



Cannabis Policy Overview

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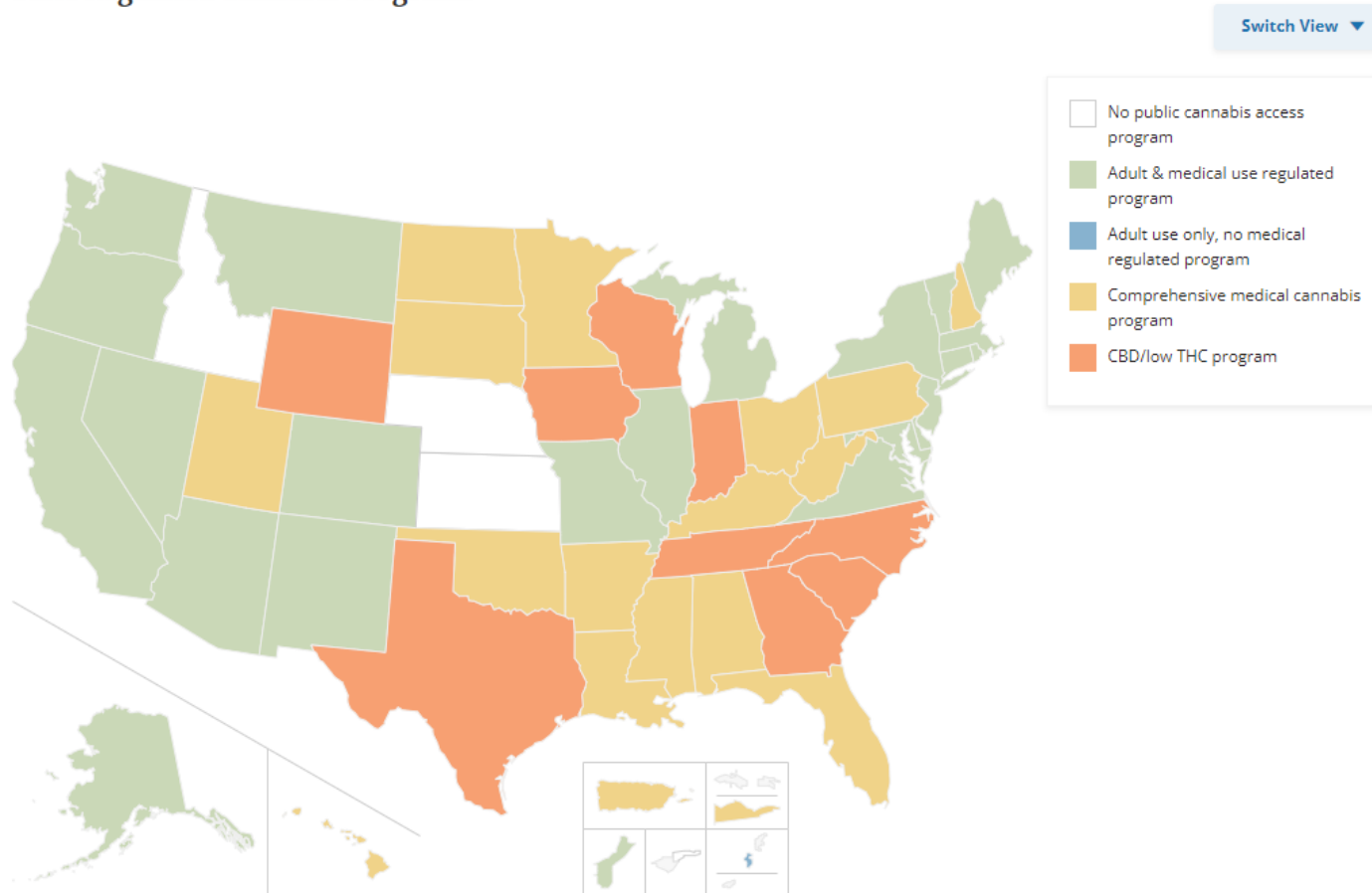
Director, Office of Medical Cannabis

