

260.5

ARTICLE 7

260.6

TEMPORARY REGULATION OF CERTAIN PRODUCTS

260.7 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

260.8 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
260.9 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
260.10 for humans or other animals, whether simple, mixed, or compound; and articles used as
260.11 components of these ingredients, except that edible cannabinoid products, as defined in
260.12 section 151.72, subdivision 1, paragraph ~~(e)~~ (f), are not food.

260.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

260.14 Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read:

260.15 **151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

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

260.18 (a) "Artificially derived cannabinoid" means a cannabinoid extracted from a hemp plant
260.19 or hemp plant parts whose chemical makeup is changed after extraction to create a different
260.20 cannabinoid or other chemical compound by applying a catalyst other than heat or light.
260.21 Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol
260.22 created from cannabidiol.

260.23 (b) "Batch" means a specific quantity of a specific product containing cannabinoids
260.24 derived from hemp, including an edible cannabinoid product, that is manufactured at the
260.25 same time and using the same methods, equipment, and ingredients that is uniform and
260.26 intended to meet specifications for identity, strength, purity, and composition, and that is
260.27 manufactured, packaged, and labeled according to a single batch production record executed
260.28 and documented during the same cycle of manufacture and produced by a continuous
260.29 process.

260.30 ~~(b)~~ (c) "Certified hemp" means hemp plants that have been tested and found to meet the
260.31 requirements of chapter 18K and the rules adopted thereunder.

261.1 (d) "Commissioner" means the commissioner of health.

261.2 (e) "Distributor" means a person who sells, arranges a sale, or delivers a product
261.3 containing cannabinoids derived from hemp, including an edible cannabinoid product, that
261.4 the person did not manufacture to a retail establishment for sale to consumers. Distributor
261.5 does not include a common carrier used only to complete delivery to a retailer.

261.6 ~~(e)~~ (f) "Edible cannabinoid product" means any product that is intended to be eaten or
261.7 consumed as a beverage by humans, contains a cannabinoid in combination with food
261.8 ingredients, and is not a drug.

251.22

ARTICLE 7

251.23

TEMPORARY REGULATION OF CERTAIN PRODUCTS

251.24 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

251.25 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
251.26 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
251.27 for humans or other animals, whether simple, mixed, or compound; and articles used as
251.28 components of these ingredients, except that edible cannabinoid products, as defined in
251.29 section 151.72, subdivision 1, paragraph ~~(e)~~ (f), are not food.

252.1 Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read:

252.2 **151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

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

252.5 (a) "Synthetically derived cannabinoid" means a cannabinoid extracted from a hemp
252.6 plant or hemp plant parts whose chemical makeup is changed after extraction to create a
252.7 different cannabinoid or other chemical compound by applying a catalyst other than heat
252.8 or light. Synthetically derived cannabinoid includes but is not limited to any
252.9 tetrahydrocannabinol created from cannabidiol.

252.10 (b) "Batch" means a specific quantity of a specific product containing cannabinoids
252.11 derived from hemp, including an edible cannabinoid product, that is manufactured at the
252.12 same time and using the same methods, equipment, and ingredients that is uniform and
252.13 intended to meet specifications for identity, strength, purity, and composition, and that is
252.14 manufactured, packaged, and labeled according to a single batch production record executed
252.15 and documented during the same cycle of manufacture and produced by a continuous
252.16 process.

252.17 ~~(b)~~ (c) "Certified hemp" means hemp plants that have been tested and found to meet the
252.18 requirements of chapter 18K and the rules adopted thereunder.

252.19 (d) "Commissioner" means the commissioner of health.

252.20 (e) "Distributor" means a person who sells, arranges a sale, or delivers a product
252.21 containing cannabinoids derived from hemp, including an edible cannabinoid product, that
252.22 the person did not manufacture to a retail establishment for sale to consumers. Distributor
252.23 does not include a common carrier used only to complete delivery to a retailer.

252.24 ~~(e)~~ (f) "Edible cannabinoid product" means any product that is intended to be eaten or
252.25 consumed as a beverage by humans, contains a cannabinoid in combination with food
252.26 ingredients, and is not a drug.

261.9 ~~(g)~~ "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision
 261.10 3.

261.11 ~~(h)~~ "Label" has the meaning given in section 151.01, subdivision 18.

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

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

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

261.17 (3) provided on that portion of a manufacturer's website that is linked by a scannable
 261.18 barcode or matrix barcode.

261.19 ~~(j)~~ "Matrix barcode" means a code that stores data in a two-dimensional array of
 261.20 geometrically shaped dark and light cells capable of being read by the camera on a
 261.21 smartphone or other mobile device.

261.22 ~~(k)~~ "Nonintoxicating cannabinoid" means substances extracted from certified hemp
 261.23 plants that do not produce intoxicating effects when consumed by any route of administration.

