

**Subject** Tribal medical cannabis programs

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### Overview

The medical cannabis registry program is administered by the commissioner of health and allows patients with qualifying medical conditions to register with the program and obtain medical cannabis from a medical cannabis manufacturer registered by the commissioner. This bill allows the governor or designated representative to negotiate compacts with Indian Tribes to regulate medical cannabis and medical cannabis products. It also requires the commissioner of health to enroll in the state registry program, patients enrolled in a Tribal medical cannabis program; provides that certain medical cannabis statutes include a Tribal medical cannabis program administered by a Tribal medical cannabis board; and requires manufacturers registered with a Tribal medical cannabis board to comply with certain requirements for manufacturers registered by the commissioner.

### Summary

Section	Description
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| 1 | <b>Disqualifying felony offense.</b><br>Amends § 152.22, subd. 3. Amends the definition of disqualifying felony offense for the medical cannabis program statutes, to authorize a Tribal medical cannabis board to determine that a violation of state or federal law that would otherwise be a disqualifying offense was for the medical use of cannabis or assisting with the medical use of cannabis. (Under current law the commissioner of health is authorized to make these determinations.) |
| 2 | <b>Indian lands.</b><br>Adds subd. 5d to § 152.22. Adds a definition of Indian lands to the medical cannabis program statutes.  |

<b>Section</b>	<b>Description</b>
3	<p><b>Medical cannabis manufacturer.</b></p> <p>Amends § 152.22, subd. 7. Amends the definition of medical cannabis manufacturer for the medical cannabis program statutes, to include an entity authorized by Tribal compact to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, and related supplies and educational materials.</p>
4	<p><b>Patient.</b></p> <p>Amends § 152.22, subd. 9. Amends the definition of patient for the medical cannabis program statutes, to include a Tribal member who was diagnosed with a qualifying medical condition and who otherwise meets the requirements for patients to participate in the registry program.</p>
5	<p><b>Patient registry number.</b></p> <p>Amends § 152.22, subd. 10. Amends the definition of patient registry number for the medical cannabis program statutes, to include a number assigned to a patient enrolled in a Tribal medical cannabis program.</p>
6	<p><b>Registered designated caregiver.</b></p> <p>Amends § 152.22, subd. 11. Amends the definition of registered designated caregiver for the medical cannabis program statutes, to include individuals who meet the criteria listed in this subdivision and are authorized by a Tribal medical cannabis board to assist a patient with the use of medical cannabis.</p>
7	<p><b>Registry verification.</b></p> <p>Amends § 152.22, subd. 13. Amends the definition of registry verification for the medical cannabis statutes, to include verification provided by a Tribal medical cannabis board that a patient is enrolled in a Tribal medical cannabis program.</p>
8	<p><b>Tribal medical cannabis board.</b></p> <p>Adds subd. 15 to § 152.22. Defines Tribal medical cannabis board for the medical cannabis program statutes.</p>
9	<p><b>Tribal medical cannabis program.</b></p> <p>Adds subd. 16 to § 152.22. Defines Tribal medical cannabis program for the medical cannabis program statutes.</p>
10	<p><b>Dual enrollment.</b></p> <p>Adds subd. 6a to § 152.27. In a section establishing the patient registry program, requires the commissioner of health to enroll a Tribal patient in the state registry</p>

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	program after the commissioner receives notice from a Tribal medical cannabis board of a Tribal patient's enrollment in a Tribal medical cannabis program.
11	<b>Manufacturer requirements.</b> Amends § 152.29, subd. 1. Clarifies that the commissioner's duties and authority regarding medical cannabis manufacturers apply to manufacturers registered with the state registry program. Requires a Tribal medical cannabis board to designate geographical service areas to be served by manufacturers registered with a Tribal medical cannabis program. Provides that the two distribution facility limit in each geographical service area for manufacturers in the state registry program also applies to manufacturers registered with a Tribal medical cannabis program. Requires manufacturers registered with a Tribal medical cannabis program to contract with a laboratory to test its medical cannabis for content, contamination, and consistency.
12	<b>Manufacturer; production.</b> Amends § 152.29, subd. 2. Requires a medical cannabis manufacturer registered with a Tribal medical cannabis program to provide the Tribal medical cannabis board with the address of the location where its cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis takes place.
13	<b>Manufacturer; distribution.</b> Amends § 152.29, subd. 3. Current law requires a manufacturer to verify that the manufacturer has received a registry verification from the commissioner for a patient before distributing medical cannabis to a patient. This section expands that requirement to include registry verification from a Tribal medical cannabis board for a patient.
14	<b>Report.</b> Amends § 152.29, subd. 4. Clarifies that the requirement that medical cannabis manufacturers report certain information to the commissioner on a monthly basis, applies to manufacturers registered with the state program.
15	<b>Tribal medical cannabis program; transportation of medical cannabis.</b> Adds § 152.291. Allows a manufacturer registered with a Tribal medical cannabis program to transport medical cannabis to testing laboratories in the state and to other Indian lands. Establishes staffing and identification requirements for motor vehicles used to transport medical cannabis for manufacturers registered with a Tribal medical cannabis program, and requires a transportation manifest in the transport vehicle.

