

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
 1.2 **re-referred**

1.3 **S.F. No. 73:** A bill for an act relating to cannabis; establishing the Office of Cannabis
 1.4 Management; establishing the Cannabis Advisory Council; requiring reports relating to
 1.5 cannabis use and sales; legalizing and limiting the possession and use of cannabis by adults;
 1.6 providing for the licensing, inspection, and regulation of cannabis businesses and hemp
 1.7 businesses; requiring testing of cannabis flower, cannabis products, and hemp products;
 1.8 requiring labeling of cannabis flower, cannabis products, and hemp products; limiting the
 1.9 advertisement of cannabis flower, cannabis products, hemp products, hemp businesses
 1.10 products, and cannabis businesses; providing for the cultivation of cannabis in private
 1.11 residences; transferring regulatory authority for the medical cannabis program; allowing
 1.12 Tribal medical cannabis program manufacturers to distribute medical cannabis to Tribal
 1.13 medical cannabis program patients; providing for transportation of medical cannabis by
 1.14 Tribal medical cannabis manufacturers; taxing the sale of adult-use cannabis; establishing
 1.15 grant and loan programs; amending criminal penalties; prohibiting the use or possession of
 1.16 cannabis flower and cannabis products on a street or highway; establishing expungement
 1.17 procedures for certain individuals; establishing labor standards for the use of cannabis and
 1.18 hemp products by employees and testing of employees; providing for the temporary
 1.19 regulation of certain edible cannabinoid products; providing for professional licensing
 1.20 protections; amending the scheduling of marijuana and tetrahydrocannabinols; classifying
 1.21 data; making miscellaneous cannabis-related and hemp-related changes and additions;
 1.22 making clarifying and technical changes; appropriating money; amending Minnesota Statutes
 1.23 2022, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 16B.2975,
 1.24 subdivision 8; 34A.01, subdivision 4; 144.99, subdivision 1; 151.72; 152.01, by adding
 1.25 subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivision 2; 152.022, subdivisions 1,
 1.26 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.22,
 1.27 by adding subdivisions; 152.29, subdivision 4, by adding a subdivision; 152.30; 152.32;
 1.28 152.33, subdivision 1; 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions
 1.29 2, 4, 5, 8, 13, by adding a subdivision; 181.951, subdivision 4, by adding subdivisions;
 1.30 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1;
 1.31 244.05, subdivision 2; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625,
 1.32 subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 273.13, subdivision
 1.33 24; 275.025, subdivision 2; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61,
 1.34 subdivision 3; 297A.67, subdivisions 2, 7; 297A.70, subdivisions 2, 18; 297A.99, by adding
 1.35 a subdivision; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09,
 1.36 subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision 14; 609.135, subdivision 1;
 1.37 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609A.01;
 1.38 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712,
 1.39 by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142,
 1.40 subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3;
 1.41 116J; 116L; 120B; 144; 152; 169A; 289A; 295; 340A; 609A; 624; proposing coding for
 1.42 new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections
 1.43 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7,
 1.44 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26;
 1.45 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29,
 1.46 subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions
 1.47 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37; Minnesota
 1.48 Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600;
 1.49 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400;
 1.50 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000;
 1.51 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000;
 1.52 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008; 4770.4009;
 1.53 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017;
 1.54 4770.4018; 4770.4030.

