

Hemp-Derived Cannabinoid Products Guidance for Manufacturers

This guidance provides information for manufacturers about producing safe and legal hemp-derived cannabinoid products (HDCPs) like edibles. These products are regulated by the Minnesota Office of Cannabis Management (OCM) under Minnesota Statutes, section 151.72. For information and updates, go to [OCM's website \(https://mn.gov/ocm\)](https://mn.gov/ocm).

Background

Minnesota Statutes, section 151.72, provides requirements for on-site consumption of products, requires retailers to register, restricts how products can be sold, and clarifies enforcement authority and penalties for non-compliance by the Office of Cannabis Management (OCM). A food license is not required to make or sell HDCPs, nor does state law prohibit licensed food businesses from making or selling these products. Manufacturers of HDCPs are not required to register with OCM unless they are intending to sell directly to consumers. For more information about registration and retail sales requirements go to [Hemp-Derived Cannabinoid Products \(https://mn.gov/ocm/businesses/cannabinoid-products/\)](https://mn.gov/ocm/businesses/cannabinoid-products/).

Minnesota Statutes, section 151.72, applies to the sale of cannabinoids derived from hemp, including THC and CBD. Other hemp foods, such as hemp seed oil, hemp seed protein powder, or hulled hemp seed, are approved by the FDA and are regulated under Minnesota Food Laws. Products that are not labeled specifically as "hemp seed oil" may not be approved by the FDA and may fall under Minnesota Statutes, section 151.72, regulation.

Making Edible Cannabinoid Products

Minnesota Statutes, section 151.72, states that an HDCP will be considered noncompliant if, among other things, "it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals" or "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." Manufacturers are responsible for ensuring that preparation processes result in products that are safe for consumption as well as meet all the requirements of Minnesota Statutes, section 151.72.

Some best practices for producing a safe product include:

- Obtain food ingredients from sources approved to sell food in Minnesota and meet the requirements of Minnesota Food Law under Minnesota Statutes, Chapter 31, as being safe and wholesome.
- Develop a recipe/formulation that is consistent and meets the regulatory requirements.
- Make products using safe cooking methods or processes.
- Maintain a clean environment and equipment.
- Wash hands with soap and warm water prior to processing.

- Prevent bare-hand contact with HDCP ingredients during processing.
- Avoid processing while ill with symptoms of vomiting and/or diarrhea.
- Make HDCPs on surfaces that have been cleaned and sanitized prior to processing.
- Avoid cross-contact with food allergens including milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans, and sesame.
- Maintain safe temperature control during storage, preparation, delivery, and display.
- Use sanitary practices and controls consistent with generally accepted industry standards for food production.

If you also produce food products, make sure hemp-derived cannabinoids do not transfer to food products.

- Clean and sanitize food equipment and preparation surfaces used to make an HDCP promptly after use.
- Change gloves and wash hands prior to handling food products after handling unpackaged HDCPs.
- Implement processing and packaging controls to make sure HDCP product is not mistakenly placed into food packaging. Examples of potential controls are not mixing of unpackaged food product and HDCPs during storage, separating times when food product and HDCPs are produced, etc.
- Food exposed to or contaminated with hemp-derived cannabinoid ingredients is subject to state food regulations and related enforcement authority.

According to Minnesota Statutes, section 151.72:

- Products must be packaged for consumers. See Packaging and Labeling section below for more details.
- Edibles, other than beverages, intended for more than a single use or that contain multiple servings, must have each serving indicated by scoring, wrapping, or other physical indicator that identifies the individual serving size, or may be sold with a calibrated dropper, measuring spoon, or similar device for measuring a single serving.
- Products must NOT be:
 - Modeled after brands of products primarily consumed by or marketed to children or that bear the likeness of or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children.
 - A commercially available candy or snack food item where any cannabinoids have been applied to or added.
- Permitted to be mixed with an alcoholic beverage.
- Similar to a meat, poultry, or dairy product.
- Synthetic cannabinoids or artificially derived cannabinoids other than delta-8 or delta-9 THC are prohibited, including but not limited to THC-P, THC-O, and HHC.
- An HDCP must not contain any ingredient, other than a hemp-derived cannabinoid, that is not approved by the FDA for use in food.
- Retailers that offer HDCPs to be consumed on-site must:
- Hold an on-sale alcohol license issued under Minnesota Statutes, Chapter 340A;
 - Serve the HDCP in the original packaging or container, or beverages that are served outside of the products' packaging if the information required on the label is posted or otherwise displayed by the retailer;
 - Not sell hemp-derived cannabinoid products to a customer who the retailer knows or reasonably should know is intoxicated;

- Not mix or permit mixing of hemp-derived cannabinoid products with an alcoholic beverage; and
- Not permit the removal of open containers of HDCPs.
- If a restaurant is selling HDCPs, or providing them to customers for use at no cost, with the intent for it to be added to food, it would be considered an unapproved food additive.

