

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2371

(SENATE AUTHORS: DIBBLE)		
DATE	D-PG	OFFICIAL STATUS
03/10/2025	714	Introduction and first reading
		Referred to Commerce and Consumer Protection
03/20/2025		Comm report: To pass as amended and re-refer to Health and Human Services

1.1

A bill for an act

1.2

relating to state government; modifying medical cannabis provisions; amending

1.3

Minnesota Statutes 2024, sections 342.01, by adding subdivisions; 342.09,

1.4

subdivision 2; 342.51, subdivision 2, by adding a subdivision; 342.52, subdivision

1.5

9; 342.57.

1.6

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

1.7

Section 1. Minnesota Statutes 2024, section 342.01, is amended by adding a subdivision

1.8

to read:

1.9

Subd. 69c. Tribal medical cannabis board. "Tribal medical cannabis board" means an

1.10

agency established by a federally recognized Tribal government and authorized by the

1.11

Tribe's governing body to provide regulatory oversight and monitor compliance with a

1.12

Tribal medical cannabis program and applicable regulations.

1.13

Sec. 2. Minnesota Statutes 2024, section 342.01, is amended by adding a subdivision to

1.14

read:

1.15

Subd. 69d. Tribal medical cannabis program. "Tribal medical cannabis program"

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means a program established by a federally recognized Tribal government within the

1.17

boundaries of Minnesota that involves the commercial production, processing, sale or

1.18

distribution, and possession of medical cannabis and medical cannabis products.

1.19

Sec. 3. Minnesota Statutes 2024, section 342.01, is amended by adding a subdivision to

1.20

read:

1.21

Subd. 69e. Tribal medical cannabis program patient. "Tribal medical cannabis program

1.22

patient" means a person who possesses a valid registration verification card or equivalent

document that is issued under the laws or regulations of a Tribal Nation within the boundaries of Minnesota. A valid registration verification card must verify that the card holder is enrolled in or authorized to participate in a Tribal medical cannabis program.

Sec. 4. Minnesota Statutes 2024, section 342.09, subdivision 2, is amended to read:

Subd. 2. **Home cultivation of cannabis for personal adult use.** (a) Up to eight cannabis plants, with no more than four being mature, flowering plants may be grown at a single residence, including the curtilage or yard, without a license to cultivate cannabis issued under this chapter provided that cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked space that is not open to public view.

(b) Pursuant to section 342.52, subdivision 9, paragraph (d), a registered designated caregiver may cultivate up to eight cannabis plants for not more than one patient household. In addition to eight cannabis plants for one patient household, a registered designated caregiver may cultivate up to eight cannabis plants for the caregiver's personal adult use of cannabis. Of the 16 or fewer total cannabis plants being grown in the registered caregiver's residence, no more than eight may be mature, flowering plants.

Sec. 5. Minnesota Statutes 2024, section 342.51, subdivision 2, is amended to read:

Subd. 2. **Distribution requirements.** (a) Prior to distribution of medical cannabis flower or medical cannabinoid products to a person enrolled in the registry program, an employee ~~with a valid medical cannabis consultant certificate issued by the office or a licensed pharmacist under chapter 151~~ of a cannabis business must:

(1) review and confirm the patient's enrollment in the registry program;

(2) verify that the person requesting the distribution of medical cannabis flower or medical cannabinoid products is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse using the procedures established by the office;

(3) ~~provide~~ confirm that the patient had a consultation to the patient with (i) an employee with a valid medical cannabis consultant certificate issued by the office; or (ii) an employee who is a licensed pharmacist under chapter 151 to determine the proper medical cannabis flower or medical cannabinoid product, dosage, and paraphernalia for the patient if required under subdivision 3;

(4) apply a patient-specific label on the medical cannabis flower or medical cannabinoid product that includes recommended dosage requirements and other information as required by the office; and

(5) provide the patient with any other information required by the office.

(b) A cannabis business with a medical cannabis retail endorsement may not deliver medical cannabis flower or medical cannabinoid products to a person enrolled in the registry program unless the cannabis business with a medical cannabis retail endorsement also holds a cannabis delivery service license. The delivery of medical cannabis flower and medical cannabinoid products are subject to the provisions of section 342.42.

Sec. 6. Minnesota Statutes 2024, section 342.51, is amended by adding a subdivision to read:

Subd. 2a. **Distribution to Tribal medical cannabis program patients.** (a) A cannabis business with a medical cannabis retail endorsement may distribute medical cannabis flower or medical cannabinoid products to a Tribal medical cannabis program patient.

