissioner with the costs of the audit paid by the medical cannabis manufacturer.
37.7	Subd. 3. Power to examine. (a) The commissioner or a designee may examine the
37.8	business affairs and conditions of any medical cannabis manufacturer, including but not
37.9	limited to a review of the financing, budgets, revenues, sales, and pricing.
37.10	(b) The commissioner shall determine the nature and scope of each examination and in
37.11	doing so shall take into account all available relevant factors concerning the financial and
37.12	business affairs, practices, and conditions of the examinee. The costs incurred by the
37.13	department in conducting an examination shall be paid for by the medical cannabis
37.14	manufacturer.
37.15	(c) When making an examination under this section, the commissioner may retain
37.16	attorneys, appraisers, independent economists, independent certified public accountants, or
37.17	other professionals and specialists as designees. A certified public accountant retained by
37.18	the commissioner may not be the same certified public accountant providing the certified
37.19	annual audit in subdivision 2.
37.20	(d) The commissioner shall make a report of an examination conducted under this section
37.21	and provide a copy to the medical cannabis manufacturer. The commissioner shall then post
37.22	a copy of the report on the department's website. All working papers, recorded information,
37.23	documents, and copies produced by, obtained by, or disclosed to the commissioner or any
37.24	other person in the course of an examination made under this section, other than the
37.25	information contained in the commissioner's official report, are private data on individuals
37.26	or nonpublic data, as defined in section 13.02.
37.27	Sec. 28. TRANSFER.
37.28	(a) Any responsibilities to regulate the commercial production and processing of hemp
37.29	as provided in Minnesota Statutes, chapter 18K, and the rules adopted under that chapter

37.30 are transferred from the Department of Agriculture to the Office of Cannabis Derivatives

37.31 in accordance with Minnesota Statutes, section 15.039.

37.32 (b) Any responsibilities to regulate the medical cannabis program under Minnesota
 37.33 Statutes, sections 151.22 to 151.37, and the rules adopted under those sections are transferred

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38.1	from the Department of Health to the Office of Cannabis Derivatives in accordance with
38.2	Minnesota Statutes, section 15.039.
38.3	(c) The commissioner of management and budget shall transfer any amounts in the
38.4	general fund and the state government special revenue fund for the medical cannabis program
38.5	and any amount in the industrial hemp account under Minnesota Statutes, section 18K.07,
38.6	to the hemp account within the state treasury and to the Office of Cannabis Derivatives in
38.7	accordance with Minnesota Statutes, section 15.039.
38.8	Sec. 29. <u>REPEALER.</u>
38.9	(a) Minnesota Statutes 2020, sections 18K.01; 18K.02; 18K.03; 18K.04; 18K.05; 18K.06;
38.10	18K.07; 18K.08; 18K.09; 151.72, subdivisions 1, 2, 3, 4, and 6; 152.21; 152.22, subdivisions
38.11	1, 2, 3, 4, 5, 5a, 5b, 7, 8, 9, 10, 12, 13, and 14; 152.24; 152.25; 152.27, subdivisions 1, 5,
38.12	6, and 7; 152.28, subdivisions 2 and 3; 152.29, subdivisions 2, 3a, and 4; 152.30; 152.32;
38.13	152.33; 152.34; 152.35; 152.36; and 152.37, are repealed.
38.14	(b) Minnesota Statutes 2021 Supplement, sections 151.72, subdivision 5; 152.22,
38.15	subdivisions 5c, 6, and 11; 152.23; 152.26; 152.27, subdivisions 2, 3, and 4; 152.28,
38.16	subdivision 1; 152.29, subdivisions 1, 3, 3b, and 3c; and 152.31, are repealed.
20 17	See 20 FFFECTIVE DATE

- 38.17 Sec. 30. <u>EFFECTIVE DATE.</u>
- 38.18 Sections 1 to 29 are effective July 1, 2023.

18K.01 SHORT TITLE.