May 23, 2023

PROTECTING, MAINTAINING AND IMPROVING THE HEALTH OF ALL MINNESOTANS

Legalized Cannabis in the US

State Regulated Cannabis Programs



HF100 Bill Components by Article

- Regulation of Adult-Use Cannabis
- Taxes
- Business Development
- Expungement
- Miscellaneous
- Temporary regulations
- Rescheduling
- Appropriations

Key Dates

- Effective upon enactment:
 - Temporary regulations of currently authorized hemp THC products (MDH)
 - Provisions creating legal status for tribal medical cannabis programs
 - Startup funding for MDA to start Office of Cannabis Management and implementation of new regulations
- July 1 – Most of law takes effect
- August 1 – Changes to possession and sales crimes, personal possession no longer a crime
- March 1, 2025 – Legal sales can start

Temporary Regulation of Hemp THC Edibles

- Products authorized at end of 2022 session can generally continue
- Oversight shifted to MDH, moves to final home at OMC in 2025
- Hemp THC edibles still allowed 5 mg THC, 50 per package
- New:
 - Beverages limited to 2 servings (10 mg)
 - $\Delta 9$ or $\Delta 8$ THC only, no other synthetic cannabinoids allowed
 - Limitations on synthetics extends to flower and vapes
 - Retailers must register by Oct. 1, 2023
 - Enhanced provisions on age verification and product storage requirements
 - Sale of noncompliant product a gross misdemeanor

Allowed Personal Possession

- Flower – two ounces in public, two pounds in individual's private residence
- Eight grams of cannabis concentrate
- Edible products with total of up to 800 mg THC
- Home grow, 8 plants no more than 4 mature
- Paraphernalia allowed

Allowed Use

Can Use

- Private residence, including yard
- Private property generally not accessible to public

Cannot Use

- Use in motor vehicle
- Smoke or vape cannabis in locations prohibited under Clean Indoor Air Act
- Smoke or vape in multifamily housing
- Cannot Use or Possess
 - If under 21 years of age (except for medical)
 - At school
 - At correctional facility

New Agency: Office of Cannabis Management

- Director – Appointed by Governor
- Cannabis Advisory council – Appointed by Governor and others
- MDH Office of Medical Cannabis moves to Office of Cannabis Management March 2025

Structure of Licenses

Integrated:

- Cannabis microbusiness
- Cannabis mezzobusiness
- Medical cannabis combination business

Limited Integration

- Cannabis cultivator
- Cannabis manufacturer
- Cannabis retailer

Hemp-Only:

- Lower-potency hemp edible manufacturer
- Lower-potency hemp edible retailer

Miscellaneous:

- Cannabis wholesaler
- Cannabis transporter
- Cannabis testing facility
- Cannabis event organizer
- Cannabis delivery service

Medical:

- Medical cannabis cultivator
- Medical cannabis processor
- Medical cannabis retailer

Taxes

- 10% gross receipts tax in addition to state and local sales tax
- Applies to cannabis flower, cannabis products, hemp-derived consumer products, lower-potency hemp edibles
- Does not apply to medical cannabis
- 20% of tax receipts (2%) goes to cities and counties
 - 20% - distributed equally among counties
 - 80% - Distributed to cities based on number of cannabis businesses
- Similar mechanism to liquor posting for retailers with unpaid cannabis taxes
- Sales tax and gross receipts tax exempt on reservation

Local Control

- No local opt outs
- Reasonable restrictions on time, place and manner of operations for cannabis businesses
- Certification of compliance with local zoning for cannabis businesses
- Allowed limits on retailers per population, 1 per 12,500 residents