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

- 2.1 Page 18, line 22, delete "license applicant" and insert "prospective employee"
- 2.2 Page 18, line 23, delete "license applicant's" and insert "prospective employee's"
- 2.3 Page 18, line 24, delete "applicant's" and insert "prospective employee's"
- 2.4 Page 18, line 26, delete "applicant" and insert "prospective employee"
- 2.5 Page 28, delete lines 25 and 26 and insert:
- 2.6 "(3) possess two pounds or less of adult-use cannabis flower derived from sources other
- 2.7 than the home cultivation of cannabis plants authorized in subdivision 2 in the individual's
- 2.8 private residence;
- 2.9 (4) possess five pounds or less of adult-use cannabis flower derived from the home
- 2.10 cultivation of cannabis plants authorized in subdivision 2 in the individual's private
- 2.11 residence;"
- 2.12 Page 28, line 27, delete "(4)" and insert "(5)"
- 2.13 Page 28, line 28, delete "(5)" and insert "(6)"
- 2.14 Page 28, line 30, delete "(6)" and insert "(7)"
- 2.15 Page 29, line 5, delete "(7)" and insert "(8)"
- 2.16 Page 29, after line 12, insert:
- 2.17 "Notwithstanding clauses (3) and (4), no individual may possess a total of more than five
- 2.18 pounds of adult-use cannabis in the individual's private residence regardless of the cannabis's
- 2.19 source."
- 2.20 Page 31, line 8, delete "or cannabis products"
- 2.21 Page 35, line 6, after "hemp" insert "edible"
- 2.22 Page 40, line 25, delete "license applicant" and insert "person" and delete "a license
- 2.23 applicant's" and insert "the person's"
- 2.24 Page 40, line 26, delete "applicant's" and insert "person's"
- 2.25 Page 40, line 28, delete "applicant" and insert "person"
- 2.26 Page 46, delete subdivision 6
- 2.27 Page 48, after line 22, insert:

3.1 "Sec. 20. [342.185] DATA PRACTICES; APPLICANTS; LICENSE HOLDERS.

3.2 Subdivision 1. Not public data. The following data collected, created, or maintained
3.3 by the office are classified as nonpublic data, as defined by section 13.02, subdivision 9, or
3.4 as private data on individuals, as defined by section 13.02, subdivision 12:

3.5 (1) application data submitted by an applicant for a cannabis business license, other than
3.6 the data listed in subdivision 2;

3.7 (2) the identity of a complainant who has made a report concerning a license holder or
3.8 applicant that appears in inactive complaint data unless the complainant consents to the
3.9 disclosure;

3.10 (3) the nature or content of unsubstantiated complaints when the information is not
3.11 maintained in anticipation of legal action;

3.12 (4) the record of any disciplinary proceeding except as limited by subdivision 4;

3.13 (5) data identifying retail or wholesale customers of a cannabis business; and

3.14 (6) data identifying cannabis workers.

3.15 Subd. 2. Public data on license applicants. (a) The following application data submitted
3.16 by an applicant for a cannabis business license are public data:

3.17 (1) the applicant's name and designated address;

3.18 (2) data disclosing the ownership and control of the applicant;

3.19 (3) proof of trade name registration;

3.20 (4) data showing the legal possession of the premises where the business will operate;

3.21 (5) data describing whether volatile chemicals will be used in any methods of extraction
3.22 or concentration;

3.23 (6) environmental plans;

3.24 (7) the type and number of other cannabis business licenses held by the applicant; and

3.25 (8) the name, address, location, dates, and hours of where any proposed cannabis event
3.26 will take place.

3.27 (b) Scoring and other data generated by the office in its review of an applicant for a
3.28 cannabis business license are public data.

3.29 Subd. 3. Public application data on license holders. Once an applicant for a cannabis
3.30 business license becomes a license holder, all of the application data that the license holder

4.1 had previously submitted to the office are public data except that the following data remain
4.2 classified as nonpublic data or private data on individuals:

4.3 (1) data identifying retail or wholesale customers of a cannabis business;

4.4 (2) data identifying cannabis workers;

4.5 (3) tax returns, bank account statements, and other financial account information;

4.6 (4) business plans; and

4.7 (5) security information and trade secret information, as defined by section 13.37.

4.8 Subd. 4. **Public disciplinary data.** Minutes, orders for hearings, findings of fact,
4.9 conclusions of law, and specification of the final disciplinary action contained in the record
4.10 of the disciplinary action are classified as public data. If there is a public hearing concerning
4.11 the disciplinary action, the entire record concerning the disciplinary action is public data.
4.12 If the license holder and the office agree to resolve a complaint without a hearing, the
4.13 agreement and the specific reasons for the agreement are public data.

4.14 Subd. 5. **Data practices administration.** (a) The office must establish written procedures
4.15 to ensure that only individuals authorized by law may enter, update, or access data maintained
4.16 by the office and classified as nonpublic or private data on individuals. An authorized
4.17 individual's ability to enter, update, or access not public data must correspond to the official
4.18 duties or training level of the individual and to the statutory authorization granting access
4.19 for that purpose. All queries and responses, and all actions in which not public data are
4.20 entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail.
4.21 Data contained in the audit trail have the same classification as the underlying data tracked
4.22 by the audit trail.