This chapter may be referred to as the "Industrial Hemp Development Act."

18K.02 DEFINITIONS.

Subdivision 1. Scope. The definitions in this section apply to this chapter.

Subd. 1a. **Applicant.** "Applicant" means an individual who submits an application for a license as required under this chapter. If the applicant is an entity, applicant means the owner or most responsible individual in charge of the entity.

Subd. 1b. **Authorized representative.** "Authorized representative" means any individual authorized by the licensee to make changes to the license and share data on behalf of the licensee.

Subd. 2. Commissioner. "Commissioner" means the commissioner of agriculture.

Subd. 2a. **Entity.** "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant Cannabis sativa L. and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Industrial hemp is not marijuana as defined in section 152.01, subdivision 9.

Subd. 4. Marijuana. "Marijuana" has the meaning given in section 152.01, subdivision 9.

Subd. 5. **Processing.** "Processing" means rendering by refinement hemp plants or hemp plant parts from their natural or original state after harvest. Processing includes but is not limited to decortication, devitalization, chopping, crushing, extraction, and packaging. Processing does not include typical farm operations such as sorting, grading, baling, and harvesting.

Subd. 6. **Processing location.** "Processing location" means any area, building, plant, or facility registered with and approved by the commissioner in which a licensee converts raw hemp into a marketable product.

Subd. 7. **Processor.** "Processor" means a person or business that converts raw hemp into a product.

18K.03 AGRICULTURAL CROP; POSSESSION AUTHORIZED.

Subdivision 1. **Industrial hemp.** Industrial hemp is an agricultural crop in this state. A person may possess, transport, process, sell, or buy industrial hemp that is grown pursuant to this chapter or lawfully grown in another state.

Subd. 2. Sale to medical cannabis manufacturers. A licensee under this chapter may sell hemp products derived from industrial hemp grown in this state to medical cannabis manufacturers as authorized under sections 152.22 to 152.37.

18K.04 LICENSING.

Subdivision 1. **Requirement; issuance; presumption.** (a) A person must obtain a license from the commissioner before (1) growing industrial hemp for commercial or research purposes, and (2) before processing industrial hemp for commercial purposes.

(b) To obtain a license under paragraph (a), a person must apply to the commissioner in the form prescribed by the commissioner and must pay the annual registration and inspection fee established by the commissioner in accordance with section 16A.1285, subdivision 2.

(c) For a license to grow industrial hemp for commercial or research purposes, the license application must include the name and address of the applicant and the legal description of the land area or areas where industrial hemp will be grown by the applicant and any other information required under Code of Federal Regulations, title 7, part 990.

(d) For a license to process industrial hemp for commercial purposes, the license application must include the name and address of the applicant, the legal description of the processing location, and any other information required by the commissioner.

(e) A licensee is responsible for compliance with the license requirements irrespective of the acts or omissions of an authorized representative acting on behalf of the licensee.

(f) When an applicant has paid the fee and completed the application process to the satisfaction of the commissioner, the commissioner must issue a license which is valid until December 31 of the year of application.

(g) A person licensed under paragraph (a) to grow industrial hemp is presumed to be growing industrial hemp for commercial or research purposes.

Subd. 2. **Background check; data classification.** The commissioner must require each first-time applicant for a license to submit to a background investigation conducted by the Bureau of Criminal Apprehension as a condition of licensure. As part of the background investigation, the Bureau of Criminal Apprehension must conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the United States Department of Justice, Federal Bureau of Investigation for the purpose of a criminal background check of the national files. The cost of the investigation must be paid by the applicant. Criminal history records provided to the commissioner under this section must be treated as private data on individuals, as defined in section 13.02, subdivision 12.

Subd. 3. Federal requirements. The applicant must demonstrate to the satisfaction of the commissioner that the applicant has complied with all applicable federal requirements pertaining to the processing, production, distribution, and sale of industrial hemp.