261.24 (l) "Synthetic cannabinoid" means a substance with a similar chemical structure and
 261.25 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp
 261.26 plants, or hemp plant parts and is instead created or produced by chemical or biochemical
 261.27 synthesis.

261.28 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains
 261.29 cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended
 261.30 for human or animal consumption by any route of administration.

261.31 (b) This section does not apply to any product dispensed by a registered medical cannabis
 261.32 manufacturer pursuant to sections 152.22 to 152.37.

262.1 (c) The ~~board~~ commissioner must have no authority over food products, as defined in
 262.2 section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from
 262.3 hemp.

262.4 Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other
 262.5 section of this chapter, a product containing nonintoxicating cannabinoids, including an
 262.6 edible cannabinoid product, may be sold for human or animal consumption only if all of
 262.7 the requirements of this section are met, provided that a product sold for human or animal
 262.8 consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an
 262.9 edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that
 262.10 exceeds the limits established in subdivision 5a, paragraph (f).

262.11 (b) No other substance extracted or otherwise derived from hemp may be sold for human
 262.12 consumption if the substance is intended:

252.27 ~~(g)~~ "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision
 252.28 3.

252.29 ~~(h)~~ "Label" has the meaning given in section 151.01, subdivision 18.

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

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

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

253.3 (3) provided on that portion of a manufacturer's website that is linked by a scannable
 253.4 barcode or matrix barcode.

253.5 ~~(j)~~ "Matrix barcode" means a code that stores data in a two-dimensional array of
 253.6 geometrically shaped dark and light cells capable of being read by the camera on a
 253.7 smartphone or other mobile device.

253.8 ~~(k)~~ "Nonintoxicating cannabinoid" means substances extracted from certified hemp
 253.9 plants that do not produce intoxicating effects when consumed by any route of administration.

253.10 (l) "Artificial cannabinoid" means a substance with a similar chemical structure and
 253.11 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp
 253.12 plants, or hemp plant parts and is instead created or produced by chemical or biochemical
 253.13 synthesis.

253.14 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains
 253.15 cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended
 253.16 for human or animal consumption by any route of administration.

253.17 (b) This section does not apply to any product dispensed by a registered medical cannabis
 253.18 manufacturer pursuant to sections 152.22 to 152.37.

253.19 (c) The ~~board~~ commissioner must have no authority over food products, as defined in
 253.20 section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from
 253.21 hemp.

253.22 Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other
 253.23 section of this chapter, a product containing nonintoxicating cannabinoids, including an
 253.24 edible cannabinoid product, may be sold for human or animal consumption only if all of
 253.25 the requirements of this section are met, provided that a product sold for human or animal
 253.26 consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an
 253.27 edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that
 253.28 exceeds the limits established in subdivision 5a, paragraph (f).

253.29 (b) No other substance extracted or otherwise derived from hemp may be sold for human
 253.30 consumption if the substance is intended:

262.13 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
262.14 of disease in humans or other animals; ~~or~~

262.15 (2) to affect the structure or any function of the bodies of humans or other animals;

262.16 (c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise
262.17 derived from hemp may be sold to any individual who is under the age of 21.

262.18 (d) Products that meet the requirements of this section are not controlled substances
262.19 under section 152.02.

262.20 Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this
262.21 section must submit representative samples of each batch of the product to an independent,
262.22 accredited laboratory in order to certify that the product complies with the standards adopted
262.23 by the board on or before July 1, 2023, or the standards adopted by the commissioner.

262.24 Testing must be consistent with generally accepted industry standards for herbal and botanical
262.25 substances, and, at a minimum, the testing must confirm that the product:

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

262.28 (2) does not contain more than trace amounts of any mold, residual solvents or other
262.29 catalysts, pesticides, fertilizers, or heavy metals; and

262.30 (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

262.31 (b) A manufacturer of a product regulated under this section must disclose all known
262.32 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to

253.31 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
253.32 of disease in humans or other animals; ~~or~~

254.1 (2) to affect the structure or any function of the bodies of humans or other animals;

254.2 (3) to be consumed by combustion or vaporization of the product and inhalation of
254.3 smoke, aerosol, or vapor from the product; or

254.4 (4) to be consumed through injection or application to a mucous membrane or nonintact
254.5 skin.

254.6 (c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise
254.7 derived from hemp may be sold to any individual who is under the age of 21.

254.8 (d) Products that meet the requirements of this section are not controlled substances
254.9 under section 152.02.

254.10 (e) Products may be sold for on-site consumption provided that all of the following
254.11 conditions are met:

254.12 (1) the retailer must also hold an on-sale license issued under chapter 340A;

254.13 (2) products must be served in original packaging, but may be removed from the products'
254.14 packaging by customers and consumed on site;

254.15 (3) products must not be sold to a customer who the retailer knows or reasonably should
254.16 know is intoxicated;

254.17 (4) products must not be permitted to be mixed with an alcoholic beverage; and

254.18 (5) products that have been removed from packaging must not be removed from the
254.19 premises.

