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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4310

03/09/2020 Authored by Gomez
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; modifying requirements for the medical cannabis program;
1.3 authorizing civil remedies; establishing an affirmative defense; amending Minnesota
1.4 Statutes 2018, section 152.32, by adding a subdivision; Minnesota Statutes 2019
1.5 Supplement, section 152.27, subdivision 6; proposing coding for new law in
1.6 Minnesota Statutes, chapter 152.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2019 Supplement, section 152.27, subdivision 6, is amended
1.9 to read:

1.10 Subd. 6. Patient enrollment. (a) After receipt of a patient's application, application fees,
1.11 and signed disclosure, the commissioner shall enroll the patient in the registry program and
1.12 issue the patient and patient's registered designated caregiver or parent, legal guardian, or
1.13 spouse, if applicable, a registry verification. The commissioner shall approve or deny a
1.14 patient's application for participation in the registry program within 30 days after the
1.15 commissioner receives the patient's application and application fee. The commissioner may
1.16 approve applications up to 60 days after the receipt of a patient's application and application
1.17 fees until January 1, 2016. A patient's enrollment in the registry program shall only be
1.18 denied if the patient:

1.19 (1) does not have certification from a health care practitioner that the patient has been
1.20 diagnosed with a qualifying medical condition;

1.21 (2) has not signed and returned the disclosure form required under subdivision 3,
1.22 paragraph (c), to the commissioner;

1.23 (3) does not provide the information required; or

2.1 ~~(4) has previously been removed from the registry program for violations of section~~
 2.2 ~~152.30 or 152.33; or~~

2.3 ~~(5) (4) provides false information.~~

2.4 (b) The commissioner shall give written notice to a patient of the reason for denying
 2.5 enrollment in the registry program.

2.6 (c) Denial of enrollment into the registry program is considered a final decision of the
 2.7 commissioner and is subject to judicial review under the Administrative Procedure Act
 2.8 pursuant to chapter 14.

2.9 (d) A patient's enrollment in the registry program may only be revoked upon the death
 2.10 of the patient or if a patient violates a requirement under section 152.30 or 152.33. If a
 2.11 patient's enrollment in the registry program has been revoked due to a violation of section
 2.12 152.30 or 152.33, the patient may reapply for enrollment 12 months from the date the
 2.13 patient's enrollment was revoked. The commissioner shall process the application in
 2.14 accordance with this section.

2.15 (e) The commissioner shall develop a registry verification ~~to provide to the patient, the~~
 2.16 ~~health care practitioner identified in the patient's application, and to the manufacturer system~~
 2.17 for health care practitioners identified in the patient's application and for manufacturers.
 2.18 The registry verification system shall include:

2.19 (1) the patient's name and date of birth;

2.20 (2) the patient registry number assigned to the patient; and

2.21 (3) the name and date of birth of the patient's registered designated caregiver, if any, or
 2.22 the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or
 2.23 spouse will be acting as a caregiver.

2.24 Sec. 2. Minnesota Statutes 2018, section 152.32, is amended by adding a subdivision to
 2.25 read:

2.26 Subd. 4. **Retaliation prohibited.** A school, landlord, health care facility, or employer
 2.27 must not retaliate against a patient for asserting the rights and remedies provided in this
 2.28 section or section 152.321.

2.29 Sec. 3. [152.321] REMEDIES.

2.30 Subdivision 1. **Action for damages.** In addition to any other remedy provided by law,
 2.31 a patient may bring an action in district court against any person who violates section 152.32,

3.1 subdivision 3 or 4. A person who violates section 152.32, subdivision 3 or 4, is liable to a
3.2 patient injured by the violation for presumed damages of \$2,000 per violation, or actual
3.3 damages, whichever is greater, and reasonable attorney fees.

3.4 Subd. 2. **Injunctive relief.** A patient may bring an action for injunctive relief requesting
3.5 the district court to enjoin a person who violates section 152.32, subdivision 3 or 4.

3.6 Sec. 4. **[152.325] CRIMINAL AFFIRMATIVE DEFENSE.**

3.7 It is an affirmative defense to a charge of violating section 152.025, subdivision 2,
3.8 involving marijuana, or 152.027, subdivision 3 or 4, that the defendant was enrolled in the
3.9 registry program under sections 152.22 to 152.37 and possessed the marijuana to use for a
3.10 qualifying medical condition, or was a visiting patient and possessed the marijuana for
3.11 medical use as authorized under the laws or regulations of the visiting patient's jurisdiction
3.12 of residence.