

1.1 **Senator Dibble from the Committee on Transportation, to which was re-referred**

1.2 **S.F. No. 73:** A bill for an act relating to cannabis; establishing the Office of Cannabis
 1.3 Management; establishing advisory councils; requiring reports relating to cannabis use and
 1.4 sales; legalizing and limiting the possession and use of cannabis by adults; providing for
 1.5 the licensing, inspection, and regulation of cannabis businesses; requiring testing of cannabis
 1.6 flower and cannabinoid products; requiring labeling of cannabis flower and cannabinoid
 1.7 products; limiting the advertisement of cannabis flower, cannabinoid products, and cannabis
 1.8 businesses; providing for the cultivation of cannabis in private residences; transferring
 1.9 regulatory authority for the medical cannabis program; taxing the sale of adult-use cannabis;
 1.10 establishing grant and loan programs; amending criminal penalties; establishing expungement
 1.11 procedures for certain individuals; establishing labor standards for the use of cannabis by
 1.12 employees and testing of employees; providing for the temporary regulation of certain edible
 1.13 cannabinoid products; providing for professional licensing protections; amending the
 1.14 scheduling of marijuana and tetrahydrocannabinols; classifying data; making miscellaneous
 1.15 cannabis-related changes and additions; making clarifying and technical changes;
 1.16 appropriating money; amending Minnesota Statutes 2022, sections 13.411, by adding a
 1.17 subdivision; 13.871, by adding a subdivision; 34A.01, subdivision 4; 144.99, subdivision
 1.18 1; 151.72; 152.01, by adding subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivision
 1.19 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025,
 1.20 subdivisions 1, 2; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a
 1.21 subdivision; 181.951, by adding subdivisions; 181.952, by adding a subdivision; 181.953;
 1.22 181.954; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 245C.08, subdivision 1;
 1.23 256.01, subdivision 18c; 256B.0625, subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26,
 1.24 subdivisions 1, 3; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132, subdivision
 1.25 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67, subdivisions 2, 7; 297A.70,
 1.26 subdivisions 2, 18; 297A.99, by adding a subdivision; 297D.01; 297D.04; 297D.06; 297D.07;
 1.27 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision
 1.28 14; 609.135, subdivision 1; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316,
 1.29 subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435,
 1.30 subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision
 1.31 6; 624.7142, subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes,
 1.32 chapters 3; 116J; 116L; 120B; 144; 152; 289A; 295; 340A; 609A; 624; proposing coding
 1.33 for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections
 1.34 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7,
 1.35 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26;
 1.36 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29,
 1.37 subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions
 1.38 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37; Minnesota
 1.39 Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600;
 1.40 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400;
 1.41 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000;
 1.42 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000;
 1.43 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008; 4770.4009;
 1.44 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017;
 1.45 4770.4018; 4770.4030.

1.46 Reports the same back with the recommendation that the bill be amended as follows:

1.47 Page 16, after line 33, insert:

1.48 "Subd. 9. Compliance with federal law. Nothing in this chapter shall be construed to
 1.49 allow cannabis to be transported outside of the state unless explicitly authorized by federal
 1.50 law."

1.51 Page 17, after line 15, insert:

2.1 "(11) the colonel of the state patrol or a designee;

2.2 (12) the director of the Office of Traffic Safety in the Department of Public Safety or a
2.3 designee;"

2.4 Page 65, line 5, after "office" insert ", the commissioner of transportation,"

2.5 Page 110, after line 5, insert:

2.6 "(c) All outdoor advertisements on land adjacent to an interstate or trunk highway must
2.7 comply with the requirements of chapter 173."

2.8 Page 122, after line 30, insert:

2.9 "Sec. 68. **REPORT; TRAFFIC AND TRANSPORTATION ISSUES.**

2.10 By January 31, 2024, the Office of Cannabis Management must submit a report to the
2.11 chairs and ranking minority members of the legislative committees with jurisdiction over
2.12 transportation policy and finance. At a minimum, the report must include:

2.13 (1) a description of all rules adopted that relate to traffic and transportation laws and
2.14 cannabis transporter licensing and operations;

2.15 (2) recommendations on changes to statutes that would codify the rules; and

2.16 (3) recommendations on how to improve any aspects of this act. The recommendations
2.17 must be developed in consultation with the commissioner of transportation, the commissioner
2.18 of public safety, the colonel of the State Patrol, and the director of the Office of Traffic
2.19 Safety in the Department of Public Safety."

