

## 2019 Legislative Changes for Medical Cannabis

Description	Statutory section modified	Bill citation
<b>Definitions</b>		
Definition of “hemp” added; as “industrial hemp” is defined in §18K.02, subd. 3	Minn.Stat. §152.22, subd. 5a	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §78
Definition of “hemp grower” added; must be licensed under Chapter 18K	Minn.Stat. §152.22, subd. 5b	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §79
Definition of “medical cannabis” is amended to include hemp purchased by manufacturer	Minn.Stat. §152.22, subd. 6(b)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §80
<b>Patients</b>		
The maximum patient supply of medical cannabis is increased from a 30-day to a 90-day supply.	Minn.Stat. §152.29, subd. 3(c)(6)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §95
Standard for when a patient needs a caregiver was changed: <ul style="list-style-type: none"> <li>• Old language: if “the patient is unable to self-administer medication or acquire medical cannabis from” a distribution facility</li> <li>• New language: if “the patient requires assistance in administering medical cannabis or obtaining medical cannabis from” a distribution facility</li> </ul>	Throughout Minn.Stat. §§152.22 – 152.37	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §§81, 87, 88, 89, 92
A patient may also register as a caregiver.	Minn.Stat. §152.27, subd. 4(c)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §89
Requirement that a patient’s qualifying medical condition has to appear on the registry verification was removed	Minn.Stat. §152.22, subd. 13 and §152.27, subd. 6(e)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §82
Recertification examinations by a health care practitioner can be done via telemedicine (as defined in §62A.671, subd. 9 – requires real-time two-way, interactive audio and visual communications)	Minn.Stat. §152.28, subd. 1(c)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §
Medical cannabis laws may be enforced under the Health Enforcement Consolidation Act (HECA)	Minn.Stat. §§144.99 et seq.	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §37
MN Clean Indoor Air Act amended definition of “smoking” so medical cannabis vaping may fall under MCIAA prohibitions/requirements	Minn.Stat. §144.413, subd. 4	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §25
<b>Caregivers</b>		
A caregiver may also register as a patient.	Minn.Stat. §152.27, subd. 4(c)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §89

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Minimum age for designated caregiver is lowered from 21 years to 18 years	Minn.Stat. §152.22, subd. 11; §152.27, subd. 4(a)(1)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §§81, 89
Standard for when a patient needs a caregiver was changed: <ul style="list-style-type: none"> <li>• Old language: if “the patient is unable to self-administer medication or acquire medical cannabis from” a distribution facility</li> <li>• New language: if “the patient requires assistance in administering medical cannabis or obtaining medical cannabis from” a distribution facility</li> </ul>	Throughout Minn.Stat. §§152.22 – 152.37	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §§81, 87, 88, 89, 92
In addition to Parents and Legal Guardians, a Spouse may register as caregiver without having to qualify as a designated caregiver	Throughout Minn.Stat. §§152.22 – 152.37	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §§82, 85, 88, 90 – 92, 95, 98 – 100
Designated caregiver background checks must be renewed every 2 years (previously there was no expiration)	Minn.Stat. §152.27, subd. 4(b)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §89
Medical cannabis laws may be enforced under the Health Enforcement Consolidation Act (HECA)	Minn.Stat. §§144.99 et seq.	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §37
<b>Health Care Practitioners</b>		
Recertification examinations can be done via telemedicine (as defined in §62A.671, subd. 9 – requires real-time two-way, interactive audio and visual communications).	Minn.Stat. §152.28, subd. 1(c)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §92
Standard for a patient needing a caregiver was changed: <ul style="list-style-type: none"> <li>• Old language: if “the patient is unable to self-administer medication or acquire medical cannabis from” a distribution facility</li> <li>• New language: if “the patient requires assistance in administering medical cannabis or obtaining medical cannabis from” a distribution facility</li> </ul>	Throughout Minn.Stat. §§152.22 – 152.37	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §§81, 87, 88, 89, 92
<b>Health Care Facilities</b>		
Protections for employees of certain health care facilities to possess/administer medical cannabis in the course of job duties area extended to <ul style="list-style-type: none"> <li>• hospice providers licensed under Chapter 144A</li> <li>• prevised living facilities licensed under § 144.50, and</li> <li>• other health facilities licensed by MDH</li> </ul>	Minn.Stat. §152.34(a)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §101
<b>Medical Cannabis Manufacturers</b>		
<b>Distribution</b>		
Each medical cannabis manufacturer shall operate 8 medical cannabis distribution facilities (an increase from 4)	Minn.Stat. §152.29, subd. 1(a)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §93