(b) Before receiving a distribution of medical cannabis, a Tribal medical cannabis program patient must provide to an employee of the cannabis business:

(1) a valid medical cannabis registration verification card or equivalent document issued by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program patient is authorized to use medical cannabis on Indian lands over which the Tribe has jurisdiction; and

(2) a valid photographic identification card issued by the Tribal medical cannabis program, a valid driver's license, or a valid state identification card.

(c) Prior to the distribution of medical cannabis flower or medical cannabinoid products to a Tribal medical cannabis program patient, an employee of a cannabis business must:

(1) ensure that a patient-specific label has been applied to all medical cannabis flower and medical cannabinoid products. The label must include the recommended dosage requirements and other information required by the office; and

(2) provide the patient with any other information required by the office.

(d) For each transaction that involves a Tribal medical cannabis program patient, a cannabis business with a medical cannabis retail endorsement must report to the office on a weekly basis:

(1) the name of the Tribal medical cannabis program patient;

4.1 (2) the name of the Tribal medical cannabis program in which the Tribal medical cannabis
4.2 program patient is enrolled;

4.3 (3) the amount and dosages of medical cannabis distributed;

4.4 (4) the chemical composition of the medical cannabis distributed; and

4.5 (5) the tracking number assigned to the medical cannabis that was distributed to the
4.6 Tribal medical cannabis program patient.

4.7 (e) A cannabis business with a medical cannabis retail endorsement may distribute
4.8 medical cannabis flower and medical cannabinoid products to a Tribal medical cannabis
4.9 program patient in a motor vehicle if:

4.10 (1) an employee of the cannabis business receives payment and distributes medical
4.11 cannabis flower and medical cannabinoid products in a designated zone that is as close as
4.12 feasible to the front door of the facility where the cannabis business is located;

4.13 (2) the cannabis business with a medical cannabis retail endorsement ensures that the
4.14 receipt of payment and distribution of medical cannabis flower and medical cannabinoid
4.15 products are visually recorded by a closed-circuit television surveillance camera and provides
4.16 any other necessary security safeguards required by the office;

4.17 (3) the cannabis business with a medical cannabis retail endorsement does not store
4.18 medical cannabis flower or medical cannabinoid products outside a restricted access area;

4.19 (4) an employee of the cannabis business transports medical cannabis flower and medical
4.20 cannabinoid products from a restricted access area to the designated zone for distribution
4.21 to patients only after confirming that the patient enrolled in the registry program has arrived
4.22 in the designated zone;

4.23 (5) the payment for and distribution of medical cannabis flower and medical cannabinoid
4.24 products to a patient only occurs after meeting the requirements in paragraph (b);

4.25 (6) immediately following the distribution of medical cannabis flower or medical
4.26 cannabinoid products to a patient, an employee of the cannabis business records the
4.27 transaction in the statewide monitoring system; and

4.28 (7) immediately following the distribution of medical cannabis flower and medical
4.29 cannabinoid products, an employee of the cannabis business transports all payments received
4.30 into the facility where the cannabis business is located.

Sec. 7. Minnesota Statutes 2024, section 342.52, subdivision 9, is amended to read:

Subd. 9. Registered designated caregiver. (a) The office must register a designated caregiver for a patient if the patient requires assistance in administering medical cannabis flower or medical cannabinoid products; obtaining medical cannabis flower, medical cannabinoid products, or medical cannabis paraphernalia from a cannabis business with a medical cannabis retail endorsement; or cultivating cannabis plants as permitted by section 342.09, subdivision 2.

(b) In order to serve as a designated caregiver, a person must:

(1) be at least 18 years of age;

(2) agree to only possess the patient's medical cannabis flower and medical cannabinoid products for purposes of assisting the patient; and

(3) agree that if the application is approved, the person will not serve as a registered designated caregiver for more than six registered patients at one time. Patients who reside in the same residence count as one patient.

(c) Nothing in this section shall be construed to prevent a registered designated caregiver from being enrolled in the registry program as a patient and possessing and administering medical cannabis flower or medical cannabinoid products as a patient.

(d) Notwithstanding any law to the contrary, a registered designated caregiver approved to assist a patient enrolled in the registry program with obtaining medical cannabis flower may cultivate cannabis plants on behalf of one patient. A registered designated caregiver may grow up to eight cannabis plants for the patient household that the registered designated caregiver is approved to assist with obtaining medical cannabis flower. If a patient enrolled in the registry program directs the patient's registered designated caregiver to cultivate cannabis plants on behalf of the patient, the patient must assign the patient's right to cultivate cannabis plants to the registered designated caregiver and the notify the office. A patient who assigns the patient's right to cultivate cannabis plants to a registered caregiver is prohibited from cultivating cannabis plants for personal use. Nothing in this paragraph limits the right of a registered designated caregiver cultivating cannabis plants on behalf of a patient enrolled in the registry program to also cultivate cannabis plants for personal use pursuant to section 342.09, subdivision 2.