2.20 Page 123, after line 4, insert:

2.21 "Sec. 70. **TRANSPORTER LICENSE ESTABLISHMENT.**

2.22 When establishing the process for issuing transporter licenses and the requirements for
2.23 obtaining a transporter license, the Office of Cannabis Management must consult with the
2.24 Commissioner of Transportation about best practices for issuing licenses."

2.25 Page 160, line 8, before "A person" insert "(a)"

2.26 Page 160, after line 12, insert:

2.27 "(b) The State Patrol must increase enforcement of this subdivision annually on April
2.28 20. Other law enforcement agencies are encouraged to increase enforcement of this
2.29 subdivision annually on April 20."

3.1 Page 162, after line 23, insert:

3.2 "Sec. 18. [169A.36] OPEN PACKAGE LAW.

3.3 Subdivision 1. **Definitions.** As used in this section:

3.4 (1) "artificially derived cannabinoid" has the meaning given in section 342.01, subdivision
3.5 6;

3.6 (2) "cannabinoid product" has the meaning given in section 342.01, subdivision 12;

3.7 (3) "cannabis flower" has the meaning given in section 342.01, subdivision 16;

3.8 (4) "motor vehicle" does not include motorboats in operation or off-road recreational
3.9 vehicles except while operated on a roadway or shoulder of a roadway that is not part of a
3.10 grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;
3.11 and

3.12 (5) "possession" means either that the person had actual possession of the package or
3.13 that the person consciously exercised dominion and control over the package.

3.14 Subd. 2. **Use; crime described.** It is a crime for a person to use cannabis flower, a
3.15 cannabinoid product, or any product containing an artificially derived cannabinoid in a
3.16 motor vehicle when the vehicle is on a street or highway.

3.17 Subd. 3. **Possession; crime described.** It is a crime for a person to have in possession,
3.18 while in a private motor vehicle on a street or highway, any cannabis flower, a cannabinoid
3.19 product, or any product containing an artificially derived cannabinoid that:

3.20 (1) is in packaging or another container that does not comply with the relevant packaging
3.21 requirements in chapter 152 or 342;

3.22 (2) has been removed from the packaging in which it was sold;

3.23 (3) is in packaging that has been opened or the seal has been broken; or

3.24 (4) is in packaging of which the contents have been partially removed.

3.25 Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner
3.26 of any private motor vehicle or the driver, if the owner is not present in the motor vehicle,
3.27 to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway
3.28 any cannabis flower, a cannabinoid product, or any product containing an artificially derived
3.29 cannabinoid that:

3.30 (1) is in packaging or another container that does not comply with the relevant packaging
3.31 requirements in chapter 152 or 342;

4.1 (2) has been removed from the packaging in which it was sold;

4.2 (3) is in packaging that has been opened or the seal has been broken; or

4.3 (4) is in packaging of which the contents have been partially removed.

4.4 Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a
4.5 misdemeanor.

4.6 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption
4.7 of cannabis flower or a cannabinoid product or any other product containing an artificially
4.8 derived cannabinoid by passengers in:

4.9 (1) a bus that is operated by a motor carrier of passengers as defined in section 221.012,
4.10 subdivision 26;

4.11 (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle
4.12 as defined in section 169.011, subdivision 4, with five or more passengers who provide
4.13 pedal power to the drive train of the vehicle; or

4.14 (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

4.15 (b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle
4.16 if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle
4.17 not normally occupied by the driver and passengers if the vehicle is not equipped with a
4.18 trunk. A utility compartment or glove compartment is deemed to be within the area occupied
4.19 by the driver and passengers.

4.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
4.21 committed on or after that date."

