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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4871

03/13/2024

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The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act

1.2 relating to cannabis; requiring the Office of Cannabis Management to establish

1.3 limits on the total THC in cannabis flower and cannabis products; prohibiting the

1.4 addition of ingredients to impart a taste or smell to cannabis products intended to

1.5 be consumed through the inhalation of smoke, vapor, or aerosol; requiring warnings

1.6 about cannabis consumption to include a warning regarding cancer; prohibiting

1.7 advertisements that promote the co-consumption of alcohol and cannabis; amending

1.8 Minnesota Statutes 2023 Supplement, sections 342.06; 342.63, subdivision 6;

1.9 342.64, subdivision 1.

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

1.11 Section 1. Minnesota Statutes 2023 Supplement, section 342.06, is amended to read:

1.12 **342.06 APPROVAL OF CANNABIS FLOWER, PRODUCTS, AND**

1.13 **CANNABINOIDS.**

1.14 (a) For the purposes of this section, "product category" means a type of product that

1.15 may be sold in different sizes, distinct packaging, or at various prices but is still created

1.16 using the same manufacturing or agricultural processes. A new or additional stock keeping

1.17 unit (SKU) or Universal Product Code (UPC) shall not prevent a product from being

1.18 considered the same type as another unit. All other terms have the meanings provided in

1.19 section 342.01.

1.20 (b) The office shall approve product categories of cannabis flower, cannabis products,

1.21 lower-potency hemp edibles, and hemp-derived consumer products for retail sale.

1.22 (c) The office ~~may~~ must establish limits on the total THC of cannabis flower, cannabis

1.23 products, and hemp-derived consumer products. As used in this paragraph, "total THC"

1.24 means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by

1.25 0.877 plus the percentage by weight of all tetrahydrocannabinols.

2.1 (d) The office shall not approve any cannabis product, lower-potency hemp edible, or
2.2 hemp-derived consumer product that:

2.3 (1) is or appears to be a lollipop or ice cream;

2.4 (2) bears the likeness or contains characteristics of a real or fictional person, animal, or
2.5 fruit;

2.6 (3) is modeled after a type or brand of products primarily consumed by or marketed to
2.7 children;

2.8 (4) is substantively similar to a meat food product; poultry food product as defined in
2.9 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision
2.10 7;

2.11 (5) contains a synthetic cannabinoid;

2.12 (6) is made by applying a cannabinoid, including but not limited to an artificially derived
2.13 cannabinoid, to a finished food product that does not contain cannabinoids and is sold to
2.14 consumers, including but not limited to a candy or snack food; ~~or~~

2.15 (7) is intended to be consumed by the combustion or vaporization of the product and
2.16 the inhalation of smoke, aerosol, or vapor from the product, that imparts a taste or smell,
2.17 other than the taste or smell of cannabis, that is distinguishable by an ordinary person prior
2.18 to or during the consumption of the product; or

2.19 ~~(7)~~ (8) if the product is an edible cannabis product or lower-potency hemp edible, contains
2.20 an ingredient, other than a cannabinoid, that is not approved by the United States Food and
2.21 Drug Administration for use in food.

2.22 Sec. 2. Minnesota Statutes 2023 Supplement, section 342.63, subdivision 6, is amended
2.23 to read:

2.24 Subd. 6. **Additional information.** (a) A cannabis microbusiness, cannabis mezzobusiness,
2.25 cannabis retailer, medical cannabis retailer, or medical cannabis combination business must
2.26 provide customers and patients with the following information:

2.27 (1) factual information about impairment effects and the expected timing of impairment
2.28 effects, side effects, adverse effects, and the risk of cancer and other health risks of associated
2.29 with cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
2.30 consumer products;

3.1 (2) a statement that customers and patients must not operate a motor vehicle or heavy
3.2 machinery while under the influence of cannabis flower, cannabis products, lower-potency
3.3 hemp edibles, and hemp-derived consumer products;

3.4 (3) resources customers and patients may consult to answer questions about cannabis
3.5 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
3.6 products, and any side effects and adverse effects;

3.7 (4) contact information for the poison control center and a safety hotline or website for
3.8 customers to report and obtain advice about side effects and adverse effects of cannabis
3.9 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
3.10 products;

3.11 (5) substance use disorder treatment options; and

3.12 (6) any other information specified by the office.

3.13 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or medical
3.14 cannabis retailer may include the information described in paragraph (a) on the label affixed
3.15 to the packaging or container of cannabis flower, cannabis products, lower-potency hemp
3.16 edibles, and hemp-derived consumer products by:

3.17 (1) posting the information in the premises of the cannabis microbusiness, cannabis
3.18 mezzobusiness, cannabis retailer, medical cannabis retailer, or medical cannabis combination
3.19 business; or

3.20 (2) providing the information on a separate document or pamphlet provided to customers
3.21 or patients when the customer purchases cannabis flower, a cannabis product, a lower-potency
3.22 hemp edible, or a hemp-derived consumer product.

3.23 Sec. 3. Minnesota Statutes 2023 Supplement, section 342.64, subdivision 1, is amended
3.24 to read:

3.25 Subdivision 1. **Limitations applicable to all advertisements.** Cannabis businesses,
3.26 hemp businesses, and other persons shall not publish or cause to be published an
3.27 advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product,
3.28 a lower-potency hemp edible, or a hemp-derived consumer product in a manner that:

3.29 (1) contains false or misleading statements;

3.30 (2) contains unverified claims about the health or therapeutic benefits or effects of
3.31 consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a
3.32 hemp-derived consumer product;

- 4.1 (3) promotes the overconsumption of cannabis flower, a cannabis product, a
4.2 lower-potency hemp edible, or a hemp-derived consumer product;
- 4.3 (4) promotes the co-consumption of cannabis flower, a cannabis product, a lower-potency
4.4 hemp edible, or a hemp-derived consumer product with alcohol;
- 4.5 ~~(4)~~ (5) depicts a person under 21 years of age consuming cannabis flower, a cannabis
4.6 product, a lower-potency hemp edible, or a hemp-derived consumer product; or
- 4.7 ~~(5)~~ (6) includes an image designed or likely to appeal to individuals under 21 years of
4.8 age, including cartoons, toys, animals, or children, or any other likeness to images, characters,
4.9 or phrases that is designed to be appealing to individuals under 21 years of age or encourage
4.10 consumption by individuals under 21 years of age; and
- 4.11 ~~(6)~~ (7) does not contain a warning as specified by the office regarding impairment and
4.12 health risks.