4.23 (b) The office must not share data classified as nonpublic or private data on individuals
4.24 under this section or other data identifying an individual applicant or license holder with
4.25 any federal agency, federal department, or federal entity unless specifically ordered to do
4.26 so by a state or federal court.

4.27 (c) The office must arrange for an independent audit to verify compliance with this
4.28 section. The audit must be completed annually for the first two years following establishment
4.29 of the office and biennially thereafter. The results of the audit are public. No later than 30
4.30 days following completion of the audit, the office must provide a report summarizing the
4.31 audit results to the chairs and ranking minority members of the committees of the house of
4.32 representatives and the senate with jurisdiction over commerce and data practices, and the

5.1 Legislative Commission on Data Practices and Personal Data Privacy. The report must be
 5.2 submitted as required under section 3.195, except that printed copies are not required."

5.3 Page 48, line 31, delete "license applicant" and insert "person" and delete "a license
 5.4 applicant's" and insert "the person's"

5.5 Page 48, line 32, delete "applicant's" and insert "person's"

5.6 Page 49, line 1, delete "applicant" and insert "person"

5.7 Page 78, line 19, after "lower-potency" insert "hemp"

5.8 Page 98, delete subdivision 3

5.9 Page 123, after line 2, insert:

5.10 "Subd. 8. **Sanctions restricted for those on parole, supervised release, or conditional**
 5.11 **release.** (a) This subdivision applies to an individual placed on parole, supervised release,
 5.12 or conditional release.

5.13 (b) The commissioner of corrections may not:

5.14 (1) prohibit an individual from participating in the registry program as a condition of
 5.15 release; or

5.16 (2) revoke an individual's parole, supervised release, or conditional release or otherwise
 5.17 sanction an individual solely:

5.18 (i) for participating in the registry program; or

5.19 (ii) for a positive drug test for cannabis components or metabolites."

5.20 Page 144, after line 14, insert:

5.21 "Sec. 74. **[342.73] NUISANCE; ACTION.**

5.22 Subdivision 1. **Nuisance.** Any use of adult-use cannabis flower which is injurious to
 5.23 health, indecent or offensive to the senses, or an obstruction to the free use of property so
 5.24 as to interfere with the comfortable enjoyment of life or property is a nuisance.

5.25 Subd. 2. **Actions; landlord; association.** (a) A person who is injuriously affected or
 5.26 whose personal enjoyment is lessened by a nuisance under subdivision 1 may bring an
 5.27 action for injunctive relief and the greater of the person's actual damages or a civil penalty
 5.28 of \$250.

5.29 (b) If a landlord, as defined in section 504B.001, subdivision 7, or an association, as
 5.30 defined in section 515B.1-103, clause (4), fails to enforce the terms of a lease, governing

6.1 document, or policy related to the use of adult-use cannabis flower on the premises or
6.2 property, a person who is injuriously affected or whose personal enjoyment is lessened by
6.3 a nuisance under subdivision 1 as a result of the failure to enforce the terms may bring an
6.4 action against the landlord or association seeking injunctive relief and the greater of the
6.5 person's actual damages or a civil penalty of \$500.

6.6 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to causes of
6.7 actions accruing on or after that date."

6.8 Page 146, line 20, delete "cannabinoid" and insert "cannabis"

6.9 Page 146, line 21, delete "lower potency edible" and insert "lower-potency hemp"

6.10 Page 146, line 22, delete "product" and insert "edible"

6.11 Page 148, line 11, delete "cannabinoid" and insert "cannabis"

6.12 Page 149, lines 11 and 20, delete "lower potency edible product" and insert
6.13 "lower-potency hemp edible"

6.14 Page 149, line 21, delete "lower"

6.15 Page 149, line 22, delete "potency edible product" and insert "lower-potency hemp
6.16 edible"

6.17 Page 149, lines 29 and 32, delete "cannabinoid" and insert "cannabis"

6.18 Page 149, lines 30 and 33, delete "lower potency edible products" and insert
6.19 "lower-potency hemp edibles"

6.20 Page 150, line 1, delete "lower potency edible product" and insert "lower-potency hemp
6.21 edible"

6.22 Page 150, line 13, delete "cannabinoid" and insert "cannabis" and delete "lower potency
6.23 edible products" and insert "lower-potency hemp edibles"