4.22 Page 166, delete section 23 and insert:

4.23 "Sec. 24. **DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT**
4.24 **PILOT PROJECT; REPORT REQUIRED.**

4.25 (a) The commissioner of public safety must design, plan, and implement a pilot project
4.26 to study oral fluid roadside testing instruments to determine the presence of a controlled
4.27 substance or intoxicating substance in individuals stopped or arrested for driving while
4.28 impaired offenses. The pilot project must determine the practicality, accuracy, and efficacy
4.29 of these testing instruments and determine and make recommendations on the best instrument
4.30 or instruments to pursue in the future.

5.1 (b) The pilot project must begin on September 1, 2023, and continue until August 31,
 5.2 2024.

5.3 (c) The commissioner must consult with law enforcement officials, prosecutors, criminal
 5.4 defense attorneys, and other interested and knowledgeable parties when designing,
 5.5 implementing, and evaluating the pilot project.

5.6 (d) All oral fluid samples obtained for the purpose of this pilot project must be obtained
 5.7 by a certified drug recognition evaluator and may only be collected with the express voluntary
 5.8 consent of the person stopped or arrested for suspicion of driving while impaired. Results
 5.9 of tests conducted under the pilot project are to be used for the purpose of analyzing the
 5.10 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide
 5.11 whether an arrest should be made and are not admissible in any legal proceeding.

5.12 (e) By February 1, 2025, the commissioner must report to the chairs and ranking minority
 5.13 members of the legislative committees with jurisdiction over public safety on the results of
 5.14 the pilot project. At a minimum, the report must include information on how accurate the
 5.15 instruments were when tested against laboratory results, how often participants were found
 5.16 to have controlled substances or intoxicating substances in their systems, how often there
 5.17 was commingling of controlled substances or intoxicating substances with alcohol, the types
 5.18 of controlled substances or intoxicating substances found in participants' systems and which
 5.19 types were most common, and the number of participants in the project. In addition, the
 5.20 report must assess the practicality and reliability of using the instruments in the field and
 5.21 make recommendations on continuing the project permanently.

5.22 **EFFECTIVE DATE.** This section is effective the day following final enactment."

5.23 Page 181, after line 27, insert:

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

5.25 Subd. 8. **Canine management.** (a) The commissioner may give and convey to a canine's
 5.26 handler the state's entirety of the right, title, interest, and estate in and to a canine who is
 5.27 retired from service, with whom the handler trained and worked while the canine was in
 5.28 service to the state. The handler is solely responsible for all future expenses related to the
 5.29 retired canine. The commissioner must allow the handler an opportunity to accept the canine
 5.30 before any other placement options are considered.

5.31 (b) If the canine's handler does not accept the canine, the commissioner must ensure that
 5.32 the canine is placed in a home where the canine will be safe and well-cared for."

5.33 Page 245, line 31, before "\$....." insert "(a)"

6.1 Page 245, line 32, delete "trunk highway" and insert "general"

6.2 Page 246, after line 2, insert:

6.3 "(b) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
6.4 general fund to commissioner of public safety for use by the Minnesota State Patrol for its
6.5 drug evaluation and classification program for drug recognition evaluator training, additional
6.6 phlebotomists, and drug recognition training for peace officers, as defined in Minnesota
6.7 Statutes, section 626.84, subdivision 1, paragraph (c).

6.8 (c) \$..... in fiscal year 2024 is appropriated from the general fund to the commissioner
6.9 of public safety for the Minnesota State Patrol for the retirement and replacement of canines
6.10 and the related canine and trooper training costs. This is a onetime appropriation and is
6.11 available until June 30, 2025."

6.12 Page 246, delete subdivision 17

6.13 Renumber the clauses, subdivisions, and sections in sequence

6.14 Amend the title as follows:

6.15 Page 1, line 11, after the second semicolon, insert "prohibiting the use or possession of
6.16 cannabis flower and cannabinoid products on a street or highway;"

6.17 Amend the title numbers accordingly

6.18 And when so amended the bill do pass and be re-referred to the Committee on Health
6.19 and Human Services. Amendments adopted. Report adopted.

D. Scott Dibble

6.20
6.21 (Committee Chair)

6.22 February 14, 2023.....
6.23 (Date of Committee recommendation)