Grant Programs

Office of Cannabis Management

- Cannabis Grower Grants
- Substance Use Treatment, Recovery and Prevention Grants
 - In consultation with Governor's Advisory Council on Opioids, Substance Use and Addiction
 - 75% SUD recovery and prevention
 - 25% SUD treatment
- Community Renewal Grants – Investments in communities that have most suffered the effects of cannabis prohibition

DEED

- Industry Startup Financing Grants
- Industry Navigation Grants
- Industry Training Grants

Criminal Penalties – Unlawful Possession

Crime	Amount of Cannabis Flower	Sentence
First degree controlled substance possession	More than 50 kg (110 lbs)	Felony - Presumptive commitment – 65 months
Second degree controlled substance possession	More than 25 kg (55 lbs)	Felony - Presumed stay – 48 months
Third degree controlled substance possession	More than 10 kg (22 lbs)	Felony - Presumed stay – 21 months
Fifth degree controlled substance possession	Cannabis removed	Felony - Presumed stay – 12 months + 1 day
First degree cannabis possession	2 lb to 10 kg (22 lbs)	Lowest level felony – presumed stay
Second degree cannabis possession	1 lb to 2 lb outside person's residence	Gross misdemeanor – max 1 year / \$3,000 fine
Third degree cannabis possession	4 oz to 1 lb outside person's residence	Misdemeanor – max 90 days, \$1,000 fine
Fourth degree cannabis possession	2 oz to 4 oz outside person's residence	Petty misdemeanor
Use in public	Option for local government to adopt ordinance	Petty misdemeanor

Criminal Penalties – Unlawful Sales and Cultivation

Crime	Description	Sentence
First degree cannabis sale	More than 2 oz flower to minor or multiple lower convictions	Lowest level felony
Second degree cannabis sale	More than 2 oz flower sale in school zone, multiple lower convictions or minor to minor sale	Gross misdemeanor
Third degree cannabis sale	More than 2 oz flower	Misdemeanor
Fourth degree cannabis sale	Less than 2 oz flower	Petty misdemeanor
Cultivation first degree	More than 23 plants	Felony
Cultivation second degree	16 to 23 plants	Misdemeanor
Civil penalty assessed by Office of Cannabis Management	8 to 16 plants or	\$500 fine

Expungements

Nonfelony

- Automatic process at BCA to seal cannabis-related misdemeanors in Criminal History System
- Work expected to be complete in late 2024
- Until then, BCA will add notice on criminal history records that certain marijuana-related offenses are no longer criminal offenses
- Secondary task for expungement board to deal with nonfelony records not held at BCA

Felony

- Cannabis Expungement Board to consider expungement and resentencing based on post-legalization cannabis criminal penalties
- Offenses involving violence and dangerous weapons ineligible
- Governor appoints initial Executive Director, DOC support
- Board members:
 - Chief Justice or designee
 - Attorney General or designee
 - Public defender appointed by Governor
 - Commissioner of Corrections or designee
 - Public member

Tribal Cannabis

- Language effective upon enactment that should allow for lawful operation of tribal medical cannabis programs (sales, transport, extends civil and criminal protections)
- Current Tribal Medical Cannabis Programs – Red Lake Nation & White Earth Nation
- Governor authorized to negotiate compacts on adult-use and medical cannabis

State Controlled Substance Act Rescheduling

- Marijuana is currently on Schedule I of state-controlled substance schedule
 - Schedule I intended for drugs with no currently accepted medical use and a high potential for abuse
- Moves to schedule III
 - Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence

Additional Components at Minnesota Dept of Health

- Collect additional biennial data on Minnesotans' use of cannabis
- Cannabis youth education program
- Cannabis education program on pregnancy and breastfeeding
- Training and education for home visiting programs regarding cannabis
- Grants to local public health on cannabis education

