

Subject Tribal medical cannabis programs

Authors Freiberg

Analyst Elisabeth Klarqvist

Date March 24, 2022

Overview

This bill makes a number of changes to medical cannabis statutes to address the establishment of Tribal medical cannabis programs by certain Tribal governments in Minnesota. It permits medical cannabis manufacturers to distribute medical cannabis to Tribal medical cannabis program patients; permits patients enrolled in the state registry program to obtain medical cannabis from a Tribal medical cannabis program; provides for transportation of medical cannabis by Tribal medical cannabis programs; and extends protections from civil penalties, disciplinary action, and discrimination to Tribal medical cannabis program patients and to persons working for or providing services to a Tribal medical cannabis program.

Summary

Section	Description
1	Indian lands. Adds subd. 5d to § 152.22. Defines Indian lands in the medical cannabis statutes.
2	Tribal medical cannabis board. Adds subd. 15 to § 152.22. Defines Tribal medical cannabis board in the medical cannabis statutes.
3	Tribal medical cannabis program. Adds subd. 16 to § 152.22. Defines Tribal medical cannabis program in the medical cannabis statutes.
4	Tribal medical cannabis program patient. Adds subd. 17 to § 152.22. Defines Tribal medical cannabis program patient in the medical cannabis statutes.

Section	Description
5	<p>Report.</p> <p>Amends § 152.29, subd. 4. Requires medical cannabis manufacturers to report to the commissioner of health on a weekly basis, information on each Tribal medical cannabis program patient who obtains medical cannabis from the manufacturer.</p>
6	<p>Distribution to Tribal medical cannabis program patient.</p> <p>Adds subd. 5 to § 152.29. Allows a medical cannabis manufacturer to distribute medical cannabis to Tribal medical cannabis program patients. Before distribution, requires a Tribal medical cannabis program patient to provide the manufacturer with a valid medical cannabis registration verification from a Tribal medical cannabis program, and a valid photo identification. Provides that the manufacturer can distribute medical cannabis to Tribal medical cannabis program patients only in a form allowed under state law.</p>
7	<p>Tribal medical cannabis program; manufacturers.</p> <p>Adds § 152.291. Provides that a Tribal medical cannabis program operated by a federally recognized Tribe in Minnesota shall be recognized as a medical cannabis manufacturer. Allows a manufacturer registered with a Tribal medical cannabis program to transport medical cannabis to testing laboratories and to other Indian lands. Requires a transport vehicle to be staffed with at least two manufacturer employees, and requires the employees to carry identification and a transportation manifest.</p>
8	<p>Patient duties.</p> <p>Amends § 152.30. Current law allows a patient to receive medical cannabis and medical cannabis products only from a manufacturer. This section also allows a patient to receive medical cannabis from a Tribal medical cannabis program.</p>
9	<p>Protections for registry program participation or participation in a Tribal medical cannabis program.</p> <p>Amends § 152.32.</p> <p>Subd. 1. Presumption. Extends the presumption that a patient enrolled in the registry program is engaged in the authorized use of medical cannabis to also include Tribal medical cannabis program patients. Allows the presumption to be rebutted by evidence that the Tribal medical cannabis program patient's use of medical cannabis was not for a purpose authorized by the Tribal medical cannabis program.</p> <p>Subd. 2. Criminal and civil protections. Para. (a) provides that the use or possession of medical cannabis or medical cannabis products by a Tribal medical cannabis program patient is not a violation of chapter 152.</p>

Section **Description**

Para. (c) extends protections from civil penalties or disciplinary action for participation in a Tribal medical cannabis program, to members of a Tribal medical cannabis board, Tribal medical cannabis board staff, and agents and contractors of the Tribal medical cannabis board.

Para. (g) prohibits information obtained from a Tribal medical cannabis program patient under the medical cannabis statutes from being submitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of the medical cannabis statutes.

Para. (i) extends the protection to attorneys from disciplinary action for providing legal assistance to prospective or registered manufacturers, to also include protection from disciplinary action by a Tribal court and to include providing legal assistance to a Tribal medical cannabis program.

Para. (j) provides that possession of a verification issued by a Tribal medical cannabis program by a person entitled to possess a verification does not constitute probable cause or reasonable suspicion and cannot be used to support a search of the person or property.

Subd. 3. Discrimination prohibited. Prohibits certain discriminatory conduct based on a person's status as a Tribal medical cannabis program patient.

10 **Intentional diversion; criminal penalty.**

Amends § 152.33, subd. 1. In a subdivision establishing a criminal penalty for transferring medical cannabis to a person other than allowed by law, adds language providing a manufacturer may transfer medical cannabis to a Tribal medical cannabis program patient.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155