

Subject Medical cannabis program

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Overview

This bill modifies the medical cannabis program to: allow patients who violate certain program provisions to apply for reenrollment after 12 months; prohibit retaliation against patients; allow patients to bring an action for damages and injunctive relief for certain conduct; and establish an affirmative defense to certain criminal charges.

The medical cannabis program is administered by the commissioner of health and allows patients diagnosed with a qualifying medical condition to obtain medical cannabis from a distribution facility operated by one of the state's medical cannabis manufacturers.

Summary

Section	Description
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| 1 | <p>Patient enrollment.</p> <p>Amends § 152.27, subd. 6. Under current law a patient enrolled in the registry program whose enrollment is revoked for violating specified patient duties or committing certain prohibited acts is permanently prohibited from enrollment in the medical cannabis program. This section strikes language making this conduct a ground for denying a patient's enrollment, and instead adds language allowing a patient to apply for reenrollment 12 months after the patient's enrollment was revoked. Also requires the commissioner to establish a registry verification system, instead of a registry verification as in current law, and strikes obsolete language regarding approval of applications.</p> |
| 2 | <p>Retaliation prohibited.</p> <p>Adds subd. 4 to § 152.32. Prohibits a school, landlord, health care facility, or employer from retaliating against a patient for asserting a protection established in section 152.32, or for bringing an action for damages or injunctive relief under section 152.321.</p> |

Section	Description
3	<p>Remedies.</p> <p>Adds § 152.321. Allows a patient enrolled in the registry program to bring an action for damages or injunctive relief for certain acts or for retaliating against the patient.</p> <p>Subd. 1. Action for damages. Allows a patient to bring an action against a person who discriminated against a patient in violation of section 152.32, subd. 3, or who retaliated against a patient in violation of section 152.32, subd. 4. Allows a patient to recover the greater of actual damages or presumed damages of \$2,000 per violation, plus reasonable attorney fees.</p> <p>Subd. 2. Injunctive relief. Allows a patient to bring an action to enjoin a person who discriminated against a patient in violation of section 152.32, subd. 3, or who retaliated against a patient in violation of section 152.32, subd. 4.</p>
4	<p>Criminal affirmative defense.</p> <p>Adds § 152.325. Establishes an affirmative defense to a charge of: (1) a controlled substance crime in the fifth degree involving marijuana (possession, or procuring, possessing, or having control over a controlled substance by fraud, using a false name, or falsely representing to be a drug manufacturer or wholesaler or health care provider); (2) possession of marijuana in a motor vehicle; or (3) possession or sale of small amounts of marijuana, for an individual enrolled in the registry program who possessed marijuana for use for a qualifying medical condition, or for an individual visiting the state who possessed marijuana for medical use according to the laws of the visitor's jurisdiction of residence.</p>



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