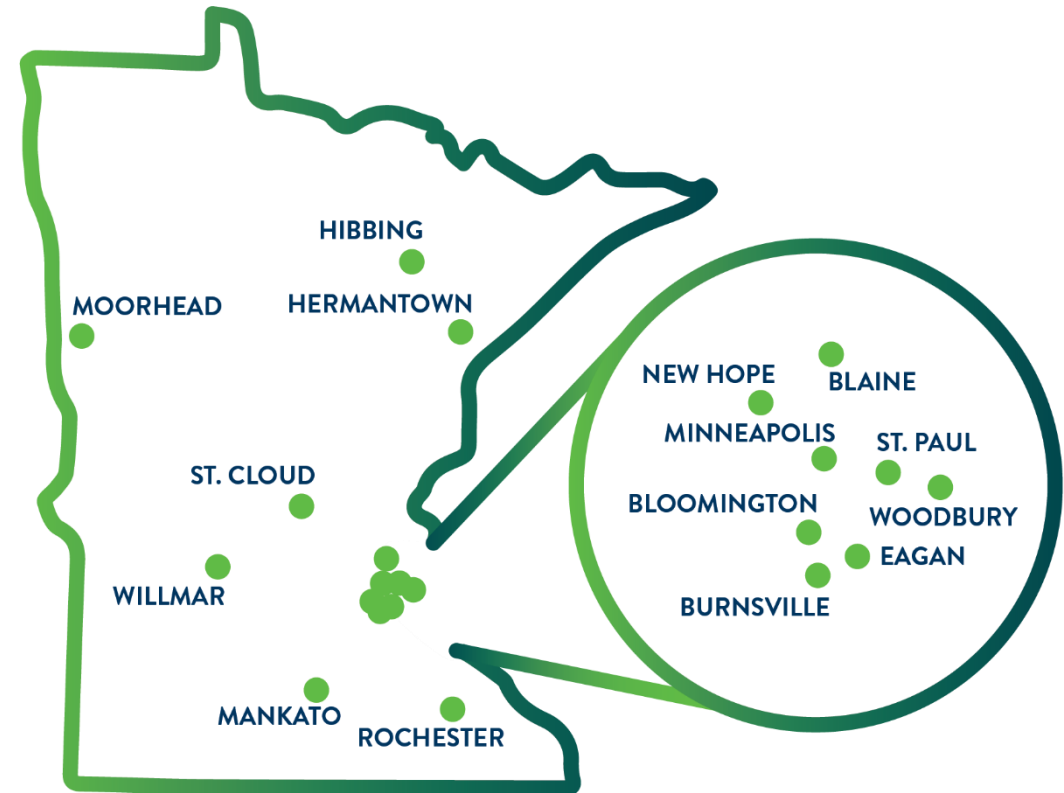
Other Provisions

- MDE directed to create model program on cannabis and substance use
- Minnesota's Drug and Alcohol Testing in the Workplace Act updated to allow adult workers to use cannabis outside of work,
 - Exceptions allowed for first responders and other safety-sensitive positions
- Updates to DHS public programs to reflect legal status of cannabis

Minnesota Medical Cannabis Program - Today

- Limited to two vertically-integrated manufacturers
Cultivation -> production -> 16 Dispensaries
- Products include liquids and oils in capsule/tablet, topical, tincture, vaporized form, lozenge, water-soluble particulates, dried raw cannabis (combustible flower), and gummies/chews.
- Pharmacist dispensing – consultation required for dosage and product recommendation

Medical Cannabis Dispensaries



How does Minnesota compare to other state medical programs?

