SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2496

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DATE	D-PG	OFFICIAL STATUS
03/14/2019	928	Introduction and first reading Referred to Health and Human Services Finance and Policy

A bill for an act

relating to health; allowing for the sale of certain products containing cannabidiol derived from industrial hemp; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Section 1. **[151.72] SALE OF CERTAIN CANNABINOID PRODUCTS.**

Subdivision 1. **Definitions.** (a) For the purposes of this subdivision, the following terms have the meanings given.

(b) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(c) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) affixed to the immediate container in which a product regulated under this section is sold; or

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets.

Subd. 2. **Sale of cannabinoids derived from hemp.** (a) This section applies to the sale of any products, other than food, intended for human or animal consumption by any route of administration, that contain cannabinoids extracted from hemp. This section does not apply to the sale of any products sold by medical cannabis manufacturers registered pursuant to section 152.25.

(b) Notwithstanding any other section of this chapter, a product containing cannabinoids may be sold for human or animal consumption if all of the requirements of this section are met.

(c) A product regulated under this section must be tested by an independent, accredited, third-party analytical laboratory to confirm that the product:

(1) contains the amount or percentage of cannabidiol that is stated on the label of the product;

(2) does not contain more than trace amounts of any pesticides, fertilizers, or heavy metals; and

(3) does not contain tetrahydrocannabinol that exceeds the concentration permitted for industrial hemp as defined in section 18K.02, subdivision 3.

(d) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited third-party analytical laboratory that has tested the product;

(3) an accurate statement of the amount or percentage of cannabidiol found in each unit of the product meant to be consumed; and

(4) the statement "This product has not been approved by the U.S. Food and Drug Administration for the prevention, treatment, or cure of any disease, or to alter the structure or function of human or animal bodies, or for use as a dietary supplement," unless the product has been so approved.

(e) A product sold under this section is considered an adulterated drug if:

(1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;

(3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(4) it contains any color additives or excipients that have been found by the United States Food and Drug Administration to be unsafe for human or animal consumption; or

(5) it contains an amount or percentage of cannabidiol that is different than the amount or percentage stated on the label.

(f) A product sold under this section is a misbranded drug if:

(1) its labeling is false or misleading in any manner;

(2) any word, statement, or other information required by this section to appear on the labeling is not prominently placed on the labeling with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(3) its labeling makes any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the United States Food and Drug Administration.

(g) No person who sells a product regulated under this section may make a false, misleading, or unsubstantiated claim concerning the health benefits of the product.

(h) The authority of the Board of Pharmacy to issue cease and desist orders under section 151.06, to embargo misbranded and adulterated drugs under section 151.38, and to seek injunctive relief under section 214.11, extends to violations of this section.