

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Exempt
Rules of the Department of Health
Relating to Dried Raw Cannabis,
Minnesota Rules Chapter 4770

**ORDER ON REVIEW
OF REVISED PROPOSED RULES
UNDER
MINN. STAT. § 14.386
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Jim Mortenson upon the request of the Minnesota Department of Health (Department) for a legal review of the above-entitled rule under Minn. Stat. § 14.386 (2020) and Minn. R. 1400.2400 (2021).

On January 27, 2022, the Department filed required documents with the Office of Administrative Hearings seeking review and approval of its proposed rules. On February 10, 2022, the Judge approved some of the proposed rules and disapproved others. On February 11, 2022, the Department filed a revised version of the proposed rules with modifications based on the Judge's Order.

Based upon a review of the revised written submissions by the Department,

IT IS HEREBY DETERMINED THAT:

1. The Department's revised proposed rules are adopted in compliance with the legislature's directive and with the procedural requirements of Minn. Stat. § 14.386, Minn. R. 1400.2400, and Minn. R. 1400.2100, items A, D-G (2021).
2. The Department has the statutory authority to adopt the revised proposed rules using the exempt rulemaking process under 2021 Minn. Laws, ch. 30, part. 3, section symbol 32.

IT IS HEREBY ORDERED THAT:

The revised adopted rules are **APPROVED**.

Dated: February 15, 2022



JIM MORTENSON
Administrative Law Judge



February 11, 2022

The Honorable James Mortenson
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Rules of the Department of Health Governing Medical Cannabis and Implementing the Addition of Dried Raw Cannabis as an Approved Delivery Form; Request for Review and Approval of Resubmitted Exempt Rules Under Minn. R. 1400.2400, subp. 4a; Revisor # RD4722; OAH Docket # 5-9000-38107

Dear Judge Mortenson:

You approved and disapproved portions of the above-cited proposed rule in your Order on Review of Rules Under Minn. Stat. § 14.386 and Minn. R. 1400.2400 dated February 10, 2022 (Order). Specifically, you approved all proposed parts except for:

- Minn. R. 4770.0200, subp. 40a;
- Minn. R. 4770.0200, subp. 41;
- Minn. R. 4770.0350;
- Minn. R. 4770.0351;
- Minn. R. 4770.0352;
- Minn. R. 4770.0353;
- Minn. R. 4770.0800;
- Minn. R. 4770.0850, subp. 1;
- Minn. R. 4770.0850, subp. 3;
- Minn. R. 4770.1750, subp. 4;
- Minn. R. 4770.1860;
- Minn. R. 4770.2000, subp. 2; and
- Minn. R. 4770.3001.

Additionally, you suggested a permissible modification to proposed part 4770.1750, subpart 4, item C.

With the following noted exception, MDH proposes to adopt the proposed rule with all disallowed revisions removed and only the approved revisions remaining, renumbered or relettered as needed to maintain continuity. As suggested in the Order, MDH proposes to retain the language from proposed part 4770.1750, subpart 4, item C, as an additional sentence at the end of the current subpart, rather than a new item.

The Minnesota Department of Health (MDH) respectfully requests that you review and approve the rule in its entirety with the above-described modifications. Enclosed for your review are:

- (1) an updated draft Order Adopting Rules;
- (2) a copy of the rule, modified as described in this letter;¹ and
- (3) a copy of the rule as originally proposed.

If you have questions about the enclosed documents or the proposed exempt rules, please contact me at josh.skaar@state.mn.us or 651-201-5923.

After completing your review, please send any correspondence to me at the following address:

Regards,

/s/ Josh Skaar

Josh Skaar
Department Rulemaking Coordinator
Minnesota Department of Health
625 Robert Street North
PO Box 64975
St. Paul, MN 55164

Enclosures

¹ The yellow-highlighted headers in the attached updated proposed rule indicate renumbering or relettering that was necessary to accommodate the modifications.