

**Minnesota Coalition on Government Information**  
**Review of data elements of HF 100**  
**January 17, 2023**

**LANGUAGE ELEMENTS FOR DISCUSSION**  
**(TO INFORM PROPOSED APPLICANT DATA AMENDMENT)**

NOTES: MNCOGI would like to see more data about applicants for cannabis business licenses classified as “public” (similar to how applicants for various liquor business licenses have much publicly available data).

The two lists below contain language from HF 100 describing all of the many data elements collected from applicants for cannabis businesses, per the bill. MNCOGI had broken them into two separate lists — one list of applicant data that should be “public,” and one proposed list that could be classified as “not public” (such as security-related data and sensitive financial data).

These lists are organized by the bill sections, for ease of reference. If an amendment to the applicant data section is written, it should boil down the “not public” data elements into a single list that can be placed into the “not public” data classification section (starting at line 39.30), along with the other “not public” classifications that are already in the bill. The amendment would essentially change what is now paragraph (1) to include a list of specific “not public” applicant data, leaving the other applicant data “public.”

Please note that there is some repetition and overlap in the various data elements listed below, as different sections of HF 100 governing applications contain similar language. This language can be consolidated and streamlined in an amendment.

**PROPOSED PUBLIC APPLICANT DATA ELEMENTS**

Section 14, subdivision 1(a)

- (2) ... disclosure of ownership and control ...
- (4) the address and legal property description of the business;
- (5) documentation showing legal possession of the premises where the business will operate;
- (8) proof of trade name registration;
- (9) the environmental plan
- (10) an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement;
- (11) certification that the applicant will comply with the requirements of this chapter relating to the ownership and operation of a cannabis business;
- (12) identification of one or more controlling persons or managerial employees as agents who shall be responsible for dealing with the office on all matters;

Section 14, subdivision 1(b)

- (2) a statement from the applicant and, if the applicant is a business, from every officer, director, manager, and general partner of the business, indicating whether that person has previously held, or currently holds, an ownership interest in a cannabis business in Minnesota, any other state or territory of the United States, or any other country;
- (3) if the applicant is a corporation, copies of its articles of incorporation and bylaws and any amendments to its articles of incorporation or bylaws

Section 14, subdivision 1(c)

- (1) proof that the applicant is a social equity applicant;
- (2) a diversity plan that establishes a goal of diversity in ownership, management, employment, and contracting;
- (4) a copy of business policies governing operations to ensure compliance

with this chapter.

Section 21, subdivision 2

(3) evidence that the business will comply with the applicable operation requirements for the license being sought.

Section 25, subdivision 2

(1) a list of every retail license held by the applicant and, if the applicant is a business, every retail license held, either as an individual or as part of another business, by each officer, director, manager, and general partner of the cannabis business;

(3) evidence that the business will comply with the applicable operation requirements for the license being sought.

Section 27, subdivision 2

(2) evidence that the business will comply with the applicable operation requirements for the license being sought.

Section 29, subdivision

(6) evidence that the business will comply with the applicable operation requirements for the license being sought.

Section 31, subdivision 2

(2) proof of accreditation by a laboratory accrediting organization approved by the office that, at a minimum, requires a laboratory to operate formal management systems under the International Organization for Standardization;

(3) evidence that the business will comply with the applicable operation requirements for the license being sought.

Section 33, subdivision 2

(3) if the applicant is seeking an endorsement to create cannabis concentrate,

information identifying all methods of extraction and concentration that the applicant intends to use and the volatile chemicals, if any, that will be involved in extraction or concentration;

(4) evidence that the applicant will comply with the applicable operation requirements for the license being sought.

Section 35, subdivision 2(a)

(1) the type and number of any other cannabis business license held by the applicant;

(2) the address and location where the temporary cannabis event will take place;

(3) the name of the temporary cannabis event;

(5) a list of the name, number, and type of cannabis businesses that will sell cannabis plants, adult-use cannabis flower, adult-use cannabinoid products, and hemp-derived consumer products at the event, which may be supplemented or amended within 72 hours of the time at which the cannabis event begins;

(6) the dates and hours during which the cannabis event will take place;

(7) proof of local approval for the cannabis event;

(8) evidence that the business will comply with the applicable operation requirements for the license being sought.

Section 35, subdivision 2(b)

(b) A person, cooperative, or business seeking a cannabis event organizer license may also disclose whether the person or any officer, director, manager, and general partner of a cannabis business is serving or has previously served in the military.

Section 37, subdivision 2

. (4) evidence that the business will comply with the applicable operation

requirements for the license being sought.