Washington – 52,479 patients

Colorado – 87,216 patients

North Dakota – 6,200 patients

Illinois – 156,224 patients

Nevada – 28,308

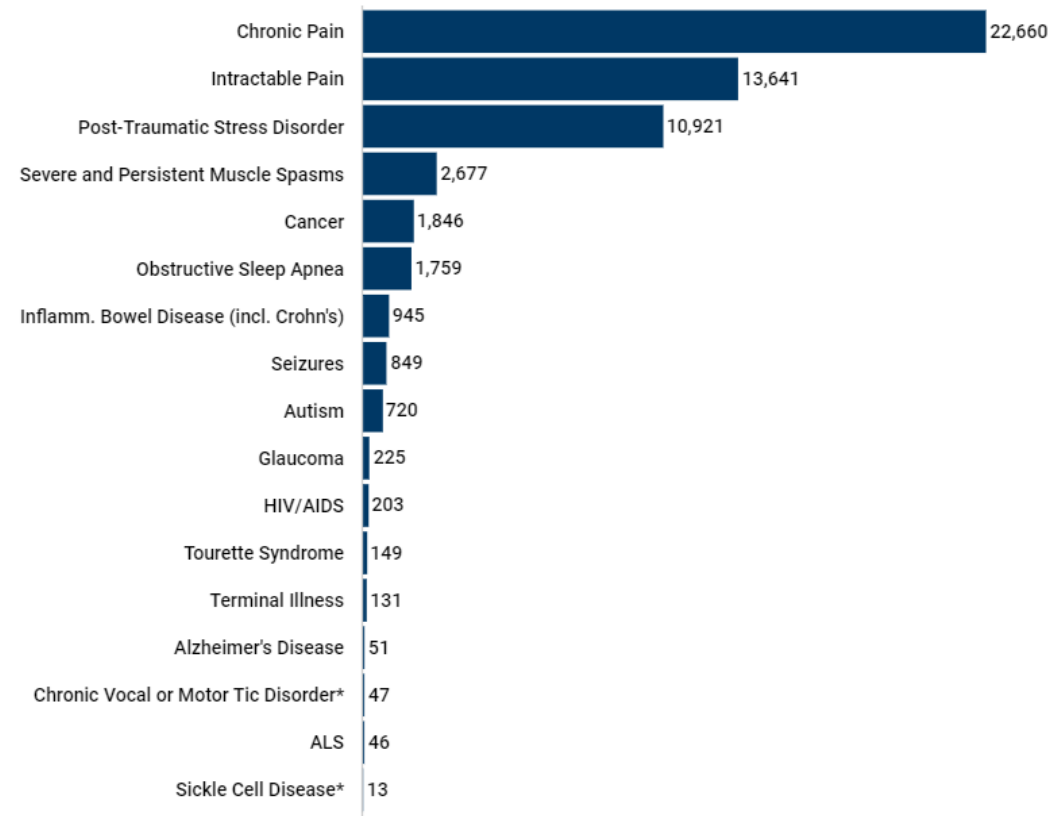
Oregon – 22,566

Minnesota – 40,600

Qualifying Medical Conditions

QUALIFYING MEDICAL CONDITIONS

The top three qualifying medical conditions are chronic pain (61.06%); intractable pain (36.76%); and post-traumatic stress disorder (29.43%).



Medical Cannabis Manufacturers

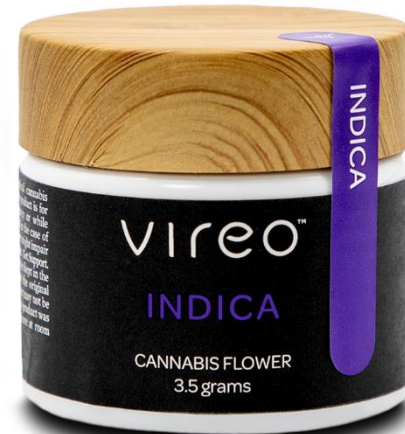


Sample of Green Goods Products

BEST SELLING 🇺🇸❤️

 Red Balm [1.5oz] Vireo RED BALM (EACH) 1.5oz \$29.00 Add to cart	 Red Extra Strength - Acai... Vireo LOZENGES (EACH) 30ct \$62.00 Add to cart	 Red Extra Strength Tablet... Vireo RED EXTRA ST... (EACH) 30ct \$62.00 Add to cart	 Red Tablets [30ct] Vireo RED TABLETS (EACH) 30ct \$31.00 Add to cart	 Red Tincture [25ml] Vireo RED TINCTURE (EACH) 25ml \$94.00 Add to cart	 Silver Vireo MCT OIL CARTRI... (.5G) THC 20.83% CBD 1.15% \$23.00/.5G Add to cart	 Vireo Green Distillate... Vireo GREEN CARTR... (EACH) THC 40.00% CBD 40.0... \$105.00 Add to cart
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Sample of Green Goods flower products



