

1.1 moves to amend H.F. No. 1023 as follows:

1.2 Page 22, line 7, delete "152.21" and insert "152.22"

1.3 Page 22, after line 7, insert:

1.4 "Sec. 7. Minnesota Statutes 2020, section 152.32, subdivision 1, is amended to read:

1.5 Subdivision 1. **Presumption Presumptions.** (a) There is a presumption that a patient
1.6 enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized
1.7 use of medical cannabis.

1.8 (b) The presumption in paragraph (a) may be rebutted by evidence that conduct related
1.9 to use of medical cannabis was not for the purpose of treating or alleviating the patient's
1.10 qualifying medical condition or symptoms associated with the patient's qualifying medical
1.11 condition.

1.12 (c) Sections 152.22 to 152.37 do not create any positive conflict with federal drug laws
1.13 or regulations and are consistent with United States Code, title 21, section 903.

1.14 Sec. 8. Minnesota Statutes 2020, section 152.32, subdivision 2, is amended to read:

1.15 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following
1.16 are not violations under this chapter:

1.17 (1) use or possession of medical cannabis or medical cannabis products by a patient
1.18 enrolled in the registry program, or possession by a registered designated caregiver or the
1.19 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed
1.20 on the registry verification;

1.21 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis
1.22 products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory
1.23 conducting testing on medical cannabis, or employees of the laboratory; and

2.1 (3) possession of medical cannabis or medical cannabis products by any person while
2.2 carrying out the duties required under sections 152.22 to 152.37.

2.3 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and
2.4 associated property is not subject to forfeiture under sections 609.531 to 609.5316.

2.5 (c) The commissioner, the commissioner's staff, the commissioner's agents or contractors,
2.6 and any health care practitioner are not subject to any civil or disciplinary penalties by the
2.7 Board of Medical Practice, the Board of Nursing, or by any business, occupational, or
2.8 professional licensing board or entity, solely for the participation in the registry program
2.9 under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to
2.10 any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance
2.11 with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional
2.12 licensing board from taking action in response to violations of any other section of law.

2.13 (d) Notwithstanding any law to the contrary, the commissioner, the governor of
2.14 Minnesota, or an employee of any state agency may not be held civilly or criminally liable
2.15 for any injury, loss of property, personal injury, or death caused by any act or omission
2.16 while acting within the scope of office or employment under sections 152.22 to 152.37.

2.17 (e) Federal, state, and local law enforcement authorities are prohibited from accessing
2.18 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid
2.19 search warrant.

2.20 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public
2.21 employee may release data or information about an individual contained in any report,
2.22 document, or registry created under sections 152.22 to 152.37 or any information obtained
2.23 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

2.24 (g) No information contained in a report, document, or registry or obtained from a patient
2.25 under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding
2.26 unless independently obtained or in connection with a proceeding involving a violation of
2.27 sections 152.22 to 152.37.

2.28 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty
2.29 of a gross misdemeanor.

2.30 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme
2.31 Court or professional responsibility board for providing legal assistance to prospective or
2.32 registered manufacturers or others related to activity that is no longer subject to criminal
2.33 penalties under state law pursuant to sections 152.22 to 152.37.

3.1 (j) Possession of a registry verification or application for enrollment in the program by
3.2 a person entitled to possess or apply for enrollment in the registry program does not constitute
3.3 probable cause or reasonable suspicion, nor shall it be used to support a search of the person
3.4 or property of the person possessing or applying for the registry verification, or otherwise
3.5 subject the person or property of the person to inspection by any governmental agency.

3.6 (k) Subject to section 152.23, the listing of tetrahydrocannabinols as a Schedule I
3.7 controlled substance under this chapter does not apply to protected activities specified in
3.8 this subdivision.

3.9 **Sec. 9. FEDERAL SCHEDULE I EXEMPTION APPLICATION FOR THE**
3.10 **MEDICAL USE OF CANNABIS.**

3.11 By September 1, 2021, the commissioner of health shall apply to the Drug Enforcement
3.12 Administration's Office of Diversion Control for an exception under Code of Federal
3.13 Regulations, title 21, section 1307.03, and request formal written acknowledgment that the
3.14 listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances
3.15 in federal Schedule I does not apply to the protected activities in Minnesota Statutes, section
3.16 152.32, subdivision 2, pursuant to the medical cannabis program established under Minnesota
3.17 Statutes, sections 152.22 to 152.37. The application shall include the list of presumptions
3.18 in Minnesota Statutes, section 152.32, subdivision 1."

3.19 Amend the title accordingly