

# What to Expect When You're Inspected

## Cannabis Flower and Hemp-Derived Cannabinoid Products Inspection Checklist

Inspections don't need to be a mystery – the Office of Cannabis Management (OCM) wants to take the guesswork out of compliance and serve as a resource and partner for registered businesses and local units of government. This checklist outlines the steps needed to remain compliant and prepare for future inspections.

### License and Registration Compliance

- Registration:** All businesses selling hemp-derived cannabinoid products must be registered with OCM. See Registration Information (<https://mn.gov/ocm/businesses/cannabinoid-products/registered-businesses.jsp>)
- Liquor License:** Businesses allowing customers to consume hemp-derived cannabinoid products on their premises must have an on-sale alcohol license (issued by local authorities).

### Product Compliance - All Products

- Age Enforcement:** Hemp-derived cannabinoid product sales must only be made to persons 21 years old or older.
- Secure Products:** All edible cannabinoid products, except beverages, must be secured behind the counter or in a locked cabinet, inaccessible to customers.
- Approved Cannabinoids:** Delta-8 and delta-9 are the only cannabinoids approved for sale. Products may not contain any other intoxicating cannabinoids such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta9-p, etc.
- Product Warning Label:** All hemp-derived cannabinoid products must include this warning label: Keep out of reach of children.
- FDA Disclaimer:** Unless FDA approved, all products must include the following disclaimer on the product label: The product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the US FDA.

## Product Compliance - All Products (continued)

- Manufacturer Details:** Manufacturer's name, address, website, and contact phone number must be included on all product labels or provided through a QR code on the label.
- Certificate of Analysis (COA):** All product labels must have a QR code linking to the COA. All products must be tested by batch at an ISO 17025 accredited laboratory. The COA must include the name of the lab, cannabinoid profile, and product batch number.
- Potency and Servings:** Product labels must indicate the cannabinoid potency by serving and in total.
- Health Claims:** Hemp/Cannabis product labels must not make claims of any kind of health benefit or claim to diagnose, treat, cure, or prevent any disease or change to the structure/function of the body unless approved by the FDA. Examples of unapproved health claims include: pain/arthritis relief, sleep aid, anxiety relief, weight loss, etc.
- Sublingual Delivery:** Non-intoxicating cannabinoids (CBD, CBN, or other) are not approved to be applied by sublingual delivery method (applied under the tongue) and may not be sold with instructions to apply under the tongue.

## Product Compliance – Edibles

- Serving Size:** Edibles may not exceed 5 mg of delta-8 and/or delta-9 per serving and may not exceed 50 mg total per container/package. The edible cannot contain any other form of THC or other intoxicating cannabinoid.
- Individual Serving Markers:** All edible product servings must be clearly marked, wrapped, or scored on the product, or sold with a calibrated dropper, measuring spoon, or similar device for measuring a single serving.
- Tinctures:** Tinctures must be sold with a calibrated dropper indicating individual serving size and cannot exceed 50 mg THC and 10 servings per container.
- Age-Appropriate Products:** Edible products that appear similar to candy or snacks that are marketed to or consumed by children are not allowed for sale. Edibles cannot be sold in shapes that appeal to children. Examples include bears, worms, fruits, rings, ribbons, etc.
- Child-Proof Packaging:** All edible product containers must be opaque, child-resistant, and tamper evident. If the container is clear, the product must be placed into an opaque container at point of sale.
- Dairy & Meat:** Edibles may not be in the form of ice cream, other types of dairy, or meat.

## Product Compliance – Beverages

- Serving Size:** Beverages may not exceed 5 mg of delta-8 and/or delta-9 per serving. Beverages may not exceed two servings total, regardless of THC potency.
- Containers:** Beverage containers must be opaque or placed into an opaque container at point of sale.

## Product Compliance – Smokeables (non-flower)

- THC Content and Concentration:** Vapes, pre-rolls, dabs, or other smokeable products for sale cannot contain more than 0.3% THC. Check a product's COA for THC concentration (typically found through the QR code on the product package). Most vapes currently on the market contain 50-90%+ THC and are not compliant.

Pre-rolls containing cannabis are illegal until cannabis retail licenses are issued.

“Hemp” pre-rolls that are “infused” or “coated” have additional cannabinoids applied to the material, making them non-compliant.

- Intoxicating Cannabinoids:** Vapes, pre-rolls, dabs, or other smokeable products containing other intoxicating cannabinoids intended to alter the structure or function of the body cannot be sold. HHC, for example, is a cannabinoid known to have potency greater than THC.

## Product Compliance – Flower

- Flower Sale:** Flower products including pre-rolls must contain 0.3% Total THC or less. Products exceeding this threshold are cannabis and may not be sold until cannabis retail licenses are issued. Flower must include a COA to show testing below 0.3% total THC. A lack of COA would constitute an illegal sale. Altering, misusing, or misrepresenting COAs is also illegal.

Total THC must be determined post-decarboxylation, which is the process that converts THC-A into delta-9. To determine whether flower exceeds the allowable 0.3% of delta-9, use this decarboxylation formula:

Total THC = (0.877 X THC-A) + d-9 THC.

# Product Compliance – On-Site Consumption

- Containers and Serving:** Pre-made beverages (such as from kegs/taps) may be served outside of the original container for on-site consumption as long as all required product label information is displayed or provided to the customer including batch testing info. This should be on a physical placard or menu. A QR code may be included for the testing info only.

Drinks are also held to the same potency standard as beverages: no more than two servings and 10 mg THC per beverage. Drinks that are hand-mixed/made on-site are not allowed.

Edible products may not be removed from original packaging.

- Alcohol:** Cannabis-infused products may not be mixed with alcohol.
- Removal from Premises:** Products that have been removed from their original packaging are not allowed to be removed from the premises by the customer .



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## Minnesota Statutes Chapter 342, Cannabis Law

### Minnesota Statutes, section 151.72, Sale of Certain Cannabinoid Products

#### NOTE:

If a person suspects that a cannabis or hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form on the OCM website Office of Cannabis Management Complaint (<https://redcap.health.state.mn.us/redcap/surveys/?s=NAXCFJCNHH8LNX7D>).

This guidance is based on regulations that are currently in effect, and will be superseded by Chapter 342 when licensing is active.