

Subject Tribal medical cannabis programs

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Overview

This bill modifies 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 for the medical cannabis statutes.
2	Tribal medical cannabis board. Adds subd. 15 to § 152.22. Defines Tribal medical cannabis board for the medical cannabis statutes.
3	Tribal medical cannabis program. Adds subd. 16 to § 152.22. Defines Tribal medical cannabis program for the medical cannabis statutes.
4	Tribal medical cannabis program manufacturer. Adds subd. 17 to § 152.22. Defines Tribal medical cannabis program manufacturer for the medical cannabis statutes.

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5	<p>Tribal medical cannabis program patient.</p> <p>Adds subd. 18 to § 152.22. Defines Tribal medical cannabis program patient for the medical cannabis statutes.</p>
6	<p>Report.</p> <p>Amends § 152.29, subd. 4. Amends a subdivision governing requirements for medical cannabis manufacturer reports to the commissioner of health, to require a manufacturer to report to the commissioner on a weekly basis, information on transactions between each Tribal medical cannabis program patient and the manufacturer.</p>
7	<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 the state medical cannabis program.</p>
8	<p>Tribal medical cannabis program manufacturer transportation.</p> <p>Adds § 152.291. Allows a Tribal medical cannabis program manufacturer to transport medical cannabis to testing laboratories in the state and to other Indian lands, and requires the motor vehicle used to transport medical cannabis to be staffed with at least two manufacturer employees carrying identification and a transportation manifest.</p>
9	<p>Patient duties.</p> <p>Amends § 152.30. Current law allows a patient enrolled in the state medical cannabis program 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>
10	<p>Protections for registry program or Tribal medical cannabis program participation.</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 a Tribal medical cannabis program patient's use of</p>

Section	Description
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medical cannabis was not for a purpose authorized by the Tribal medical cannabis program.

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, and that possession, dosage determinations, or sale of medical cannabis or medical cannabis products by a Tribal medical cannabis manufacturer or its employees is not a violation of chapter 152.

Para. (c) extends protections from civil penalties or disciplinary action by a licensing board 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 for 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 protection for providing legal assistance to a Tribal medical cannabis program or to a Tribal medical cannabis program manufacturer.

Para. (j) provides that possession of a verification issued by a Tribal medical cannabis program by a person entitled to possess a verification, and possession of an application for enrollment in a Tribal medical cannabis program, 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. Extends the protections from discrimination that currently apply to patients enrolled in the medical cannabis program, to also apply to persons who are Tribal medical cannabis program patients.

11 **Intentional diversion; criminal penalty.**

Amends § 152.33, subd. 1. In a subdivision establishing a criminal penalty if a manufacturer or agent transfers medical cannabis to a person other than allowed by law, adds language exempting manufacturer transfers of medical cannabis to Tribal medical cannabis program patients from this penalty.



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