254.20 Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this
254.21 section must submit representative samples of each batch of the product to an independent,
254.22 accredited laboratory in order to certify that the product complies with the standards adopted
254.23 by the board on or before July 1, 2023, or the standards adopted by the commissioner.

254.24 Testing must be consistent with generally accepted industry standards for herbal and botanical
254.25 substances, and, at a minimum, the testing must confirm that the product:

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

254.28 (2) does not contain more than trace amounts of any mold, residual solvents or other
254.29 catalysts, pesticides, fertilizers, or heavy metals; and

254.30 (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

255.1 (b) A manufacturer of a product regulated under this section must disclose all known
255.2 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to

263.1 industrial hemp or added to industrial hemp during any production or processing stages of
 263.2 any batch from which a representative sample has been sent for testing, including any
 263.3 catalysts used to create ~~artificially~~ derived cannabinoids. Disclosure must be made to the
 263.4 laboratory performing testing or sampling and, upon request, to the commissioner. Disclosure
 263.5 must include all information known to the licensee regardless of whether the application or
 263.6 addition was made intentionally or accidentally, or by the manufacturer or any other person.

263.7 ~~(b)~~ (c) Upon the request of the ~~board~~ commissioner, the manufacturer of the product
 263.8 must provide the ~~board~~ commissioner with the results of the testing required in this section.

263.9 (d) The commissioner may determine that any testing laboratory that does not operate
 263.10 formal management systems under the International Organization for Standardization is not
 263.11 an accredited laboratory and require that a representative sample of a batch of the product
 263.12 be retested by a testing laboratory that meets this requirement.

263.13 ~~(e)~~ (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived,
 263.14 or possession of a certificate of analysis for such hemp, does not meet the testing requirements
 263.15 of this section.

263.16 Subd. 5. **Labeling requirements.** (a) A product regulated under this section must bear
 263.17 a label that contains, at a minimum:

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

263.20 (2) the name and address of the independent, accredited laboratory used by the
 263.21 manufacturer to test the product; ~~and~~

263.22 (3) the batch number; and

263.23 ~~(3)~~ (4) an accurate statement of the amount or percentage of cannabinoids found in each
 263.24 unit of the product meant to be consumed.

263.25 (b) The information in paragraph (a) may be provided on an outer package if the
 263.26 immediate container that holds the product is too small to contain all of the information.

263.27 (c) The information required in paragraph (a) may be provided through the use of a
 263.28 scannable barcode or matrix barcode that links to a page on the manufacturer's website if
 263.29 that page contains all of the information required by this subdivision.

263.30 (d) The label must also include a statement stating that the product does not claim to
 263.31 diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the
 263.32 United States Food and Drug Administration (FDA) unless the product has been so approved.

264.1 (e) The information required by this subdivision must be prominently and conspicuously
 264.2 placed on the label or displayed on the website in terms that can be easily read and understood
 264.3 by the consumer.

255.3 industrial hemp or added to industrial hemp during any production or processing stages of
 255.4 any batch from which a representative sample has been sent for testing, including any
 255.5 catalysts used to create ~~synthetically~~ derived cannabinoids. Disclosure must be made to the
 255.6 laboratory performing testing or sampling and, upon request, to the commissioner. Disclosure
 255.7 must include all information known to the licensee regardless of whether the application or
 255.8 addition was made intentionally or accidentally, or by the manufacturer or any other person.

255.9 ~~(b)~~ (c) Upon the request of the ~~board~~ commissioner, the manufacturer of the product
 255.10 must provide the ~~board~~ commissioner with the results of the testing required in this section.

255.11 (d) The commissioner may determine that any testing laboratory that does not operate
 255.12 formal management systems under the International Organization for Standardization is not
 255.13 an accredited laboratory and require that a representative sample of a batch of the product
 255.14 be retested by a testing laboratory that meets this requirement.

255.15 ~~(e)~~ (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived,
 255.16 or possession of a certificate of analysis for such hemp, does not meet the testing requirements
 255.17 of this section.

255.18 Subd. 5. **Labeling requirements.** (a) A product regulated under this section must bear
 255.19 a label that contains, at a minimum:

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

255.22 (2) the name and address of the independent, accredited laboratory used by the
 255.23 manufacturer to test the product; ~~and~~

255.24 (3) the batch number; and

255.25 ~~(3)~~ (4) an accurate statement of the amount or percentage of cannabinoids found in each
 255.26 unit of the product meant to be consumed.

255.27 (b) The information in paragraph (a) may be provided on an outer package if the
 255.28 immediate container that holds the product is too small to contain all of the information.

255.29 (c) The information required in paragraph (a) may be provided through the use of a
 255.30 scannable barcode or matrix barcode that links to a page on the manufacturer's website if
 255.31 that page contains all of the information required by this subdivision.