Subd. 4. **Industrial hemp licensing data classification.** (a) In addition to data classified pursuant to section 13.41, the following data collected, created, or maintained by the commissioner under this chapter is classified as private data, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9:

(1) nondesignated addresses provided by licensees and applicants; and

(2) data that identify the specific locations where licensees and applicants grow or process, or will grow or process, industrial hemp, including but not limited to legal descriptions, street addresses, geospatial locations, maps, and property boundaries and dimensions.

(b) The commissioner may disclose data classified as private data or nonpublic data under this subdivision if the commissioner determines that there is a substantive threat to human health or safety or to the environment, or to aid in the law enforcement process.

Subd. 5. **Industrial hemp licensing data security and auditing.** (a) The commissioner must establish written procedures to ensure that only individuals authorized by law may access the private data and nonpublic data identified in subdivision 4. An authorized individual's ability to enter, update, or access data must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, including the specific purpose for which data is requested and, if applicable, disclosed, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in the data audit trail. Data contained in the audit trail are public to the extent the data are not otherwise classified by law.

(b) The commissioner must immediately and permanently revoke the authorization of any individual who willfully entered, updated, accessed, shared, or disseminated data in violation of state or federal law. If an individual willfully gained access to data without authorization by law, the commissioner must forward the matter to the appropriate prosecuting authority for prosecution.

(c) By January 15 of each odd-numbered year, the commissioner must provide a copy of the data audit trail required under paragraph (a) to the commissioner of administration; the chairs and ranking members of the legislative committees and divisions with jurisdiction over agriculture policy and finance, public safety, and data practices; and the Legislative Commission on Data Practices and Personal Data Privacy or its successor commission.

18K.05 ANNUAL REPORT; SALES NOTIFICATION.

(a) Annually, a licensee must file with the commissioner:

(1) documentation demonstrating to the commissioner's satisfaction that the seeds planted by the licensee are of a type and variety that contain no more than three-tenths of one percent delta-9 tetrahydrocannabinol; and

(2) a copy of any contract to grow industrial hemp.

(b) Within 30 days, a licensee must notify the commissioner of each sale or distribution of industrial hemp grown by the licensee including, but not limited to, the name and address of the person receiving the industrial hemp and the amount of industrial hemp sold or distributed.

18K.06 RULEMAKING.

(a) The commissioner shall adopt rules governing the production, testing, processing, and licensing of industrial hemp. Notwithstanding section 14.125, the commissioner's authority to adopt these rules expires June 30, 2022.

(b) Rules adopted under paragraph (a) must include, but not be limited to, provisions governing:

(1) the supervision and inspection of industrial hemp during its growth and harvest;

(2) the testing of industrial hemp to determine delta-9 tetrahydrocannabinol levels;

(3) the use of background check results required under section 18K.04 to approve or deny a license application; and

(4) any other provision or procedure necessary to carry out the purposes of this chapter.

(c) Rules issued under this section must be consistent with federal law regarding the production, distribution, and sale of industrial hemp.

18K.07 FEES.

Fees collected under this chapter must be credited to the industrial hemp account, which is hereby established in the agricultural fund in the state treasury. Interest earned in the account accrues to the account. Funds in the industrial hemp account are annually appropriated to the commissioner to implement and enforce this chapter.

18K.08 DEFENSE FOR POSSESSION OF MARIJUANA.

It is an affirmative defense to a prosecution for the possession of marijuana under chapter 152 if:

(1) the defendant possesses industrial hemp grown pursuant to this chapter; or

(2) the defendant has a valid controlled substance registration from the United States Department of Justice, Drug Enforcement Administration, if required under federal law.

18K.09 PILOT PROGRAM; OTHER RESEARCH AUTHORIZED.