5/24/2023



\$57.00

**TANGERINE SUBLINGUAL
SPRAY, VANILLA MINT, 15
ML**

THC: 300 MG



\$59.00

**HEATHER SUBLINGUAL
SPRAY, VANILLA MINT, 15
ML**

THC: 225 MG - CBD: 225 MG

Categories

SHOP
Vaporizers



SHOP
Concentrates



SHOP
Tinctures



SHOP
Topicals



\$40.00

**HEATHER TOPICAL GEL
CREAM, 30 ML**

THC: 150 MG - CBD: 150 MG



\$29.00

**TANGERINE COOLING
TOPICAL GEL CREAM,**

THC: 150 MG



\$20.00

**5 MG THC LOZENGE,
MANGO PASSION FRUIT
FLAVORED, 15 COUNT**

THC: 75 MG



\$20.00

**5 MG THC LOZENGE,
ROOT BEER FLAVORED, 15
COUNT**

THC: 75 MG



\$70.00

**TANGERINE VAPORIZER
OIL CARTRIDGE, 0.5 ML**

THC: 400 MG - CBD: 20 MG



\$59.00

**HEATHER VAPORIZER OIL
CARTRIDGE, 0.5 ML**

THC: 218 MG - CBD: 218 MG



\$57.00

**TANGERINE CAPSULES, 10
MG, 30 COUNT**

THC: 300 MG



\$229.00

**TANGERINE ORAL
SUSPENSION ES,
UNFLAVORED, 60 ML**

THC: 1200 MG

Sample of Leafline Products

PROTECTING, MAINTAINING AND IMPROVING
THE HEALTH OF ALL MINNESOTANS

Sample of Leafline flower products



General Brochure – in Process of being updated

FREQUENTLY ASKED QUESTIONS FOR PUBLIC SAFETY PROFESSIONALS About Minnesota's Medical Cannabis Program



Medical cannabis is available in these forms: Pill, liquid, oil, topical, tincture, powder, lozenge.* *NOTE: Dried raw (smokable) cannabis will be available starting in March 2022.

What companies are authorized to manufacture medical cannabis in Minnesota?

The two companies are:

- Green Goods (the product label will say Vireo Minnesota; their Medical Cannabis Dispensaries are called Green Goods)
- Leafline Labs

How can medical cannabis be identified?

Medical cannabis produced by the state's authorized manufacturers can be identified by the required packaging and labeling.

This includes the patient's registry identification number, name, date of birth, address, name and address of medical cannabis manufacturer, the chemical composition of medical cannabis, recommended dosage, directions for use, batch number and date of manufacture. Caregiver information is also found on labels, if a patient has a caregiver.



Both manufacturers use a color spectrum for their medicines. Colors will range depending on whether the product contains a high level of tetrahydrocannabinol (THC), a high level of cannabidiol (CBD), or a balanced blend of THC and CBD. This information can be found on product labels.

How can I tell if medical cannabis was obtained legally?

The best way is by checking the label on the medicine's container. Anyone legally allowed to handle the medical cannabis will have their name printed on the label.

Patients are encouraged to keep medicine in their original containers.

Does Minnesota have specific regulations for manufacturers on transporting medical cannabis?

Yes. A medical cannabis manufacturer may transport medical cannabis to a Medical Cannabis Dispensary or their manufacturing facility, an independent lab for testing, or to a waste-to-energy facility. In addition to specific chain of custody and shipping paperwork that must be with the product at all times, the product must be transported in tamper-evident containers. More details can be found on the Office of Medical Cannabis website.

