

March 3, 2021

Rep. Aisha Gomez
529 State Office Building
St. Paul, MN 55155
rep.aisha.gomez@house.mn

Representative Gomez,

Thank you for providing the Department of Corrections (DOC) the opportunity to provide feedback on your bill, HF 1020. We have no concerns with the language as introduced.

DOC has policy that is consistent with this legislation: DOC Policy 205.231, Section A, 5 governing medical cannabis use. This policy permits individuals on parole, supervised release, or conditional release who are enrolled in the medical cannabis state registry program, to use and possess medical cannabis provided they do so in accordance with state law and provide verification to the supervision agent that they are on the state registry. Use and possession of medical cannabis in accordance with these requirements is not considered a violation of an individual's conditions of release, and may not be the basis for a restructure or revocation of release. Please note that DOC policy is limited to individuals on parole, supervised release, and conditional release. It does not apply to individuals on pre-trial supervision or probation as conditions for those are set by the courts.

The Department of Corrections believes that all people should have access to the health care they need, including criminal justice involved individuals. I have attached a copy of the memo we sent out to our partners who provide community supervision in regards to the policy change. Please do not hesitate to reach out to me with any additional questions you may have.

Sincerely,



Safia Khan

Director, Government and External Relations

Date: March 25, 2019
To: **MACPO, MACCAC, CSAC**
From: Deputy Commissioner Sarah Walker
Subject: Approved Medical Cannabis Use

In 2014, the Minnesota legislature passed the THC Therapeutic Research Act, which allows state residents to use and possess cannabis for specified medical purposes if certain conditions are met. The DOC previously determined that offenders on parole, supervised release, or conditional release could not use medical cannabis.

Upon review, the DOC has decided to depart from its prior position on the use and possession of medical cannabis by offenders being supervised in the community in Minnesota. Effective April 1, 2019, all offenders on parole, supervised release, or conditional release will be allowed to use and possess medical cannabis provided they do so in accordance with state law and provide verification to the supervision agent that they are on the state registry. Use and possession of medical cannabis in accordance with these requirements will not be considered a violation of an offender's conditions of release, and may not be the basis for a restructure or revocation of release.

Agents will proceed with chemical usage testing per DOC policy. If an offender tests positive for THC, the offender will not be taken into custody if that test result would otherwise constitute the sole alleged violation. The individuals will have a reasonable period of time within which to provide the agent with verification that they are on the state registry for use of medical cannabis pending a restructure or violation hearing.

This change in policy is not retroactive, it does not apply to restructure of conditions of release or findings of violation prior to April 1, 2019 and does not apply to offenders being supervised by the DOC on probation because courts set the conditions of probation. For offenders on probation, DOC agents will continue to submit violation reports to the court per DOC policy for offenders who test positive for controlled substances absent a prior ruling to the contrary by the court.