

1.1 moves to amend H.F. No. 1413 as follows:

1.2 Page 1, after line 9, insert:

1.3 "Sec. 2. Minnesota Statutes 2020, section 152.22, subdivision 11, is amended to read:

1.4 Subd. 11. **Registered designated caregiver.** "Registered designated caregiver" means
1.5 a person who:

1.6 (1) is at least 18 years old;

1.7 (2) does not have a conviction for a disqualifying felony offense;

1.8 (3) has been approved by the commissioner to assist a patient who ~~has been identified~~
1.9 ~~by a health care practitioner as developmentally or physically disabled and therefore~~ requires
1.10 assistance in administering medical cannabis or obtaining medical cannabis from a
1.11 distribution facility ~~due to the disability~~; and

1.12 (4) is authorized by the commissioner to assist the patient with the use of medical
1.13 cannabis.

1.14 Sec. 3. Minnesota Statutes 2020, section 152.27, subdivision 3, is amended to read:

1.15 Subd. 3. **Patient application.** (a) The commissioner shall develop a patient application
1.16 for enrollment into the registry program. The application shall be available to the patient
1.17 and given to health care practitioners in the state who are eligible to serve as health care
1.18 practitioners. The application must include:

1.19 (1) the name, mailing address, and date of birth of the patient;

1.20 (2) the name, mailing address, and telephone number of the patient's health care
1.21 practitioner;

2.1 (3) the name, mailing address, and date of birth of the patient's designated caregiver, if
2.2 any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse
2.3 will be acting as a caregiver;

2.4 (4) a copy of the certification from the patient's health care practitioner that is dated
2.5 within 90 days prior to submitting the application which certifies that the patient has been
2.6 diagnosed with a qualifying medical condition ~~and, if applicable, that, in the health care~~
2.7 ~~practitioner's medical opinion, the patient is developmentally or physically disabled and,~~
2.8 ~~as a result of that disability, the patient requires assistance in administering medical cannabis~~
2.9 ~~or obtaining medical cannabis from a distribution facility; and~~

2.10 (5) all other signed affidavits and enrollment forms required by the commissioner under
2.11 sections 152.22 to 152.37, including, but not limited to, the disclosure form required under
2.12 paragraph (c).

2.13 (b) The commissioner shall require a patient to resubmit a copy of the certification from
2.14 the patient's health care practitioner on a yearly basis and shall require that the recertification
2.15 be dated within 90 days of submission.

2.16 (c) The commissioner shall develop a disclosure form and require, as a condition of
2.17 enrollment, all patients to sign a copy of the disclosure. The disclosure must include:

2.18 (1) a statement that, notwithstanding any law to the contrary, the commissioner, or an
2.19 employee of any state agency, may not be held civilly or criminally liable for any injury,
2.20 loss of property, personal injury, or death caused by any act or omission while acting within
2.21 the scope of office or employment under sections 152.22 to 152.37; and

2.22 (2) the patient's acknowledgment that enrollment in the patient registry program is
2.23 conditional on the patient's agreement to meet all of the requirements of sections 152.22 to
2.24 152.37.

2.25 Sec. 4. Minnesota Statutes 2020, section 152.27, subdivision 4, is amended to read:

2.26 Subd. 4. **Registered designated caregiver.** (a) The commissioner shall register a
2.27 designated caregiver for a patient if ~~the patient's health care practitioner has certified that~~
2.28 ~~the patient, in the health care practitioner's medical opinion, is developmentally or physically~~
2.29 ~~disabled and, as a result of that disability, the patient requires assistance in administering~~
2.30 medical cannabis or obtaining medical cannabis from a distribution facility and the caregiver
2.31 has agreed, in writing, to be the patient's designated caregiver. As a condition of registration
2.32 as a designated caregiver, the commissioner shall require the person to:

2.33 (1) be at least 18 years of age;

3.1 (2) agree to only possess the patient's medical cannabis for purposes of assisting the
3.2 patient; and

3.3 (3) agree that if the application is approved, the person will not be a registered designated
3.4 caregiver for more than ~~one patient, unless the~~ six registered patients at one time. Patients
3.5 who reside in the same residence shall count as one patient.

3.6 (b) The commissioner shall conduct a criminal background check on the designated
3.7 caregiver prior to registration to ensure that the person does not have a conviction for a
3.8 disqualifying felony offense. Any cost of the background check shall be paid by the person
3.9 seeking registration as a designated caregiver. A designated caregiver must have the criminal
3.10 background check renewed every two years.

3.11 (c) Nothing in sections 152.22 to 152.37 shall be construed to prevent a person registered
3.12 as a designated caregiver from also being enrolled in the registry program as a patient and
3.13 possessing and using medical cannabis as a patient.

3.14 Sec. 5. Minnesota Statutes 2020, section 152.28, subdivision 1, is amended to read:

3.15 Subdivision 1. **Health care practitioner duties.** (a) Prior to a patient's enrollment in
3.16 the registry program, a health care practitioner shall:

3.17 (1) determine, in the health care practitioner's medical judgment, whether a patient suffers
3.18 from a qualifying medical condition, and, if so determined, provide the patient with a
3.19 certification of that diagnosis;

3.20 ~~(2) determine whether a patient is developmentally or physically disabled and, as a result~~
3.21 ~~of that disability, the patient requires assistance in administering medical cannabis or~~
3.22 ~~obtaining medical cannabis from a distribution facility, and, if so determined, include that~~
3.23 ~~determination on the patient's certification of diagnosis;~~

3.24 ~~(3)~~ advise patients, registered designated caregivers, and parents, legal guardians, or
3.25 spouses who are acting as caregivers of the existence of any nonprofit patient support groups
3.26 or organizations;

3.27 ~~(4)~~(3) provide explanatory information from the commissioner to patients with qualifying
3.28 medical conditions, including disclosure to all patients about the experimental nature of
3.29 therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the
3.30 proposed treatment; the application and other materials from the commissioner; and provide
3.31 patients with the Tennesen warning as required by section 13.04, subdivision 2; and

4.1 ~~(5)~~ (4) agree to continue treatment of the patient's qualifying medical condition and
4.2 report medical findings to the commissioner.

4.3 (b) Upon notification from the commissioner of the patient's enrollment in the registry
4.4 program, the health care practitioner shall:

4.5 (1) participate in the patient registry reporting system under the guidance and supervision
4.6 of the commissioner;

4.7 (2) report health records of the patient throughout the ongoing treatment of the patient
4.8 to the commissioner in a manner determined by the commissioner and in accordance with
4.9 subdivision 2;

4.10 (3) determine, on a yearly basis, if the patient continues to suffer from a qualifying
4.11 medical condition and, if so, issue the patient a new certification of that diagnosis; and

4.12 (4) otherwise comply with all requirements developed by the commissioner.

4.13 (c) A health care practitioner may conduct a patient assessment to issue a recertification
4.14 as required under paragraph (b), clause (3), via telemedicine as defined under section
4.15 62A.671, subdivision 9.

4.16 (d) Nothing in this section requires a health care practitioner to participate in the registry
4.17 program."

4.18 Page 4, line 29, after "plan" insert "and the medical cannabis is distributed by a pharmacy
4.19 technician"

4.20 Renumber the sections in sequence and correct the internal references

4.21 Amend the title accordingly