6.24 Page 150, line 14, delete "cannabinoid" and insert "cannabis"

6.25 Page 150, line 15, delete "lower potency edible products" and insert "lower-potency
6.26 hemp edibles"

6.27 Page 156, line 9, delete "cannabinoid" and insert "cannabis"

6.28 Page 156, line 10, delete "lower potency edible products" and insert "lower-potency
6.29 hemp edibles"

- 7.1 Page 156, line 14, delete "lower potency edible product" and insert "lower-potency
7.2 hemp edible"
- 7.3 Page 158, line 1, delete "cannabinoid" and insert "cannabis"
- 7.4 Page 158, line 2, delete "lower potency edible products" and insert "lower-potency hemp
7.5 edibles"
- 7.6 Page 159, line 26, delete "cannabinoid" and insert "cannabis"
- 7.7 Page 159, line 28, delete "lower potency edible product" and insert "lower-potency
7.8 hemp edible"
- 7.9 Page 161, line 2, delete "cannabinoid" and insert "cannabis"
- 7.10 Page 161, line 3, delete "lower potency edible"
- 7.11 Page 161, line 4, delete "products" and insert "lower-potency hemp edibles"
- 7.12 Page 162, line 15, delete "cannabinoid" and insert "cannabis"
- 7.13 Page 162, line 16, delete "lower potency edible products" and insert "lower-potency
7.14 hemp edibles"
- 7.15 Page 163, line 7, delete "cannabinoid" and insert "cannabis"
- 7.16 Page 178, line 15, delete "cannabinoid" and insert "cannabis"
- 7.17 Page 179, line 11, delete "cannabinoid" and insert "cannabis"
- 7.18 Page 180, line 20, delete "cannabinoid" and insert "cannabis"
- 7.19 Page 181, delete lines 8 and 9 and insert:
- 7.20 "(2) more than two pounds but not more than ten kilograms of cannabis flower derived
7.21 from sources other than the home cultivation of cannabis plants authorized in section 342.09,
7.22 subdivision 2, in the person's residence;
- 7.23 "(3) more than five pounds but not more than ten kilograms of cannabis flower, regardless
7.24 of the cannabis' source, in the person's residence;"
- 7.25 Page 181, line 10, delete "(3)" and insert "(4)"
- 7.26 Page 181, line 11, delete "(4)" and insert "(5)" and delete "cannabinoid" and insert
7.27 "cannabis"
- 7.28 Page 181, lines 20, and 29, delete "cannabinoid" and insert "cannabis"
- 7.29 Page 182, lines 6, 10, 18, and 22, delete "cannabinoid" and insert "cannabis"

8.1 Page 183, lines 1, 7, 13, 18, and 25, delete "cannabinoid" and insert "cannabis"

8.2 Page 184, lines 1 and 6, delete "cannabinoid" and insert "cannabis"

8.3 Page 185, lines 3, 12, and 15, delete "cannabinoid" and insert "cannabis"

8.4 Page 186, delete section 19

8.5 Page 188, line 2, delete "cannabinoid" and insert "cannabis"

8.6 Page 189, line 25, delete "cannabinoid" and insert "cannabis"

8.7 Page 191, after line 11, insert:

8.8 "Section 1. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

8.9 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
8.10 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
8.11 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
8.12 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
8.13 for possession of a controlled substance, who:

8.14 (1) has not previously participated in or completed a diversion program authorized under
8.15 section 401.065;

8.16 (2) has not previously been placed on probation without a judgment of guilty and
8.17 thereafter been discharged from probation under this section; and

8.18 (3) has not been convicted of a felony violation of this chapter, including a felony-level
8.19 attempt or conspiracy, or been convicted by the United States or another state of a similar
8.20 offense that would have been a felony under this chapter if committed in Minnesota, unless
8.21 ten years have elapsed since discharge from sentence.

8.22 (b) The court must defer prosecution as provided in paragraph (c) for any person found
8.23 guilty of a violation of section 152.025, subdivision 2, who:

8.24 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

8.25 (2) has not previously been convicted of a felony offense under any state or federal law
8.26 or of a gross misdemeanor under section 152.025.

