



# Minnesota's Regulatory System for Hemp-Based Intoxicants

State lawmakers passed House File (H.F.) 4065 in 2022, signed into law in June. Among other changes, the bill established clear legal footing for hemp-derived consumables including intoxicants stemming from passage of the 2018 Farm Bill.<sup>[1]</sup> State law now allows the sale of “edible cannabinoid” products, which went into effect in July.

State law divides hemp-based consumable products into two classes: hemp products that are not edibles and may not contain any forms of THC beyond trace amounts, and edibles that can contain intoxicants and are intended for adult consumption. The state has not yet adopted agency rules, and the current, highly regulated state medical marijuana program may not serve as an effective model, given hemp cannabinoid provisions that are already part of state law. The measure as passed is available online [here](#). Here is a summary of some of the key provisions:

## Regulatory agency

Pharmacy Board

## Age restrictions

21 or older

## Testing requirements

- Testing requirements apply and products must not contain more than trace amounts of any pesticides, fertilizers, or heavy metals
- Must not have more than .3% delta-9 THC
- Testing source hemp material alone is insufficient - testing must be of the final product

## Product limitations

- An edible cannabinoid product must not contain more than 5 milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.
- May be a food or beverage
- May not be used for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, or to affect the structure or any function of the bodies of humans or other animals
- There are significant label requirements, familiar to marijuana product labels. Notable additions are the location of the manufacturer and the amount or percentage of cannabinoids found in each package - presumably a broader spectrum than seen in typical marijuana testing requirements which focus on delta-9 THC and perhaps CBD or one or two others.
- Manufacturers can get around physically having to include everything on labels by including a scannable barcode that links to a page on the manufacturer's website with all of the information required for labels.

- Intoxicating products may not:
  - Bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;
  - Be modeled after a brand of products primarily consumed by or marketed to children;
  - Add cannabinoid derivatives to a commercially available candy or snack
  - Contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;
  - Be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or
  - Be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an 355.25 edible cannabinoid product.
- Product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque. Beverages do not need to be child-resistant, (but may be significantly limited in terms of THC content based on the wording).

### **Licensing requirements**

- No licensing requirements apply for processing or sale (however, products that are sold must nonetheless pass required state analytical tests and meet label requirements).

### **Criminal penalties**

It isn't clear what criminal penalties might apply for violations of the hemp provisions, in light of its descheduling under state law.

[\[1\]](#) Formally entitled the Agriculture Improvement Act of 2018