256.1 (d) The label must also include a statement stating that the product does not claim to
 256.2 diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the
 256.3 United States Food and Drug Administration (FDA) unless the product has been so approved.

256.4 (e) The information required by this subdivision must be prominently and conspicuously
 256.5 placed on the label or displayed on the website in terms that can be easily read and understood
 256.6 by the consumer.

264.4 (f) The labeling must not contain any claim that the product may be used or is effective
 264.5 for the prevention, treatment, or cure of a disease or that it may be used to alter the structure
 264.6 or function of human or animal bodies, unless the claim has been approved by the FDA.

264.7 Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition
 264.8 to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid
 264.9 must meet the requirements of this subdivision.

264.10 (b) An edible cannabinoid product must not:

264.11 (1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,
 264.12 animal, or fruit that appeals to children;

264.13 (2) be modeled after a brand of products primarily consumed by or marketed to children;

264.14 (3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a
 264.15 commercially available candy or snack food item;

264.16 (4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved
 264.17 by the United States Food and Drug Administration for use in food;

264.18 (5) be packaged in a way that resembles the trademarked, characteristic, or
 264.19 product-specialized packaging of any commercially available food product; or

264.20 (6) be packaged in a container that includes a statement, artwork, or design that could
 264.21 reasonably mislead any person to believe that the package contains anything other than an
 264.22 edible cannabinoid product.

264.23 (c) An edible cannabinoid product must be prepackaged in packaging or a container that
 264.24 is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is
 264.25 child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The
 264.26 requirement that packaging be child-resistant does not apply to an edible cannabinoid product
 264.27 that is intended to be consumed as a beverage and which contains no more than a ~~trace~~
 264.28 ~~amount of any tetrahydrocannabinol~~ total of 0.25 milligrams of all tetrahydrocannabinols.

264.29 (d) If an edible cannabinoid product is intended for more than a single use or contains
 264.30 multiple servings, each serving must be indicated by scoring, wrapping, or other indicators
 264.31 designating the individual serving size that appear on the edible cannabinoid product.

265.1 (e) A label containing at least the following information must be affixed to the packaging
 265.2 or container of all edible cannabinoid products sold to consumers:

265.3 (1) the serving size;

256.7 (f) The labeling must not contain any claim that the product may be used or is effective
 256.8 for the prevention, treatment, or cure of a disease or that it may be used to alter the structure
 256.9 or function of human or animal bodies, unless the claim has been approved by the FDA.

256.10 Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition
 256.11 to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid
 256.12 must meet the requirements of this subdivision.

256.13 (b) An edible cannabinoid product must not:

256.14 (1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,
 256.15 animal, or fruit that appeals to children;

256.16 (2) be modeled after a brand of products primarily consumed by or marketed to children;

256.17 (3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a
 256.18 commercially available candy or snack food item;

256.19 (4) be substantively similar to a meat food product; poultry food product as defined in
 256.20 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision
 256.21 7;

256.22 ~~(4)~~(5) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved
 256.23 by the United States Food and Drug Administration for use in food;

256.24 ~~(5)~~(6) be packaged in a way that resembles the trademarked, characteristic, or
 256.25 product-specialized packaging of any commercially available food product; or

256.26 ~~(6)~~(7) be packaged in a container that includes a statement, artwork, or design that could
 256.27 reasonably mislead any person to believe that the package contains anything other than an
 256.28 edible cannabinoid product.

256.29 (c) An edible cannabinoid product must be prepackaged in packaging or a container that
 256.30 is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is
 256.31 child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The
 256.32 requirement that packaging be child-resistant does not apply to an edible cannabinoid product
 257.1 that is intended to be consumed as a beverage and which contains no more than a ~~trace~~
 257.2 ~~amount of any tetrahydrocannabinol~~ total of 0.25 milligrams of all tetrahydrocannabinols.

257.3 (d) If an edible cannabinoid product is intended for more than a single use or contains
 257.4 multiple servings, each serving must be indicated by scoring, wrapping, or other indicators
 257.5 designating the individual serving size that appear on the edible cannabinoid product. If the
 257.6 edible cannabinoid product is meant to be consumed as a beverage, the beverage container
 257.7 may not contain more than two servings per container.

257.8 (e) A label containing at least the following information must be affixed to the packaging
 257.9 or container of all edible cannabinoid products sold to consumers:

257.10 (1) the serving size;

265.4 (2) the cannabinoid profile per serving and in total;

265.5 (3) a list of ingredients, including identification of any major food allergens declared

265.6 by name; and

265.7 (4) the following statement: "Keep this product out of reach of children."

265.8 (f) An edible cannabinoid product must not contain more than five milligrams of any

265.9 tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any

265.10 tetrahydrocannabinol per package.