8.27 (c) In granting relief under this section, the court shall, without entering a judgment of
8.28 guilty and with the consent of the person, defer further proceedings and place the person
8.29 on probation upon such reasonable conditions as it may require and for a period, not to
8.30 exceed the maximum sentence provided for the violation. The court may give the person
8.31 the opportunity to attend and participate in an appropriate program of education regarding

9.1 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
9.2 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
9.3 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
9.4 person and discharge the person from probation before the expiration of the maximum
9.5 period prescribed for the person's probation. If during the period of probation the person
9.6 does not violate any of the conditions of the probation, then upon expiration of the period
9.7 the court shall discharge the person and dismiss the proceedings against that person.
9.8 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
9.9 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
9.10 the purpose of use by the courts in determining the merits of subsequent proceedings against
9.11 the person. The not public record may also be opened only upon court order for purposes
9.12 of a criminal investigation, prosecution, or sentencing. Upon receiving notice that the
9.13 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
9.14 or citing law enforcement agency and direct that agency to seal the agency's records related
9.15 to the dismissed charge. Upon request by law enforcement, prosecution, or corrections
9.16 authorities, the bureau shall notify the requesting party of the existence of the not public
9.17 record and the right to seek a court order to open it pursuant to this section. The court shall
9.18 forward a record of any discharge and dismissal under this subdivision to the bureau which
9.19 shall make and maintain the not public record of it as provided under this subdivision. The
9.20 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
9.21 or disabilities imposed by law upon conviction of a crime or for any other purpose.

9.22 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
9.23 subdivision 8a."

9.24 Page 191, line 22, delete "August 1, 2023" and insert "January 1, 2025"

9.25 Page 193, line 4, delete "August 1, 2023" and insert "January 1, 2025"

9.26 Page 193, line 13, delete "August 1, 2023" and insert "January 1, 2025"

9.27 Page 193, line 17, delete "an order of"

9.28 Page 193, line 24, delete "prior to a determination of probable cause" and insert "after
9.29 a case was filed, unless the dismissal was based on a finding that the defendant was
9.30 incompetent to proceed"

9.31 Page 194, line 5, after "identify" insert "bureau" and delete "an order of"

9.32 Page 194, line 8, delete "an individual whose record" and insert "each person whose
9.33 case"

10.1 Page 194, line 10, delete "case" and insert "court file" and delete "record" and insert
10.2 "case"

10.3 Page 194, delete lines 11 to 33

10.4 Page 195, delete lines 1 to 7

10.5 Page 195, delete subdivision 3 and insert:

10.6 "Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal
10.7 Apprehension shall grant expungement relief to each qualifying person and seal the bureau's
10.8 records without requiring an application, petition, or motion. The bureau shall seal records
10.9 related to an expungement within 60 days after the bureau sent notice of the expungement
10.10 to the judicial branch pursuant to subdivision 2, paragraph (b), unless an order of the judicial
10.11 branch prohibits sealing the records or additional information establishes that the records
10.12 are not eligible for expungement.

10.13 (b) Nonpublic criminal records maintained by the bureau and subject to a grant of
10.14 expungement relief must display a notation stating "expungement relief granted pursuant
10.15 to section 609A.05."

10.16 (c) The bureau shall inform the judicial branch of all cases that are granted expungement
10.17 relief pursuant to this section. The bureau may notify the judicial branch using electronic
10.18 means and may notify the judicial branch immediately or in a monthly report. Upon receiving
10.19 notice of an expungement, the judicial branch shall seal all related records, including records
10.20 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon
10.21 receiving notice of an expungement, the judicial branch shall issue any order necessary to
10.22 seal related records.

10.23 (d) The bureau shall inform each arresting or citing law enforcement agency or
10.24 prosecutorial office with records affected by the grant of expungement relief issued pursuant
10.25 to paragraph (a) that expungement has been granted. The bureau shall notify each agency
10.26 or office of an expungement within 60 days after the bureau sent notice of the expungement
10.27 to the judicial branch. The bureau may notify each agency or office using electronic means.
10.28 Upon receiving notification of an expungement, an agency or office shall seal all records
10.29 related to the expungement, including the records of the person's arrest, indictment, trial,
10.30 verdict, and dismissal or discharge of the case. Notice must also clearly state that persons
10.31 who are noncitizens may need copies of these records for immigration purposes, explain
10.32 how they can obtain these copies after expungement or other granted relief, and state that
10.33 a noncitizen should consult with an immigration attorney.

