



Sensible policies, safer communities.

May 11, 2023

Representative Zack Stephenson
449 State Office Building
St. Paul, MN 55155

Senator Lindsey Port
95 University Avenue W.
Minnesota Senate Bldg., Room 3213
St. Paul, MN 55155

Re: HF100/SF73 Cannabis Omnibus Bill

Senator Port, Representative Stephenson, and Conferees:

Thank you for the opportunity to provide further comment on the provisions in HF100 following release of the agreed upon language.

- The inclusion of medical cannabis as an endorsement on the mezzo cannabis business license will help promote access to culturally competent, geographically accessible medical cannabis retailers and high-quality medical cannabis products. **Thank you for the work over the past few days to respond to this request.**
- Removing the patient registry fee is an important step toward accessibility and affordability for the medical cannabis program. However, requiring a renewal every 3-years is problematic, as much of the cost for patients to register, and renew, is the cash cost of seeing a certifying health care provider. (R111; House lines 110.3-110.5)
- The limiters of "severe or chronic pain, nausea or severe vomiting; or cachexia or severe wasting" remain included for cancer and terminal illness as a qualifying condition. The Senate had removed these additional 'qualifiers' - and this is a long-standing request from our team. It should be up to the certifying health care practitioner on whether the patient should be qualified for medical cannabis based on these conditions, not statute. This was language included in 2014 at the request of law enforcement - it is unnecessary in 2023. (A33 line 11.21-11.23 and 12.12-12.14)
- We appreciate the inclusion of language that ensures patients in health care facilities, including hospice, have access to their medical cannabis. However, we are incredibly disappointed that [our language strengthening patient protections](#) was not included. This is a priority that we have pursued for the past five years, and understood as recently as yesterday, Saturday, May 13th, that this language would be included. **We urge the conference to reconsider excluding these measures that shift the power burden**

from patients to those in the position of power - landlords and employers. (R118-R121)

- Sensible Change Minnesota also urges the patient-protection related provisions be adopted to chapter 152 for the intervening time between now and January 1, 2025, when the new medical cannabis laws take effect. Many patients will suffer due to the delay in implementation of the health care facility protection, and patients will continue to be without the ability to recover attorney's fees in discrimination cases - a burden they have carried for almost a decade. (R117, Senate 122.6-123.7; House Section 57 at R118, line 116.18)

Further, it is incredibly disheartening to see the possession limit set at 2 pounds, with no accommodation for home grow, followed by a felony for possession of over 2 pounds. This will create felons and further perpetrate the failed war on cannabis that Minnesotans, including yourselves, have worked so hard to end. In states where cannabis was legalized, *racial disparities in arrests **increased** following legalization*. It is incredibly important that we are not putting Minnesotans in the position of being felons because they harvested the cannabis plants, they were permitted to grow under state law.

Finally, escalating over limit possession immediately to a felony is completely unacceptable, and we expect better from our lawmakers who have committed to ending the war on cannabis. At the very least, providing a petty misdemeanor 'buffer' to possession over limit will help prevent the unjust and cruel prosecution of Minnesotans for cannabis possession - especially for the cannabis they grow at home under this new law.

We continue to appreciate the work you have put into this monumental legislation and hope we can address these remaining issues. Throughout the process, the hemp and cannabis industry needs have been highlighted - while the patients and consumers have taken a back seat. Don't disappoint the primary beneficiaries of this bill.

/s/Jessica Hauser
Jessica Hauser, Co-Founder & Director

/s/Andrea Devora
Andrea Devora, Co-Founder & Director

/s/Claire Van den Berghe
Claire Van den Bergh, Director

/s/Samuel Poquette
Samuel Poquette, Director

/s/Gunnar Aas
Gunnar Aas, Co-Founder & Director

/s/Maren Schroeder
Maren Schroeder, Co-Founder & Policy Director

With attachment

Patient protection enhancements - SBS Article 1

R119; After House line 118.9 insert

(h) No registered patient may be subject to penalty or disciplinary action by a court or occupational or professional licensing board solely because the patient is enrolled in the registry program or a positive drug test for cannabis components or metabolites.

Provides protection for licensed professionals in Minnesota.

R120; After House Line 118.18 insert

(c) Discrimination may not be solely based on the fact that cannabis is a Schedule I drug pursuant to the federal Controlled Substances Act.

Carry over the threshold to violate state law by landlords in patient discrimination cases.

R120; After House Line 119.3 insert

(c) Discrimination may not be solely based on the fact that cannabis is a Schedule I drug pursuant to the federal Controlled Substances Act.

Carry over the threshold to violate state law by employers in patient discrimination cases.

R120; After House Line 119.9 insert

Subd. 7. Notice. (a) An employer, school, or landlord must provide written notice to the program enrollee at the time of discrimination and cite the federal law or regulations that would be violated and also, if applicable, what monetary or licensing-related benefit under federal law or regulations would be lost. Failure to provide such notice shall be a presumed violation of this section.

Puts onus on authorities that are discriminating against patients to state their basis for doing so.

Subd 8. Retaliation prohibited. A school, landlord, health care facility, or employer must not retaliate against a patient for asserting the rights and remedies provided in this section or section 152.321.

Prohibits retaliation against patients for asserting their rights under this section.

Renumber accordingly

R120; At House line 119.13

The greater of the person's actual damages or a civil penalty of ~~\$100~~ \$1,000 and reasonable attorney fees.

(b) A patient may bring an action for injunctive relief requesting the district court to enjoin a person who violates section 342.56 subdivisions 3 to 7.

The current penalty in the bill is insufficient to deter discrimination and make-good for a patient who likely has difficulty proving damages in a civil lawsuit. Also allows for an injunctive suit to enjoin a landlord, school, healthcare facility, or employer from discriminating against the patient on the sole basis of their registry status or a failed drug test.

R121; After Senate Line 126.24

Subd. 9. **Probation; supervised release.** (a) A court shall not prohibit a person from participating in the registry program as a condition of probation, parole, pretrial conditional release, or supervised release or revoke a patient's probation, parole, pretrial conditional release, or supervised release or otherwise sanction a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh participation in the registry program, or positive drug test for cannabis components or metabolites by registry participants, or both, as a factor when considering penalties for violations of probation, parole, pretrial conditional release, or supervised release.