265.11 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9

265.12 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is an

265.13 artificially derived cannabinoid. Edible cannabinoid products are prohibited from containing

265.14 any other artificially derived cannabinoid, including but not limited to THC-P, THC-O, and

265.15 HHC, unless the commissioner authorizes use of the artificially derived cannabinoid in

265.16 edible cannabinoid products. Edible cannabinoid products are prohibited from containing

265.17 synthetic cannabinoids.

265.18 Subd. 5b. **Registration; prohibitions.** (a) On or before October 1, 2023, every person

265.19 selling edible cannabinoid products to consumers must apply for registration with the

265.20 commissioner in a form and manner established by the commissioner. After October 1,

265.21 2023, the sale of edible cannabinoid products by a person that is not registered is prohibited.

265.22 (b) The commissioner shall approve completed registration applications unless the

265.23 applicant is operating in violation of this section or the commissioner reasonably believes

265.24 that the applicant will operate in violation of this section.

265.25 (c) The commissioner shall not charge a fee for registration under this subdivision.

265.26 (d) A registered retailer shall not:

265.27 (1) permit the on-site consumption of edible cannabinoid products; or

265.28 (2) provide free samples of edible cannabinoid products, except that a retailer may

265.29 provide a single package of an edible cannabinoid product with the purchase of a childproof

265.30 packaging container or other device designed to ensure the safe storage and monitoring of

265.31 edible cannabinoid products in the home to prevent access by individuals under 21 years

265.32 of age.

266.1 Subd. 5c. **Age verification.** (a) Prior to initiating a sale of an edible cannabinoid product,

266.2 an employee of a retailer must verify that the customer is at least 21 years of age.

257.11 (2) the cannabinoid profile per serving and in total;

257.12 (3) a list of ingredients, including identification of any major food allergens declared

257.13 by name; and

257.14 (4) the following statement: "Keep this product out of reach of children."

257.15 (f) An edible cannabinoid product must not contain more than five milligrams of any

257.16 tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any

257.17 tetrahydrocannabinol per package.

257.18 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9

257.19 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is a

257.20 synthetically derived cannabinoid. Edible cannabinoid products are prohibited from

257.21 containing any other synthetically derived cannabinoid, including but not limited to THC-P,

257.22 THC-O, and HHC, unless the commissioner authorizes use of the synthetically derived

257.23 cannabinoid in edible cannabinoid products. Edible cannabinoid products are prohibited

257.24 from containing artificial cannabinoids.

257.25 Subd. 5b. **Registration; prohibitions.** (a) On or before October 1, 2023, every person

257.26 selling edible cannabinoid products to consumers must register with the commissioner in

257.27 a form and manner established by the commissioner. After October 1, 2023, the sale of

257.28 edible cannabinoid products by a person that is not registered is prohibited.

257.29 (b) The registration form must include an attestation of compliance attesting to the

257.30 registrant's compliance with all applicable state and local requirements.

257.31 (c) The commissioner shall not charge a fee for registration under this subdivision.

258.1 Subd. 5c. **Age verification.** (a) Prior to initiating a sale or providing a free sample of

258.2 an edible cannabinoid product, an employee of a retailer must verify that the customer is at

258.3 least 21 years of age.

266.3 (b) Proof of age may be established only by one of the following:

266.4 (1) a valid driver's license or identification card issued by Minnesota, another state, or

266.5 a province of Canada and including the photograph and date of birth of the licensed person;

266.6 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

266.7 (3) a valid passport issued by the United States;

266.8 (4) a valid instructional permit issued under section 171.05 to a person of legal age to

266.9 purchase edible cannabinoid products, which includes a photograph and the date of birth

266.10 of the person issued the permit; or

266.11 (5) in the case of a foreign national, by a valid passport.

266.12 (c) A registered retailer may seize a form of identification listed under paragraph (b) if

266.13 the registered retailer has reasonable grounds to believe that the form of identification has

266.14 been altered or falsified or is being used to violate any law. A registered retailer that seizes

266.15 a form of identification as authorized under this paragraph must deliver it to a law

266.16 enforcement agency within 24 hours of seizing it.

266.17 Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this

266.18 section, including an edible cannabinoid product, shall be considered ~~an adulterated drug~~

266.19 a noncompliant product if the product is offered for sale in this state or if the product is

266.20 manufactured, imported, distributed, or stored with the intent to be offered for sale in this

266.21 state in violation of any provision of this section, including but not limited to if:

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

266.23 (2) it has been produced, prepared, packed, or held under unsanitary conditions where

266.24 it may have been rendered injurious to health, or where it may have been contaminated with

266.25 filth;

266.26 (3) its container is composed, in whole or in part, of any poisonous or deleterious

266.27 substance that may render the contents injurious to health;

266.28 (4) it contains any food additives, color additives, or excipients that have been found by

266.29 the FDA to be unsafe for human or animal consumption;

266.30 (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different

266.31 than the amount or percentage stated on the label;

267.1 (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is

267.2 an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits

267.3 established in subdivision 5a, paragraph (f); or

267.4 (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers,

267.5 or heavy metals.