11.1 (e) Data on a person whose offense has been expunged under this subdivision, including
 11.2 any notice sent pursuant to paragraph (d) are private data on individuals as defined in section
 11.3 13.02, subdivision 12.

11.4 (f) In any subsequent prosecution of a person with a prior expunged criminal record, a
 11.5 prosecutor may include the person's expunged criminal record in a complaint or other
 11.6 charging document if permitted by applicable law and the rules of criminal procedure.

11.7 (g) The subject whose record qualifies for expungement shall be given access to copies
 11.8 of the records of arrest, conviction, or incarceration, including but not limited for immigration
 11.9 purposes.

11.10 (h) Relief granted under this subdivision shall not impact the ability of a petitioner to
 11.11 file for relief under section 590.01."

11.12 Page 195, line 30, delete "August 1, 2023" and insert "January 1, 2025"

11.13 Page 196, line 19, delete "cannabinoid" and insert "cannabis"

11.14 Page 197, line 19, delete "case" and insert "court file"

11.15 Page 200, delete lines 4 and 5

11.16 Page 200, line 6, delete "(6)" and insert "(5)"

11.17 Page 200, line 8, delete "(7)" and insert "(6)"

11.18 Page 201, delete lines 20 to 22

11.19 Page 201, line 23, delete "August 1, 2023" and insert "January 1, 2025"

11.20 Page 201, after line 23, insert:

11.21 "Sec. 7. **[609A.07] RESTORATION OF FIREARMS RIGHTS.**

11.22 Any person who is prohibited from possessing a firearm or ammunition based on a prior
 11.23 adjudication or conviction for a cannabis-related offense who receives an expungement or
 11.24 other relief under section 609A.05 or 609A.06 shall have their right to possess firearms and
 11.25 ammunition restored if the person is otherwise eligible to possess the item."

11.26 Page 206, after line 26, insert:

11.27 "Sec. 7. Minnesota Statutes 2022, section 97B.065, subdivision 1, is amended to read:

11.28 Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm
 11.29 or by archery:

- 12.1 (1) when the person is under the influence of alcohol;
- 12.2 (2) when the person is under the influence of a controlled substance, as defined in section
- 12.3 ~~152.01~~ 169A.03, subdivision ~~4~~ 6;
- 12.4 (3) when the person is under the influence of a combination of any two or more of the
- 12.5 elements in clauses (1) and (2);
- 12.6 (4) when the person's alcohol concentration is 0.08 or more;
- 12.7 (5) when the person's alcohol concentration as measured within two hours of the time
- 12.8 of taking is 0.08 or more; or
- 12.9 (6) when the person is under the influence of an intoxicating substance as defined in
- 12.10 section 169A.03, subdivision 11a, and the person knows or has reason to know that the
- 12.11 substance has the capacity to cause impairment.
- 12.12 (b) An owner or other person having charge or control of a firearm or bow may not
- 12.13 authorize or permit an individual the person knows or has reason to believe is under the
- 12.14 influence of alcohol or a controlled substance, as provided under paragraph (a), to possess
- 12.15 the firearm or bow in this state or on a boundary water of this state.
- 12.16 (c) A person may not possess a loaded or uncased firearm or an uncased bow afield
- 12.17 under any of the conditions in paragraph (a).

12.18 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

12.19 committed on or after that date.

12.20 Sec. 8. Minnesota Statutes 2022, section 97B.066, is amended by adding a subdivision to

12.21 read:

12.22 **Subd. 12. Definition.** As used in this section, "controlled substance" has the meaning

12.23 given in section 169A.03, subdivision 6.

12.24 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

12.25 committed on or after that date."