Sec. 8. Minnesota Statutes 2024, section 342.57, is amended to read:

342.57 PROTECTIONS FOR REGISTRY PROGRAM PARTICIPANTS.

Subdivision 1. **Presumption.** (a) There is a presumption that ~~a patient or other person~~ an individual enrolled in the registry program or a Tribal medical cannabis program patient is engaged in the authorized use or possession of medical cannabis flower and medical cannabinoid products.

(b) This presumption may be rebutted by evidence that:

(1) the use or possession of medical cannabis flower or medical cannabinoid products by a patient or other person enrolled in the registry program was not for the purpose of assisting with, treating, or alleviating the patient's qualifying medical condition or symptoms associated with the patient's qualifying medical condition; or

(2) a Tribal medical cannabis program patient's use of medical cannabis was not for a purpose authorized by the Tribal medical cannabis program.

Subd. 2. **Criminal and civil protections.** (a) Subject to section 342.56, the following are not violations of this chapter or chapter 152:

(1) use or possession of medical cannabis flower, medical cannabinoid products, or medical cannabis paraphernalia by a patient enrolled in the registry program ~~or by~~ a visiting patient, or a Tribal medical cannabis program patient to whom medical cannabis flower or medical cannabinoid products are distributed under section 342.51, subdivision 5;

(2) possession of medical cannabis flower, medical cannabinoid products, or medical cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or spouse of a patient enrolled in the registry program; or

(3) possession of medical cannabis flower, medical cannabinoid products, or medical cannabis paraphernalia by any person while carrying out duties required under sections 342.51 to 342.60.

(b) The Office of Cannabis Management, members of the Cannabis Advisory Council, Office of Cannabis Management employees, agents or contractors of the Office of Cannabis Management, members of a Tribal medical cannabis board, a Tribal medical cannabis board's staff, a Tribal medical cannabis board's agents or contractors, and health care practitioners participating in the registry program are not subject to any civil penalties or disciplinary action by the Board of Medical Practice, the Board of Nursing, or any business, occupational, or professional licensing board or entity solely for participating in the registry program or in a Tribal medical cannabis program either in a professional capacity or as a patient. A

pharmacist licensed under chapter 151 is not subject to any civil penalties or disciplinary action by the Board of Pharmacy when acting in accordance with sections 342.51 to 342.60 either in a professional capacity or as a patient. Nothing in this section prohibits a professional licensing board from taking action in response to a violation of law.

(c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the governor, or an employee of a state agency must 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 342.51 to 342.60.

(d) Federal, state, and local law enforcement authorities are prohibited from accessing the registry except when acting pursuant to a valid search warrant. Notwithstanding section 13.09, a violation of this paragraph is a gross misdemeanor.

(e) Notwithstanding any law to the contrary, the office and employees of the office must not release data or information about an individual contained in any report or document or in the registry and must not release data or information obtained about a patient enrolled in the registry program, except as provided in sections 342.51 to 342.60. Notwithstanding section 13.09, a violation of this paragraph is a gross misdemeanor.

(f) No information contained in a report or document, contained in the registry, or obtained from a patient under sections 342.51 to 342.60 or from a Tribal medical cannabis program patient may be admitted as evidence in a criminal proceeding, unless:

(1) the information is independently obtained; or

(2) admission of the information is sought in a criminal proceeding involving a criminal violation of sections 342.51 to 342.60.

(g) Possession of a registry verification or an application for enrollment in the registry program and possession of a verification or its equivalent issued by a Tribal medical cannabis program or application for enrollment in a Tribal medical cannabis program by a person entitled to possess the verification or application:

(1) does not constitute probable cause or reasonable suspicion;

(2) must not be used to support a search of the person or property of the person with a registry verification or application to enroll in the registry program; and

(3) must not subject the person or the property of the person to inspection by any government agency.

8.1 (h) A patient enrolled in the registry program must not be subject to any penalty or
8.2 disciplinary action by an occupational or a professional licensing board solely because:

8.3 (1) the patient is enrolled in the registry program; or

8.4 (2) the patient has a positive test for cannabis components or metabolites.

8.5 Subd. 3. **School enrollment; rental property.** (a) No school may refuse to enroll or
8.6 otherwise penalize a patient or person enrolled in the registry program as a pupil solely
8.7 because the patient or person is enrolled in the registry program or a Tribal medical cannabis
8.8 program, unless failing to do so would violate federal law or regulations or cause the school
8.9 to lose a monetary or licensing-related benefit under federal law or regulations.