258.4 (b) Proof of age may be established only by one of the following:

258.5 (1) a valid driver's license or identification card issued by Minnesota, another state, a

258.6 United States territory, or a province of Canada and including the photograph and date of

258.7 birth of the licensed person;

258.8 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

258.9 (3) a valid passport issued by the United States;

258.10 (4) a valid instructional permit issued under section 171.05 to a person of legal age to

258.11 purchase edible cannabinoid products, which includes a photograph and the date of birth

258.12 of the person issued the permit; or

258.13 (5) in the case of a foreign national, by a valid passport.

258.14 (c) A registered retailer may seize a form of identification listed under paragraph (b) if

258.15 the registered retailer has reasonable grounds to believe that the form of identification has

258.16 been altered or falsified or is being used to violate any law. A registered retailer that seizes

258.17 a form of identification as authorized under this paragraph must deliver it to a law

258.18 enforcement agency within 24 hours of seizing it.

258.19 Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this

258.20 section, including an edible cannabinoid product, shall be considered ~~an adulterated drug~~

258.21 a noncompliant product if the product is offered for sale in this state or if the product is

258.22 manufactured, imported, distributed, or stored with the intent to be offered for sale in this

258.23 state in violation of any provision of this section, including but not limited to if:

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

258.25 (2) it has been produced, prepared, packed, or held under unsanitary conditions where

258.26 it may have been rendered injurious to health, or where it may have been contaminated with

258.27 filth;

258.28 (3) its container is composed, in whole or in part, of any poisonous or deleterious

258.29 substance that may render the contents injurious to health;

258.30 (4) it contains any food additives, color additives, or excipients that have been found by

258.31 the FDA to be unsafe for human or animal consumption;

259.1 (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different

259.2 than the amount or percentage stated on the label;

259.3 (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is

259.4 an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits

259.5 established in subdivision 5a, paragraph (f); or

259.6 (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers,

259.7 or heavy metals.

267.6 (b) A product regulated under this section shall be considered a ~~misbranded drug~~
 267.7 ~~noncompliant product~~ if the product's labeling is false or misleading in any manner or in
 267.8 violation of the requirements of this section.

267.9 (c) ~~The board's authority to issue cease and desist orders under section 151.06; to embargo~~
 267.10 ~~adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under~~
 267.11 ~~section 214.11, extends to any commissioner~~ may assume that any product regulated under
 267.12 this section that is present in the state, other than a product lawfully possessed for personal
 267.13 use, has been manufactured, imported, distributed, or stored with the intent to be offered
 267.14 for sale in this state if a product of the same type and brand was sold in the state on or after
 267.15 July 1, 2023, or if the product is in the possession of a person who has sold any product in
 267.16 violation of this section.

267.17 (d) The commissioner may enforce this section, including enforcement against a
 267.18 manufacturer or distributor of a product regulated under this section, under sections 144.989
 267.19 to 144.993.

267.20 (e) The commissioner may enter into an interagency agreement with the Office of
 267.21 Cannabis Management to perform inspections and take other enforcement actions on behalf
 267.22 of the commissioner.

267.23 **Subd. 7. Violations; criminal penalties.** (a) Notwithstanding section 144.99, subdivision
 267.24 11, a person who does any of the following regarding a product regulated under this section
 267.25 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than
 267.26 one year or to payment of a fine of not more than \$3,000, or both:

267.27 (1) knowingly alters or otherwise falsifies testing results;

267.28 (2) intentionally alters or falsifies any information required to be included on the label
 267.29 of an edible cannabinoid product; or

267.30 (3) intentionally makes a false material statement to the commissioner.

267.31 (b) Notwithstanding section 144.99, subdivision 11, a person who does any of the
 267.32 following on the premises of a registered retailer or another business that sells retail goods
 268.1 to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for
 268.2 not more than one year or to payment of a fine of not more than \$3,000, or both:

268.3 (1) sells an edible cannabinoid product knowing that the product does not comply with
 268.4 the limits on the amount or types of cannabinoids that a product may contain;

268.5 (2) sells an edible cannabinoid product knowing that the product does not comply with
 268.6 the applicable testing, packaging, or labeling requirements; or

268.7 (3) sells an edible cannabinoid product to a person under the age of 21, except that it is
 268.8 an affirmative defense to a charge under this clause if the defendant proves by a

259.8 (b) A product regulated under this section shall be considered a ~~misbranded drug~~
 259.9 ~~noncompliant product~~ if the product's labeling is false or misleading in any manner or in
 259.10 violation of the requirements of this section.

259.11 (c) ~~The board's authority to issue cease and desist orders under section 151.06; to embargo~~
 259.12 ~~adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under~~
 259.13 ~~section 214.11, extends to any commissioner~~ may assume that any product regulated under
 259.14 this section that is present in the state, other than a product lawfully possessed for personal
 259.15 use, has been manufactured, imported, distributed, or stored with the intent to be offered
 259.16 for sale in this state if a product of the same type and brand was sold in the state on or after
 259.17 July 1, 2023, or if the product is in the possession of a person who has sold any product in
 259.18 violation of this section.

