

Hemp-Derived Cannabinoid Product Compliance

This fact sheet is intended as an educational resource regarding the sale of cannabinoids derived from hemp as described in [Minnesota Statutes Sec. 151.72 \(https://www.revisor.mn.gov/statutes/cite/151.72\)](https://www.revisor.mn.gov/statutes/cite/151.72). This information is not intended as legal advice or to replace Minn. Stat. Sec. 151.72. Failure to comply with the requirements of Minnesota law could result in product being embargoed, fines up to \$10,000 per occurrence, or both.



PRODUCTS ALLOWED

Edible products containing no more than 0.3% of hemp-derived THC (including Delta-8 or Delta-9).

- Edibles can contain up to 5mg of hemp-derived THC per serving with a maximum of 50mg per package.
- Edibles with multiple servings must be scored, wrapped, or otherwise indicate individual serving size on the product, or may be sold with a calibrated dropper, measuring spoon, or similar device for measuring a single serving.

Beverages containing no more than 0.3% of hemp-derived THC (including Delta-8 or Delta-9).

- Beverages can contain two servings up to 5mg of hemp-derived THC per serving for a total of 10mg in each container.

Non-edible products applied externally to the body (e.g., cream or ointment) containing non-intoxicating cannabinoids and no more than 0.3% of any THC (including Delta-8 or Delta-9).



PRODUCTS NOT ALLOWED

Edible products or beverages that:

- Look like a cartoon character, real or fictional person, animal, fruit, or similar item that appeals to children.
- Are modeled after a brand of products primarily consumed or marketed to children.
- Apply an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item.
- Are like a meat, poultry, or dairy product.
- Contain an ingredient not approved by the FDA for food.
- Contain any synthetic or artificially derived cannabinoids other than Delta-8 and Delta-9.

Non-edible products containing non-intoxicating cannabinoids which are intended to be smoked, vaped, inhaled, chewed, swallowed, drank, injected, or absorbed through a mucous membrane.

Products claiming to:

- Diagnose, cure, mitigate, treat, or prevent disease; or
- Affect the structure or function of the body.¹

¹Certain products regulated under section 151.72 may include these claims if first approved by the FDA.

Packaging

The following packaging requirements apply to edible products, including beverages:

- Must be sold in an opaque, tamper-evident package or container (either pre-packaged or placed in such a container at the point of sale).
- Cannot be packaged in a way that resembles any commercially available food product (i.e., trademark, characteristics, or product-specialized packaging).
- Cannot be packaged in a container that includes a statement, artwork, or design that could reasonably mislead someone to believe that the package contains anything other than an edible cannabinoid product.

Packaging for non-beverage edible products must also be child resistant.

Labeling

All edibles, including beverages, and non-edible products must have the following information prominently displayed in plain language on the product label:

- Name, location, phone number, and website of the manufacturer of the product.
- Batch number and name of the laboratory used by the manufacturer to test the product.
- Amount or percentage of cannabinoids found in each unit of the product.
- A statement that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the FDA (unless so approved).

These items may be provided via barcode linked to the manufacturer's website if all other required labeling information is also on the website.

Edible products and beverages must also include the following information on the label:

- Serving size, cannabinoid profile per serving and in total, and list of ingredients (including any major food allergens).
- The statement, "Keep this product out of the reach of children."

Sale and Placement of Products

- All hemp-derived cannabinoid products can only be sold to people age 21+.
- Non-beverage edible products must be displayed in a locked case or behind a checkout counter where the public is not permitted.
- On-site consumption is permitted only if the retailer holds an on-sale license issued under chapter 340A and products are not mixed with alcohol. Products removed from packaging may not be taken off the premises. Beverages may be served outside of the products' packaging if the information required on the label is posted or otherwise displayed by the retailer.