8.10 (b) No landlord may refuse to lease to a patient or person enrolled in the registry program
8.11 or otherwise penalize a patient or person enrolled in the registry program solely because
8.12 the patient or person is enrolled in the registry program or a Tribal medical cannabis program,
8.13 unless failing to do so would violate federal law or regulations or cause the landlord to lose
8.14 a monetary or licensing-related benefit under federal law or regulations.

8.15 (c) A school must not refuse to enroll a patient as a pupil solely because cannabis is a
8.16 controlled substance according to the Uniform Controlled Substances Act, United States
8.17 Code, title 21, section 812.

8.18 (d) A school must not penalize a pupil who is a patient solely because cannabis is a
8.19 controlled substance according to the Uniform Controlled Substances Act, United States
8.20 Code, title 21, section 812.

8.21 (e) A landlord must not refuse to lease a property to a patient solely because cannabis
8.22 is a controlled substance according to the Uniform Controlled Substances Act, United States
8.23 Code, title 21, section 812.

8.24 (f) A landlord must not otherwise penalize a patient solely because cannabis is a controlled
8.25 substance according to the Uniform Controlled Substances Act, United States Code, title
8.26 21, section 812.

8.27 Subd. 4. **Medical care.** For purposes of medical care, including organ transplants, a
8.28 patient's use of medical cannabis flower or medical cannabinoid products according to
8.29 sections 342.51 to 342.60, or a Tribal medical cannabis program patient's use of medical
8.30 cannabis as authorized by the Tribal medical cannabis program, is considered the equivalent
8.31 of the authorized use of a medication used at the discretion of a health care practitioner and
8.32 does not disqualify a patient from needed medical care.

Subd. 5. **Employment.** (a) Unless a failure to do so would violate federal or state 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 on:

(1) the person's status as ~~a patient or person~~ an individual enrolled in the registry program; ~~or~~

(2) the person's status as a Tribal medical cannabis program patient; or

~~(2)~~ (3) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, sold, transported, or was impaired by medical cannabis flower or a medical cannabinoid product on work premises, during working hours, or while operating an employer's machinery, vehicle, or equipment.

(b) An employee who is a patient in the registry program or a Tribal medical cannabis program and whose employer requires the employee to undergo drug testing according to section 181.953 may present the employee's registry verification or verification of enrollment in a Tribal medical cannabis program as part of the employee's explanation under section 181.953, subdivision 6.

Subd. 5a. **Notice.** An employer, a school, or a landlord must provide written notice to a patient at least 14 days before the employer, school, or landlord takes an action against the patient that is prohibited under subdivision 3 or 5. The written notice must cite the specific federal law or regulation that the employer, school, or landlord believes would be violated if the employer, school, or landlord fails to take action. The notice must specify what monetary or licensing-related benefit under federal law or regulations that the employer, school, or landlord would lose if the employer, school, or landlord fails to take action.

Subd. 6. **Custody; visitation; parenting time.** A person must not be denied custody of a minor child or visitation rights or parenting time with a minor child based solely on the person's status as ~~a patient or person~~ an individual enrolled in the registry program or on the person's status as a Tribal medical cannabis program patient. There must be no presumption of neglect or child endangerment for conduct allowed under sections 342.51 to 342.60 or under a Tribal medical cannabis program, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

10.1 Subd. 6a. **Retaliation prohibited.** A school, a landlord, a health care facility, or an
10.2 employer must not retaliate against a patient for asserting the patient's rights or seeking
10.3 remedies under this section or section 152.32.

10.4 Subd. 7. **Action for damages; injunctive relief.** In addition to any other remedy provided
10.5 by law, ~~a patient or person~~ an individual enrolled in the registry program or a Tribal medical
10.6 cannabis program may bring an action for damages against any person who violates
10.7 subdivision 3, 4, or 5. A person who violates subdivision 3, 4, or 5 is liable to ~~a patient or~~
10.8 ~~person~~ an individual enrolled in the registry program or a Tribal medical cannabis program
10.9 injured by the violation for the greater of the person's actual damages or a civil penalty of
10.10 ~~\$100~~ \$1,000 and reasonable attorney fees. A patient may bring an action for injunctive relief
10.11 to prevent or end a violation of subdivisions 3 to 6a.

10.12 Subd. 8. **Sanctions restricted for those on parole, supervised release, or conditional**
10.13 **release.** (a) This subdivision applies to an individual placed on parole, supervised release,
10.14 or conditional release.

10.15 (b) The commissioner of corrections may not:

10.16 (1) prohibit an individual from participating in the registry program or a Tribal medical
10.17 cannabis program as a condition of release; or

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

10.20 (i) for participating in the registry program or a Tribal medical cannabis program; or

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