259.19 (d) The commissioner may enforce this section, including enforcement against a
 259.20 manufacturer or distributor of a product regulated under this section, under sections 144.989
 259.21 to 144.993.

259.22 (e) The commissioner may enter into an interagency agreement with the Department of
 259.23 Agriculture and the Office of Cannabis Management to perform inspections and take other
 259.24 enforcement actions on behalf of the commissioner.

259.25 **Subd. 7. Violations; criminal penalties.** (a) Notwithstanding section 144.99, subdivision
 259.26 11, a person who does any of the following regarding a product regulated under this section
 259.27 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than
 259.28 one year or to payment of a fine of not more than \$3,000, or both:

259.29 (1) knowingly alters or otherwise falsifies testing results;

259.30 (2) intentionally alters or falsifies any information required to be included on the label
 259.31 of an edible cannabinoid product; or

259.32 (3) intentionally makes a false material statement to the commissioner.

260.1 (b) Notwithstanding section 144.99, subdivision 11, a person who does any of the
 260.2 following on the premises of a registered retailer or another business that sells retail goods
 260.3 to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for
 260.4 not more than one year or to payment of a fine of not more than \$3,000, or both:

260.5 (1) sells an edible cannabinoid product knowing that the product does not comply with
 260.6 the limits on the amount or types of cannabinoids that a product may contain;

260.7 (2) sells an edible cannabinoid product knowing that the product does not comply with
 260.8 the applicable testing, packaging, or labeling requirements; or

260.9 (3) sells an edible cannabinoid product to a person under the age of 21, except that it is
 260.10 an affirmative defense to a charge under this clause if the defendant proves by a

268.9 preponderance of the evidence that the defendant reasonably and in good faith relied on
 268.10 proof of age as described in subdivision 5c.

268.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

268.12 Sec. 3. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

268.13 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,
 268.14 an exclusive liquor store may sell only the following items:

268.15 (1) alcoholic beverages;

268.16 (2) tobacco products;

268.17 (3) ice;

268.18 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating
 268.19 liquor;

268.20 (5) soft drinks;

268.21 (6) liqueur-filled candies;

268.22 (7) food products that contain more than one-half of one percent alcohol by volume;

268.23 (8) cork extraction devices;

268.24 (9) books and videos on the use of alcoholic beverages;

260.11 preponderance of the evidence that the defendant reasonably and in good faith relied on
 260.12 proof of age as described in subdivision 5c.

260.13 Subd. 8. **Civil actions.** (a) A spouse, child, parent, guardian, employer, or other person
 260.14 injured in person, property, or means of support or who incurs other pecuniary loss by an
 260.15 intoxicated person or by the intoxication of another person has a right of action in the person's
 260.16 own name for all damages sustained against a person who caused the intoxication of that
 260.17 person by illegally selling any product governed by section 151.72. All damages recovered
 260.18 by a minor under this section must be paid either to the minor or to the minor's parent,
 260.19 guardian, or next friend as the court directs.

260.20 (b) All suits for damages under this section must be by a civil action in a court of this
 260.21 state having jurisdiction.

260.22 (c) Actions under this subdivision are governed by section 604.01.

260.23 (d) It is a defense for the defendant to prove by a preponderance of the evidence that the
 260.24 defendant reasonably and in good faith relied upon representations of proof of age in selling,
 260.25 bartering, furnishing, or giving the product governed by section 151.72.

260.26 (e) Nothing in this section precludes common law tort claims against any person 21
 260.27 years of age or older who knowingly provides or furnishes any product governed by section
 260.28 151.72 to a person under the age of 21 years.

267.22 Sec. 14. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

267.23 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,
 267.24 an exclusive liquor store may sell only the following items:

267.25 (1) alcoholic beverages;

267.26 (2) tobacco products;

267.27 (3) ice;

267.28 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating
 267.29 liquor;

267.30 (5) soft drinks;

267.31 (6) liqueur-filled candies;

268.1 (7) food products that contain more than one-half of one percent alcohol by volume;

268.2 (8) cork extraction devices;

268.3 (9) books and videos on the use of alcoholic beverages;

268.25 (10) magazines and other publications published primarily for information and education
268.26 on alcoholic beverages;

268.27 (11) multiple-use bags designed to carry purchased items;

268.28 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to
268.29 prevent access by underage drinkers;

269.1 (13) home brewing equipment;

269.2 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive
269.3 liquor store, and bearing no other name, brand, or identifying logo;

269.4 (15) citrus fruit; ~~and~~

269.5 (16) glassware; ~~and~~

269.6 (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph
269.7 (f); and

269.8 (18) products that detect the presence of fentanyl or a fentanyl analog.