Subdivision 1. Authorized activity. The commissioner may grow or cultivate industrial hemp pursuant to a pilot program administered by the commissioner to study the growth, cultivation, or marketing of industrial hemp. The commissioner may: (1) authorize institutions of higher education to grow or cultivate industrial hemp as part of the commissioner's pilot program or as is necessary to perform other agricultural, renewable energy, or academic research; and (2) contract with public or private entities for testing or other activities authorized under this subdivision. Authorized activity under this section may include collecting seed from wild hemp sources.

Subd. 2. Site registration. Before growing or cultivating industrial hemp pursuant to this section, each site must be registered with and certified by the commissioner. A person must register each site annually in the form prescribed by the commissioner and must pay the annual registration and certification fee established by the commissioner in accordance with section 16A.1285, subdivision 2.

Subd. 3. **Rulemaking.** The commissioner may adopt rules that govern the pilot program pursuant to this section and Public Law 113-79.

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) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(c) "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; or

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains nonintoxicating cannabinoids extracted from hemp other than food that 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.

Subd. 3. Sale of cannabinoids derived from hemp. Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids may be sold for human or animal consumption if all of the requirements of this section are met.

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;

(2) does not contain more than trace amounts of any pesticides, fertilizers, or heavy metals; and

(3) does not contain a delta-9 tetrahydrocannabinol concentration that exceeds the concentration permitted for industrial hemp as defined in section 18K.02, subdivision 3.

(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.

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; or

(4) instead of the information required in clauses (1) to (3), a scannable bar code or QR code that links to the manufacturer's website.

The label must also include a statement stating that this 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.

(b) The information required to be on the label must be prominently and conspicuously placed and in terms that can be easily read and understood by the consumer.

(c) The label 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. 6. **Enforcement.** (a) A product sold under this section 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 color additives or excipients that have been found by the FDA to be unsafe for human or animal consumption; or

(5) it contains an amount or percentage of cannabinoids that is different than the amount or percentage stated on the label.

(b) A product sold 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.

152.21 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;

(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 acting within the scope of authorized practice, 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.

Subd. 5c. **Hemp processor.** "Hemp processor" means a person or business licensed by the commissioner of agriculture under chapter 18K to convert raw hemp into a product.

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 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.

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.

152.27 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, 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;

(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;

(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 Tennessen 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.

(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:

(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 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.

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.

Subd. 3b. **Distribution to recipient in a motor vehicle.** A manufacturer may distribute medical cannabis to a patient, registered designated caregiver, or parent, legal guardian, or spouse of a patient who is at the distribution facility but remains in a motor vehicle, provided:

(1) distribution facility staff receive payment and distribute medical cannabis in a designated zone that is as close as feasible to the front door of the distribution facility;

(2) the manufacturer ensures that the receipt of payment and distribution of medical cannabis are visually recorded by a closed-circuit television surveillance camera at the distribution facility and provides any other necessary security safeguards;

(3) the manufacturer does not store medical cannabis outside a restricted access area at the distribution facility, and distribution facility staff transport medical cannabis from a restricted access

area at the distribution facility to the designated zone for distribution only after confirming that the patient, designated caregiver, or parent, guardian, or spouse has arrived in the designated zone;

(4) the payment and distribution of medical cannabis take place only after a pharmacist consultation takes place, if required under subdivision 3, paragraph (c), clause (4);

(5) immediately following distribution of medical cannabis, distribution facility staff enter the transaction in the state medical cannabis registry information technology database; and

(6) immediately following distribution of medical cannabis, distribution facility staff take the payment received into the distribution facility.

Subd. 3c. **Disposal of medical cannabis plant root balls.** Notwithstanding Minnesota Rules, part 4770.1200, subpart 2, item C, a manufacturer is not required to grind root balls of medical cannabis plants or incorporate them with a greater quantity of nonconsumable solid waste before transporting root balls to another location for disposal. For purposes of this subdivision, "root ball" means a compact mass of roots formed by a plant and any attached growing medium.

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 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 or advanced practice registered nurse 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 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 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;

(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 cochairs 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 cochairs 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 cochairs 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 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.