Minnesota Coalition on Government Information (MNCOGI)
Written Testimony on SF 73
Matt Ehling, MNCOGI board member

Senate Judiciary and Public Safety Committee
January 25, 2023

Dear Chair Latz and committee members,

The Minnesota Coalition on Government Information (MNCOGI) submits the following written testimony on the data provisions of SF 73, the Senate version of the cannabis regulatory bill.

MNCOGI has corresponded with both Senator Port and Representative Stephenson regarding various data classification provisions contained in the respective House and Senate versions of the cannabis bill.

In the House, two amendments supported by MNCOGI were adopted in relation to HF 100, and those same changes likewise appear in the author's amendment to SF 73 (the A2 amendment). These include:

1. Changes to the data classification language found on lines 39.30 - 39.31 of the original bill that conform subd. 6 to standard data practices classification terminology; and

2. Changes striking out the "not public" classification for inactive investigative data found on line 40.6 of the original bill. This important change permits inactive investigative data about violations of "statutes or rules" to be classified as "public" — just as comparable data is classified in the civil investigative (§ 13.39) and criminal investigative (§ 13.82) contexts.

MNCOGI appreciates that Representative Stephenson adopted these changes to HF 100, and that Senator Port seeks to incorporate them into SF 73 via the A2 amendment. MNCOGI likewise appreciates that both bills make application data on license-holders largely "public" (see subd. 6(b), starting at line 40.10). The largely public classification of license-holder data is important, since via SF 73/HF 100, the cannabis business will undergo a transformation from a currently illegal industry, to a legal and regulated one; and data transparency about license-holder identity, ownership, etc. is necessary for the public and the press to be able to vet the legitimacy of participants in the regulated market.

MNCOGI has some additional feedback on the data provisions of SF 73 that we have provided to both Senator Port and Representative Stephenson, and we look forward to discussing further details with them, including what data could be made public at the applicant stage. Having more "public" data at the applicant stage would better align the proposed cannabis regulatory framework (especially for point-of-sale cannabis businesses) with the current reality of point-of-sale liquor businesses. Such liquor businesses are largely licensed at the municipal level (see Minn. Stats. § 340A.22, subd 2; § 340A.24; § 240A.26, etc.) and their applicant data is virtually all "public."

From a practical standpoint, the public availability of this applicant data means that citizens in a municipality who become aware of the potential opening a tap room, etc. in their neighborhood are able to contact the city licensing authority to find out more about the business by requesting the application data. Then, they can ask questions about the business before the license has been approved. Under the bill's current applicant data classification, similar types of activity would not be able to take place in the cannabis point-of-sale context, as everything about the applicant would be classified as "not public" save for the applicant's name and designated address. Accordingly, we would suggest that a subset of key application data be classified as "public" at the applicant stage. We look forward to further discussions about what this data subset might look like.

Thanks to Representative Stephenson, Senator Port, and the members of this committee for their ongoing attention to these matters.

Sincerely,

Matt Ehling
MNCOGI board member