269.9 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
269.10 license may sell food for on-premise consumption when authorized by the municipality
269.11 issuing the license.

269.12 (c) An exclusive liquor store may offer live or recorded entertainment.

269.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

269.14 Sec. 4. **EDIBLE CANNABINOID PRODUCTS; ENFORCEMENT.**

269.15 (a) The Department of Health shall enforce the provisions of Minnesota Statutes, section
269.16 151.72, and all rules, orders, stipulation agreements, settlements, compliance agreements,
269.17 and registrations related to that section adopted or issued by the Office of Medical Cannabis
269.18 or the Department of Health pursuant to the Health Enforcement Consolidation Act of 1993
269.19 contained in Minnesota Statutes, sections 144.989 to 144.993. The commissioner of health
269.20 may assign enforcement responsibilities to the Office of Medical Cannabis.

269.21 (b) The enforcement authority under paragraph (a) shall transfer to the Office of Cannabis
269.22 Management at any such time that the powers and duties of the Department of Health with
269.23 respect to the medical cannabis program under Minnesota Statutes, sections 152.22 to
269.24 152.37, are transferred to the Office of Cannabis Management. The director of the Office
269.25 of Cannabis Management may assign enforcement responsibilities to the Division of Medical
269.26 Cannabis.

269.27 (c) This section shall expire on July 1, 2024.

269.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

268.4 (10) magazines and other publications published primarily for information and education
268.5 on alcoholic beverages;

268.6 (11) multiple-use bags designed to carry purchased items;

268.7 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to
268.8 prevent access by underage drinkers;

268.9 (13) home brewing equipment;

268.10 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive
268.11 liquor store, and bearing no other name, brand, or identifying logo;

268.12 (15) citrus fruit; ~~and~~

268.13 (16) glassware; and

268.14 (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph
268.15 (f). This clause expires July 1, 2024.

268.16 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
268.17 license may sell food for on-premise consumption when authorized by the municipality
268.18 issuing the license.

268.19 (c) An exclusive liquor store may offer live or recorded entertainment.

268.20 Sec. 15. **EDIBLE CANNABINOID PRODUCTS; ENFORCEMENT.**

268.21 (a) The Department of Health shall enforce the provisions of Minnesota Statutes, section
268.22 151.72, and all rules, orders, stipulation agreements, settlements, compliance agreements,
268.23 and registrations related to that section adopted or issued by the Office of Medical Cannabis
268.24 or the Department of Health pursuant to the Health Enforcement Consolidation Act of 1993
268.25 contained in Minnesota Statutes, sections 144.989 to 144.993. The commissioner of health
268.26 may assign enforcement responsibilities to the Office of Medical Cannabis.

268.27 (b) The enforcement authority under paragraph (a) shall transfer to the Office of Cannabis
268.28 Management at any such time that the powers and duties of the Department of Health, with
268.29 respect to the medical cannabis program under Minnesota Statutes 2022, sections 152.22
268.30 to 152.37, are transferred to the Office of Cannabis Management. The director of the Office
269.1 of Cannabis Management may assign enforcement responsibilities to the Division of Medical
269.2 Cannabis.

269.3 (c) This section shall expire on July 1, 2024.

269.29 Sec. 5. **REPEALER.**
 269.30 Minnesota Statutes 2022, section 151.72, is repealed.
 270.1 **EFFECTIVE DATE.** This section is effective July 1, 2024.

269.4 Sec. 16. **OFFICE OF CANNABIS MANAGEMENT IMPLEMENTATION.**
 269.5 (a) The commissioner of agriculture may exercise all authorities and responsibilities
 269.6 granted to the Office of Cannabis Management under Minnesota Statutes, chapter 342, that
 269.7 are necessary to establish the Office of Cannabis Management and transition programs,
 269.8 authorities, and responsibilities to it.
 269.9 (b) On or after January 1, 2024, and at such time that the office is able to fulfill the
 269.10 powers and duties enumerated in Minnesota Statutes, section 342.02, subdivision 2, the
 269.11 commissioner of agriculture may transfer all or some chapter 342 programs, authorities,
 269.12 and responsibilities to the Office of Cannabis Management. Upon such transfer, existing
 269.13 contracts, obligations, and funds managed by the commissioner of agriculture that are
 269.14 necessary to administer the transferred programs, authorities, or responsibilities shall be
 269.15 transferred to the Office of Cannabis Management.
 269.16 (c) To the extent necessary to establish the Office of Cannabis Management and fulfill
 269.17 the powers and duties enumerated in Minnesota Statutes, section 342.02, the commissioner
 269.18 of agriculture and the Office of Cannabis Management are exempt from the requirements
 269.19 of Minnesota Statutes, section 16A.15, subdivision 3, until July 1, 2025.

269.20 Sec. 17. **EFFECTIVE DATE.**
 269.21 This article is effective the day following final enactment.