

**Subject** Rescheduling marijuana from Schedule I to Schedule II

**Authors** Gomez and others

**Analyst** Elisabeth Klarqvist

**Date** February 17, 2021

## Overview

This bill reschedules marijuana and nonsynthetic tetrahydrocannabinols from Schedule I to Schedule II of the state controlled substances schedules, and provides that for purposes of sections governing prescribing, dispensing, administering, and selling controlled substances, marijuana and tetrahydrocannabinols are not included in Schedule II. The bill also exempts medical cannabis from a section governing prescribing controlled substances for intractable pain, modifies medical cannabis statutes, and requires the commissioner of health to apply for an exception from federal rules for the use of medical cannabis under the medical cannabis program.

## Summary

Section	Description
---------	-------------

1	<b>Analog.</b>
---	----------------

Amends § 152.01, subd. 23. Amends the definition of analog in the chapter governing drugs and controlled substances, to specify that analog does not include marijuana or nonsynthetic tetrahydrocannabinols.

Makes this section effective August 1, 2021, and applicable to crimes committed on or after that date.

2	<b>Schedule I.</b>
---	--------------------

Amends § 152.02, subd. 2. Removes marijuana and nonsynthetic tetrahydrocannabinols from Schedule I of controlled substances. (Substances in Schedule I are those with no currently accepted medical use, a lack of accepted safety for use under medical supervision, and a high potential for abuse.)

Makes this section effective August 1, 2021, and applicable to crimes committed on or after that date.

<b>Section</b>	<b>Description</b>
3	<p><b>Schedule II.</b></p> <p>Amends § 152.02, subd. 3. Adds marijuana and nonsynthetic tetrahydrocannabinols to Schedule II of controlled substances. (Substances in Schedule II are those with a high potential for abuse, with use potentially leading to severe psychological or physical dependence.)</p> <p>Makes this section effective August 1, 2021, and applicable to crimes committed on or after that date.</p>
4	<p><b>Exception.</b></p> <p>Adds subd. 5 to § 152.11. Provides that marijuana and tetrahydrocannabinols are not considered Schedule II controlled substances for purposes of a section establishing prescription requirements for controlled substances.</p>
5	<p><b>Exception.</b></p> <p>Adds subd. 6 to § 152.12. Provides that marijuana and tetrahydrocannabinols are not considered Schedule II controlled substances for purposes of a section governing the prescribing, dispensing, administration, and sale of controlled substances.</p>
6	<p><b>Limits on applicability.</b></p> <p>Amends § 152.125, subd. 3. Provides that a section governing the prescription and administration of controlled substances for intractable pain does not apply to medical cannabis.</p>
7	<p><b>Presumptions.</b></p> <p>Amends § 152.32, subd. 1. States that the medical cannabis statutes do not create a positive conflict with federal drug laws or regulations and are consistent with a federal statute that permits federal and state laws to govern controlled substances unless there is a positive conflict between federal and state laws so that the two cannot consistently stand together.</p>
8	<p><b>Criminal and civil protections.</b></p> <p>Amends § 152.23, subd. 2. Provides that the listing of tetrahydrocannabinols in Schedule I does not apply to the use of medical cannabis under the medical cannabis program, provided medical cannabis is used in compliance with section 152.23.</p>
9	<p><b>Federal Schedule I exemption application for the medical use of cannabis.</b></p> <p>By September 1, 2021, requires the commissioner of health to apply to the Drug Enforcement Administration's Office of Diversion Control for an exception to federal controlled substances rules, and request formal acknowledgment that the listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances</p>

Section	Description
---------	-------------

	in federal Schedule I does not apply to the use of medical cannabis under the medical cannabis program.
--	---



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155