Laboratory Testing

According to Minnesota Statutes, section 151.72:

- A manufacturer must submit representative samples of each batch of product to be tested by an independent, accredited laboratory to certify that the product meets the standards set by OCM. Sample collection techniques for accurate representation of the batch should be considered when planning for lab testing.
- Testing of products must be consistent with generally accepted industry standards for herbal and botanical substances. The product's batch number must be included on the package label.
- At minimum, the testing must confirm the finished product:
 - Contains the same amount or percentage of cannabinoids as stated on the product label.
 - Does not contain more than trace amounts of mold, residual solvents or catalysts from processing, pesticides, fertilizers, or heavy metals.
 - Does not contain more than 0.3% of any THC.

Multiple laboratories can be used to do partial testing to complete the required testing. Laboratories must be ISO 17025 accredited.

Packaging and Labeling

According to Minnesota Statutes, section 151.72:

- All edibles, including beverages, must be packaged in tamper-evident and opaque packages or container.
- Products other than beverages must be in child-resistant packaging.
- HDCP packaging must not:
 - Be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product.
 - Include a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.
 - Include claims 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 FDA.
- Edibles can contain up to 5 mg of hemp derived THC per serving and have maximum of 50 mg per package.
- Beverages can contain two servings of up to 5 mg of hemp-derived THC for a total of 10 mg per container.

- Product packaging must have a label that displays:
 - The statement “Keep this product out of the reach of children.”
 - The name, location, phone number, and website of the manufacturer of the product.
- The name and address of the accredited laboratory used by the manufacturer to test the product.
 - The amount or percentage of cannabinoids found in each serving size of the product.
- The list of ingredients in the product, including the identification of any major food allergens declared by name.
 - The batch number of the product.
 - A statement that the product has not been approved by the U.S. Food & Drug Administration (unless such approval has been secured).
 - A statement that the product does not claim to cure, treat, diagnose, or prevent any disease, or alter the structure or function of the body.
- If the label requirements cannot fit on the product, an outer package that contains a scannable or matrix barcode that links to the manufacturer’s website that lists the information is acceptable.

According to Minnesota Statutes, section 151.72, an HDCP will be considered a non-compliant product if:

- It consists, in whole or in part, of any filthy, putrid, or decomposed substance.
- 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.
- Its container is composed, in whole or in part, of any poisonous or deleterious substance that render the contents injurious to health.
- It contains food additives, color additives, or excipients found by the FDA to be unsafe for human or animal consumption.
- It contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount of percentage on the label.

Additional Resources

- [Minnesota Statutes, section 151.72 \(https://www.revisor.mn.gov/statutes/cite/151.72\)](https://www.revisor.mn.gov/statutes/cite/151.72)
- [Hemp-Derived Cannabinoid Products \(https://mn.gov/ocm/businesses/cannabinoid-products/\)](https://mn.gov/ocm/businesses/cannabinoid-products/)
- [Product Complaint Form \(https://redcap.health.state.mn.us/redcap/surveys/?s=NAXCFJCNHH8LNX7D\)](https://redcap.health.state.mn.us/redcap/surveys/?s=NAXCFJCNHH8LNX7D)
- [Cannabis Tax \(https://www.revenue.state.mn.us/cannabis-tax\)](https://www.revenue.state.mn.us/cannabis-tax)
- [Food Safety Regulations and Information \(https://www.mda.state.mn.us/roadmap-food-safety\)](https://www.mda.state.mn.us/roadmap-food-safety)
- [Hemp in Food FAQs \(https://www.mda.state.mn.us/food-feed/hemp-food-faqs\)](https://www.mda.state.mn.us/food-feed/hemp-food-faqs)
- [Food Business Fact Sheets \(https://www.health.state.mn.us/communities/environment/food/fs.html\)](https://www.health.state.mn.us/communities/environment/food/fs.html)

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