12.26 Page 208, lines 11, 14, 16, 26, 29, 30, and 32, delete "cannabinoid" and insert "cannabis"

12.27 Page 209, lines 5, 13, 15, 16, 22, 25, 26, 33, and 34, delete "cannabinoid" and insert

12.28 "cannabis"

12.29 Page 209, line 28, delete "cannabinoid" and insert "cannabis" and delete "cannabinoid"

12.30 and insert "cannabis"

12.31 Page 216, after line 24, insert:

- 13.1 "Sec. 23. Minnesota Statutes 2022, section 169A.03, subdivision 6, is amended to read:
- 13.2 Subd. 6. **Controlled substance.** "Controlled substance" has the meaning given in section
- 13.3 152.01, subdivision 4. The term also includes hemp as defined in section 152.22, subdivision
- 13.4 5a.
- 13.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
- 13.6 committed on or after that date."
- 13.7 Page 217, lines 9, 10, 14, and 25, delete "cannabinoid" and insert "cannabis"
- 13.8 Page 218, line 8, delete "cannabinoid" and insert "cannabis"
- 13.9 Page 220, line 13, delete "cannabinoid" and insert "cannabis"
- 13.10 Page 224, lines 20 and 23, delete "cannabinoid" and insert "cannabis"
- 13.11 Page 227, after line 4, insert:
- 13.12 "Sec. 40. Minnesota Statutes 2022, section 192A.555, is amended to read:
- 13.13 **192A.555 DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS**
- 13.14 **DRIVING.**
- 13.15 Any person subject to this code who drives, operates or is in physical control of any
- 13.16 motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled
- 13.17 substance as defined in section 169A.03, subdivision 6, or a combination thereof or whose
- 13.18 blood contains 0.08 percent or more by weight of alcohol or who operates said motor vehicle
- 13.19 or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.
- 13.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
- 13.21 committed on or after that date."
- 13.22 Page 233, line 20, delete "lower"
- 13.23 Page 233, line 21, delete "potency edible product" and insert "lower-potency hemp
- 13.24 edible"
- 13.25 Page 233, lines 27 and 28, delete "lower potency edible product" and insert
- 13.26 "lower-potency hemp edible"
- 13.27 Page 234, line 24, delete "lower potency edible products" and insert "lower-potency
- 13.28 hemp edibles"
- 13.29 Page 234, after line 29, insert:

14.1 "Sec. 50. Minnesota Statutes 2022, section 609.2111, is amended to read:

14.2 **609.2111 DEFINITIONS.**

14.3 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision
14.4 have the meanings given them.

14.5 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes
14.6 attached trailers.

14.7 (c) "Controlled substance" has the meaning given in section ~~152.01~~ 169A.03, subdivision
14.8 4 6.

14.9 (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

14.10 (e) "Qualified prior driving offense" includes a prior conviction:

14.11 (1) for a violation of section 169A.20 under the circumstances described in section
14.12 169A.24 or 169A.25;

14.13 (2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,
14.14 subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114,
14.15 subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6);

14.16 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

14.17 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
14.18 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
14.19 clauses (2) to (6).

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

14.22 Page 236, line 7, delete "cannabinoid" and insert "cannabis"

14.23 Page 238, line 32, delete "cannabinoid" and insert "cannabis"

14.24 Page 241, line 17, delete "cannabinoid" and insert "cannabis"

14.25 Page 241, line 22, strike "152.01" and insert "169A.03" and strike "4" and insert "6"

14.26 Page 242, after line 2, insert:

14.27 "Sec. 63. Minnesota Statutes 2022, section 624.7143, is amended by adding a subdivision
14.28 to read:

14.29 **Subd. 6. Definition.** As used in this section, "controlled substance" has the meaning
14.30 given in section 169A.03, subdivision 6.

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

15.3 Page 242, lines 23 and 29, delete "cannabinoid" and insert "cannabis"

15.4 Page 243, line 9, delete "cannabinoid" and insert "cannabis"

15.5 Page 277, lines 21, 23, 30, and 32, delete "cannabinoid" and insert "cannabis"

15.6 Renumber the subdivisions and sections in sequence

15.7 Amend the title numbers accordingly

15.8 And when so amended the bill be re-referred to the Committee on Rules and
 15.9 Administration without recommendation. Amendments adopted. Report adopted.

15.10 
 15.11
 (Committee Chair)

15.12 March 17, 2023.....
 15.13 (Date of Committee recommendation)