

Subject Regulation of products containing cannabinoids

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Article 1: Regulation of products containing cannabinoids

This article modifies a section governing products that contain cannabinoids. It prohibits products sold for human or animal consumption from containing more than 0.3 percent of any tetrahydrocannabinol, prohibits products containing a cannabinoid or cannabidiol derived from hemp from being sold to people under age 21, and modifies testing and labeling requirements. It also provides that edible cannabinoid products are regulated by the Board of Pharmacy and establishes additional requirements for these products, including limits on tetrahydrocannabinol and cannabidiol content, packaging and labeling requirements, and prohibitions on certain types of products or products with certain appearance.

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1 Definitions.

Amends § 151.72, subd. 1. In a section governing the sale of cannabinoid products, adds definitions of certified hemp, edible cannabinoid product, label, matrix barcode, and nonintoxicating cannabinoid. Modifies the definition of labeling.

2 Scope.

Amends § 151.72, subd. 2. Modifies the scope of this section, to make it apply to any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration. Specifies that the Board of Pharmacy does not have authority over food products that do not contain cannabinoids from hemp.

3 Sale of cannabinoids derived from hemp.

Amends § 151.72, subd. 3. Prohibits a product that contains nonintoxicating cannabinoids and is sold for human or animal consumption from containing more than 0.3 percent of any tetrahydrocannabinol, and prohibits an edible cannabinoid product from containing more than 2.5 milligrams of any tetrahydrocannabinol in a single serving or more than 25 milligrams of any tetrahydrocannabinol per package. Prohibits any other substance derived from hemp from being sold for human consumption to treat or prevent disease in humans or other animals, or to affect the structure or function of the bodies of humans or animals. Prohibits products containing a cannabinoid or tetrahydrocannabinol derived from hemp from being

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sold to individuals under 21. States that products governed by this section are not controlled substances.

4 Testing requirements.

Amends § 151.72, subd. 4. Modifies testing requirements for products containing cannabinoids, to require testing to confirm that the product does not contain more than trace amounts of mold or more than 0.3 percent of any tetrahydrocannabinol. States that testing the hemp, or possession of a certificate of analysis for this hemp, does not meet the testing requirements for products containing cannabinoids.

5 Labeling requirements.

Amends § 151.72, subd. 5. Allows information required to be on the label of a product containing cannabinoids to be on the product's outer package, if the product's container is too small to fit the information, or to be provided using a matrix barcode that links to a page on the manufacturer's website with the information required on the label (current law allows use of a QR code). Makes other technical and conforming changes.

6 Additional requirements for edible cannabinoid products.

Adds subd. 5a to § 151.72. Para. (a) requires an edible cannabinoid product to comply with this subdivision, in addition to subdivisions 4 and 5.

Para. (b) prohibits an edible cannabinoid product from looking like a person, animal, or fruit; being modeled after a product marketed to children; being made by applying tetrahydrocannabinol to a commercially available candy or snacks; containing an ingredient, other than tetrahydrocannabinol, not approved by the FDA for use in food; being packaged to resemble a commercially available food; or having packaging that includes any misleading statements.

Para. (c) establishes packaging requirements for edible cannabinoid products.

Para. (d) requires edible cannabinoid products that contain multiple servings to indicate the serving size for individual servings.

Para. (e) lists information that must be included on the label of an edible cannabinoid product.

Para. (f) prohibits an edible cannabinoid product from containing more than 2.5 milligrams of a tetrahydrocannabinol and 50 milligrams of cannabidiol in a single serving, or more than 25 milligrams of tetrahydrocannabinol and 500 milligrams of cannabidiol per package.

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7 Enforcement.

Amends § 151.72, subd. 6. Provides that a product governed by this section is considered an adulterated drug if it contains any food additives found by the FDA to be unsafe for humans or animals, contains more than 0.3 percent of a tetrahydrocannabinol, or contains more than trace amounts of mold, pesticides, fertilizers, or heavy metals.

Article 2: Conforming change

This article makes changes to sections in chapters 34A and 152 to provide that an edible cannabinoid product is not a food regulated by the commissioner of agriculture, and that a product containing tetrahydrocannabinols that complies with section 151.72 is not on Schedule I of the controlled substances schedule.

Section Description - Article 2: Conforming change

1 Food.

Amends § 34A.01, subd. 4. Amends the definition of food in chapter 34A to provide that an edible cannabinoid product is not a food. (Chapter 34A give the commissioner of agriculture certain inspection and enforcement powers related to food.)

2 Schedule I.

Amends § 152.02, subd. 2. Naturally occurring tetrahydrocannabinols are listed on Schedule I of the controlled substances schedule. This section amends the list of Schedule I substances to provide that a product containing tetrahydrocannabinols is not included on Schedule I if it meets the requirements in section 151.72.



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