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Description	Statutory section modified	Bill citation
A medical cannabis manufacturer may sell medical cannabis produced by the other manufacturer	Minn.Stat. §152.29, subd. 3(a)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §95
The maximum supply of medical cannabis a manufacturer may distribute to a patient is increased from a 30-day supply to a 90-day supply	Minn.Stat. §152.29, subd. 1(c)(6)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §95
<b>Hemp</b>		
Manufacturer may purchase hemp from a hemp grower licensed under Chapter 18K to produce medical cannabis	Minn.Stat. §152.29, subd. 1(b)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §93
Manufacturer must verify a hemp grower has a license under Chapter 18K before acquiring hemp from the hemp grower	Minn.Stat. §152.29, subd. 1(m)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §93
The same quality control, testing, security, and other requirements apply to medical cannabis made from hemp as traditional medical cannabis	Minn.Stat. §152.29, subd. 1(b)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §93
<b>Transport</b>		
A medical cannabis manufacturer may transport medical cannabis to the other manufacturer	Minn.Stat. §152.29, subd. 3(a)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §95
Medical cannabis manufacturers may transport hemp with only 1 employee (if transporting only hemp)	Minn.Stat. §152.29, subd. 3(b)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §96
A medical cannabis manufacturer must have operating documents that address procedures and security requirements for transporting hemp	Minn.Stat. §152.29, subd. 1(d)(3); §152.29, subd. 1(e)	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §93
<b>General</b>		
Medical cannabis laws may be enforced under the Health Enforcement Consolidation Act (HECA)	Minn.Stat. §§144.99 et seq.	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §37
Department of Health's registration agreement with a medical cannabis manufacturer is non-transferable	Minn.Stat. §152.25, subds. 1(a), 1a	Laws of Minnesota 2019, 1 <sup>st</sup> Spec. Sess., chap. 9, art. 11, §§83, 84,
Medical cannabis manufacturers may subtract "business expenses" from total taxable income for state tax purposes.	Minn.Stat. §290.0132, subd. 29, and §290.0134, subd. 19; both effective for tax years beginning after 12/31/2018	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 6, Art. 2, §§ 13, 14

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<b>Third-party Testing Labs</b>		
Approved third-party labs are authorized to test manufacturers' medical cannabis produced from hemp	Minn.Stat. §152.29. subd. 1(c)	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §93
<b>MDH/OMC</b>		
Department of Health's registration agreement with a medical cannabis manufacturer is non-transferable	Minn.Stat. §152.25, subds. 1(a), 1a	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §83, 84
Medical cannabis laws may be enforced under the Health Enforcement Consolidation Act (HECA)	Minn.Stat. 144.99 et seq.	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §37
MDH will report to Task Force and legislature changes in <ul style="list-style-type: none"> <li>• federal law or regulation regarding hemp, and</li> <li>• the supply and demand of hemp products that can be used for medicinal purposes</li> </ul>	Minn.Stat. §152.25, subd. 4(a)	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §86
Dept of Health is authorized to enter into a data sharing agreement with Dept of Agriculture to verify hemp grower licensing, inspection and compliance info	Minn.Stat. §152.31(c)	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §97
Health commissioner's authority/process to add delivery methods/qualifying conditions is modified; she may add delivery methods and add or modify qualifying medical conditions upon petition from the public or Task Force using best available evidence and research.	Minn.Stat. §152.27, subd. 2(b)	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 6, Art. 2, §Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §87
Dept of Health will establish a Cannabinoid Products Workgroup with the Departments of Commerce, Agriculture, and Public Safety and the Board of Pharmacy. Workgroup will report to the legislature by 1/15/20 how to regulate cannabinoid extract products, including: <ul style="list-style-type: none"> <li>• Cultivating standards</li> <li>• Labeling requirements</li> <li>• Advertising/marketing restrictions</li> <li>• Health claims</li> <li>• Lab testing</li> <li>• Safety standards for edibles</li> <li>• Any other requirement the Commissioner deems necessary</li> </ul>	<i>Not codified</i>	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §110
<b>Medical Cannabis Task Force</b>		
Task Force will receive reports from Dept of Health about changes to: <ul style="list-style-type: none"> <li>• federal laws or regulations regarding hemp, and</li> <li>• the supply and demand of hemp products that can be used for medicinal purposes</li> </ul>	Minn.Stat. §152.25, subd. 4(a)	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §86
Task Force may petition the commissioner of health to add delivery method and add or modify a qualifying medical condition	Minn.Stat. §152.27, subd. 2(b)	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §87

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Task Force will include hemp in program impact assessments	Minn.Stat. §152.36, subd. 2	Laws 2019, 1 <sup>st</sup> Spec. Sess. Ch. 9, Art. 11, §102
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### Summary of Statutory Changes to §§ 152.22 – 152.37

- Minn.Stat. §152.22 subd. 5a was added by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 78](#)
- Minn.Stat. §152.22 subd. 5b was added by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 79](#)
- Minn.Stat. §152.22 subd. 6 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 80](#)
- Minn.Stat. §152.22 subd. 11 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 81](#)
- Minn.Stat. §152.22 subd. 13 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 82](#)
- Minn.Stat. §152.25 subd. 1 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 83](#)
- Minn.Stat. §152.25 subd. 1a was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 84](#)
- Minn.Stat. §152.25 subd. 1c was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 85](#)
- Minn.Stat. §152.25 subd. 4 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 86](#)
- Minn.Stat. §152.27 subd. 2 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 87](#)
- Minn.Stat. §152.27 subd. 3 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 88](#)
- Minn.Stat. §152.27 subd. 4 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 89](#)
- Minn.Stat. §152.27 subd. 5 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 90](#)
- Minn.Stat. §152.27 subd. 6 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 91](#)
- Minn.Stat. §152.28 subd. 1 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 92](#)
- Minn.Stat. §152.29 subd. 1 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 93](#)
- Minn.Stat. §152.29 subd. 2 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 94](#)

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- Minn.Stat. §152.29 subd. 3 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 95](#)
- Minn.Stat. §152.29 subd. 3a was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 96](#)
- Minn.Stat. §152.31 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 97](#)
- Minn.Stat. §152.32 subd. 2 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 98](#)
- Minn.Stat. §152.33 subd. 1 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 99](#)
- Minn.Stat. §152.33 subd. 2 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 100](#)
- Minn.Stat. §152.34 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 101](#)
- Minn.Stat. §152.36 subd. 2 was amended by Laws 2019, 1<sup>st</sup> Spec. Sess. [Chapter 9, Article 11, Section 102](#)