Can law enforcement staff access the Medical Cannabis Patient Registry?

Federal, state and local law enforcement authorities are prohibited from accessing the Medical Cannabis Patient Registry except when acting pursuant to a valid search warrant. Law enforcement can request information by using the Medical Cannabis Patient Registry Information Request Form and attaching a copy of a search warrant, which can be emailed to health.cannabis@state.mn.us. See more details on the Office of Medical Cannabis website.

Where can patients or caregivers pick up their medicine?



MEDICAL CANNABIS DISPENSARIES

Forms and Details at:

<https://www.health.state.mn.us/people/cannabis/safety/index.html>

 Minnesota Department of Health

when acting pursuant to a valid search warrant.

Search Warrants for Registry Information

Law enforcement can request information from the Medical Cannabis Registry by completing the [information request form \(PDF\)](#). Include a valid search warrant and send to the Office of Medical Cannabis at:

Office of Medical Cannabis
PO Box 64882
St. Paul, MN 55164-0882

Or send to: health.cannabis@state.mn.us

Medical Cannabis Statutes and Rules

- [Minnesota Statutes §§152.22 – 152.37](#)
- [Minnesota Rules 4770](#)

Unauthorized Medical Cannabis Possession Report

- [Unauthorized Medical Cannabis Possession Report \(Interactive PDF\)](#)
- [Unauthorized Medical Cannabis Possession Report \(PDF\)](#)
A licensed peace officer must complete this form to report an instance where an unauthorized individual is found to be in possession of medical cannabis.

Transportation of Medical Cannabis

- [Minnesota Statutes Section 152.29, Subdivision 3a](#)
- [Transportation of Medical Cannabis](#)
Part 1100 of chapter 4770 covers transportation from manufacturers to dispensaries.

Changes to Medical Program with New Law

1. Effective **upon enactment**. Manufacturers have ability to sell to Tribal Medical Cannabis Program Patient.
2. Effective **upon enactment**. Ability for state medical patients to purchase from tribal medical cannabis programs.
3. Effective **July 1, 2023** Strikes the patient fees.
4. Effective **January 1, 2024** New application process for veterans
5. Medical cannabis patients enrolled in programs in another U.S. state, district, commonwealth or territory will be able to purchase medical cannabis in Minnesota under a visiting patient option, effective **March 1, 2025**.
6. Patients will recertify their qualifying medical condition every three years, instead of annually, effective **March 1, 2025**.
7. Registered caregivers for flower can be 18, rather than 21. Effective **March 1, 2025**
8. Eliminates the Medical Cannabis Task Force.



What's Next?

Office of Cannabis Management Website launched <https://cannabis.state.mn.us/>

**MINNESOTA**

Minnesota Office of Cannabis Management

Minnesota is set to become the 23rd state in the nation to legalize cannabis use for people 21 and older. Learn more [about the legislation](#).



For Adult Consumers

Find out about limits on possession and how much cannabis can be grown at a person's home.

[Adult Consumers](#)



For Medical Cannabis Patients

Learn how the legislation will reduce costs for medical cannabis patients.

[Medical Cannabis Patients](#)



For People Interested in Starting a Business

Get details about the types of licenses that will be available.

[Starting a Business](#)



Expungement of Criminal Records

People with low-level cannabis convictions will get their records sealed automatically.

[Expungement](#)



For the General Public

The legislation supports a wide range of initiatives across state agencies, including for youth prevention and education.

[General Public](#)



About the Legislation

The legislation creates the framework for legal adult-use cannabis in Minnesota.

[Legislation](#)

Office of Cannabis Management

- Hiring – nearly 100 employees
- Administrative Rulemaking
- Procurement – licensing software, scaling up seed-to-sale system
- Community engagement
- Communications – managing public expectations
- Applications and licensing

Questions?

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