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16	<p><b>Patient duties.</b></p> <p>Amends § 152.30. A new paragraph (b) requires a patient of a Tribal nation to apply to a Tribal medical cannabis board for enrollment in a Tribal medical cannabis program. Upon enrollment, requires the Tribal medical cannabis board to notify the commissioner of the Tribal patient’s enrollment, and requires the commissioner to enroll the patient in the state registry program when the commissioner receives this notice. Provides that Tribal patients are dually enrolled in the Tribal medical cannabis program and the state registry program.</p>
17	<p><b>Data practices.</b></p> <p>Amends § 152.31. Classifies Tribal medical cannabis board data in patient files maintained by the commissioner or a health care practitioner, as private data on individuals or nonpublic data. Specifies that not public data maintained by a Tribal medical cannabis board may not be used for purposes other than those specified in the medical cannabis program statutes, and may not be combined or linked with any other list, dataset, or database.</p>
18	<p><b>Criminal and civil protections.</b></p> <p>Amends § 152.32, subd. 2. Provides that members, agents, and contractors of a Tribal medical cannabis board are not subject to civil or disciplinary penalties issued by a professional licensing board solely for participation in the registry program. Provides that members of the Tribal medical cannabis board may not be held civilly or criminally liable for injury, property loss, or death while acting within the scope of office or employment. Provides that an attorney may not be subject to disciplinary action by a Tribal court for providing legal assistance to manufacturers or others regarding medical cannabis.</p>
19	<p><b>Medical cannabis; compacts to be negotiated with each Tribal nation.</b></p> <p>Adds § 152.40. Authorizes the governor or designated representatives to negotiate compacts with an Indian Tribe regulating medical cannabis and medical cannabis products.</p> <p><b>Subd. 1. Definitions.</b> Defines terms for this section: Indian Tribe, medical cannabis, medical cannabis product.</p> <p><b>Subd. 2. Negotiations authorized.</b> Following a public hearing, authorizes the governor or designated representatives to negotiate a compact with an Indian tribe regulating medical cannabis and medical cannabis products. If designated representatives are used to negotiate, requires members of the legislature to be included in the designated representatives.</p> <p><b>Subd. 3. Terms of compact; rights of parties.</b> Allows a compact under this section to address any issues related to medical cannabis and medical cannabis</p>

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products that affect both the state and Indian Tribe or impact Tribal-state relations, and lists items that a compact must address. Provides that a compact entered into under this section must preserve public health and safety; ensure security of production, processing, retail, and research facilities on Tribal land; and regulate business involving medical cannabis and medical cannabis products that pass between Tribal and non-Tribal land in the state.

**Subd. 4. Taxes and fees.** Provides that a compact agreed to under this section establishes all taxes, fees, assessments, and other charges regarding medical cannabis and medical cannabis products.

**Subd. 5. Civil and criminal immunities.** Provides that the following acts are not a civil or criminal offense when performed by a licensed medical cannabis retailer operated by an Indian Tribe or an employee, according to a compact agreed to under this section: possession, purchase, and receipt of properly packaged, labeled medical cannabis or medical cannabis products; and delivery, distribution, and sale of medical cannabis and medical cannabis products as authorized under a compact.

**Subd. 6. Publication on website; report.** Requires the governor to post a compact agreed to under this section on a publicly accessible website, and requires the governor, attorney general, and designated representatives to annually report to certain legislative committees regarding compacts negotiated and prospective negotiations.



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