Section 42, subdivision 1, paragraphs (1), (2) and (3) (Portions)

**Paragraph (1)**

(i) ... plans for compliance with applicable building code and federal and state environmental and workplace safety requirements;

(iii) evidence that the business will comply with the applicable operation requirements for the license being sought;

**Paragraph (2)**

(ii) all methods of extraction and concentration that the applicant intends to use and the volatile chemicals, if any, that are involved in extraction or concentration;

(iii) if the applicant is seeking an endorsement to manufacture products infused with cannabinoids for consumption by patients enrolled in the registry program, proof of an edible cannabinoid product handler endorsement from the office;

(iv) evidence that the applicant will comply with the applicable operation requirements for the license being sought;

**Paragraph (3)**

(i) a list of every retail license held by the applicant and, if the applicant is a business, every retail license held, either as an individual or as part of another business, by each officer, director, manager, and general partner of the cannabis business;

(iv) evidence that the applicant will comply with the applicable operation requirements for the license being sought.

**PROPOSED NOT PUBLIC APPLICANT DATA ELEMENTS**

Section 14, subdivision 1(a)

(3) the disclosure of whether the applicant or, if the applicant is a business,

any officer, director, manager, and general partner of the business has ever filed for bankruptcy;

(6) a diagram of the premises, including a security drawing;

(7) a copy of the security plan;

(9) a copy of the applicant's business plan showing the expected size of the business; anticipated growth; the methods of record keeping; the knowledge and experience of the applicant and any officer, director, manager, and general partner of the business ... and other relevant financial and operational components;

#### Section 14, subdivision 1(b)

(4) copies of any partnership agreement, operating agreement, or shareholder agreement;

(5) copies of any promissory notes, security instruments, or other similar agreements;

(6) explanation detailing the funding sources used to finance the business;

(7) a list of operating and investment accounts for the business, including any applicable financial institution and account number; and

(8) a list of each outstanding loan and financial obligation obtained for use in the business, including the loan amount, loan terms, and name and address of the creditor.

#### Section 21, subdivision 2

(1) an operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility; and plans for compliance with the applicable building code and federal and state environmental and workplace safety requirements;

(2) a cultivation plan demonstrating the proposed size and layout of the cultivation facility that will be used exclusively for cultivation including the

total amount of plant canopy; and

Section 25, subdivision 2

(2) an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems; policies to avoid sales to individuals who are under 21 years of age; identification of a restricted area for storage; and plans to prevent the visibility of cannabis flower, cannabinoid products, and hemp-derived consumer products to individuals outside the retail location; and

Section 27, subdivision 2

(1) an operating plan demonstrating the proposed layout of the facility including a diagram of ventilation and filtration systems and policies to avoid sales to unlicensed cannabis businesses; and

Section 29, subdivision

(1) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than \$300,000, for loss of or damage to cargo;

(2) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than \$1,000,000, for injury to one or more persons in any one accident and, if an accident has resulted in injury to or destruction of property, of not less than \$100,000 because of such injury to or destruction of property of others in any one accident;

(3) the number and type of equipment the business will use to transport cannabis flower and cannabinoid products;

(4) a loading, transporting, and unloading plan;

(5) a description of the applicant's experience in the distribution or security business; and

Section 31, subdivision 2

(1) an operating plan demonstrating the proposed layout of the facility,

including a diagram of ventilation and filtration systems and policies to avoid sales to unlicensed businesses;

Section 33, subdivision 2

(1) an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems; plans for wastewater and waste disposal for any cultivation or manufacturing activities; plans for providing electricity, water, and other utilities necessary for the normal operation of any cultivation or manufacturing activities; plans for compliance with applicable building code and federal and state environmental and workplace safety requirements and policies; and plans to avoid sales to unlicensed cannabis businesses and individuals under 21 years of age;

(2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest cannabis flower, a cultivation plan demonstrating the proposed size and layout of the cultivation facility that will be used exclusively for cultivation including the total amount of plant canopy;

Section 35, subdivision 2(a)

(4) a diagram of the physical layout of the temporary cannabis event showing where the event will take place on the grounds, all entrances and exits that will be used by participants during the event, all cannabis consumption areas, all cannabis retail areas where cannabis flower and cannabinoid products will be sold, the location where cannabis waste will be stored, and any location where cannabis flower and cannabinoid products will be stored;

Section 37, subdivision 2

- . (1) a list of all vehicles to be used in the delivery of cannabis flower, cannabinoid products, and hemp-derived consumer products including:
  - . (i) the vehicle make, model, and color;
  - . (ii) the vehicle identification number; and

- . (iii) the license plate number;
- . (2) proof of insurance for each vehicle;