

Hemp-Derived Cannabinoid Product Compliance

FACT SHEET¹

This fact sheet is intended as a resource for retailers and others to assess compliance with legal requirements for the sale of edible cannabinoid products, a.k.a., hemp-derived cannabinoid products (edibles, beverages, and topicals) as provided under [Sec. 151.72 MN Statutes](#).

Products Allowed

- Edible cannabinoid products, as defined under section 151.72 (Edibles), and products applied externally to the body that are properly labeled and contain no more than 0.3% THC (dry weight).
- 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 per container for a total of 10 mg.

Products Not Allowed

- Products that are not an edible and contain non-intoxicating cannabinoids may not be sold if they are intended to be smoked, vaped, chewed, swallowed, drank, injected, or absorbed through a mucous membrane.
- Edibles 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.
- Products that contain any synthetic cannabinoids.
- Products that contain artificially derived cannabinoids other than Delta-8 (▲8) and Delta-9 (▲9), including THC-P, THC-O, and HHC.
- Products that contain an ingredient not approved by the U.S. Food & Drug Administration.
- Products where extracted or concentrated hemp-derived cannabinoid has been applied or added to any commercially available product.
- Customers may not mix products with alcoholic beverages.

Packaging

- With the exception of beverages, edibles must be prepackaged in a child-resistant container.
- All edibles, including beverages, must be packaged in tamper-evident and opaque packages or containers.
- 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 have another indicator that identifies the individual serving size.

Labeling

- Products packaged in a way that resembles trademarked, characteristic, or product-specializing packing of any commercially available food product are not allowed.
- Product packaging that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product are not allowed.

¹ NOTE: The information appearing in this document is for general informational purposes only and is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing on this document or any site to which it may be linked.

HEMP-DERIVED CANNABINOID PRODUCT COMPLIANCE FACT SHEET

- Products must bear a label* that prominently and conspicuously displays the following:
 - 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 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.
 - 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 the product or a scannable or matrix barcode that links to the manufacturer’s website that lists the information is acceptable.

Sale and Placement of Product

- Products must only be sold to people 21 years of age or older.
- Edible products other than products intended to be consumed as a beverage must be displayed in a locked case or behind a checkout counter where the public is not permitted.

State law does not prohibit delivery of hemp-derived cannabinoid products (edibles, beverages, and topicals). However, prior to initiating a sale or otherwise providing a product, an employee of the retailer must verify that the person to whom the product is being provided is at least 21 years of age, as established with one of the allowable identification documents listed at Minn. Stat. § 151.72, subd. 5c.

Edible or Beverage Destruction

- Non-compliant products must be removed from displays and destroyed or returned.
- Edibles may be finely chopped or ground and mixed with coffee grounds, soil, or garbage, making them inedible. Place the mixture into a container or box and seal it with tape, then throw away in the trash. Beverages may be poured down a plumbed drain. Do not pour beverages down storm drains. Empty containers should be recycled or thrown away in the trash.

Testing

- A manufacturer must submit samples of each batch of product to be tested by an independent, accredited laboratory to certify that the product meets the standards established under Minn. Stat. § 151.72, subd. 4.
- At a minimum testing must confirm that the product contains the amount of cannabinoids stated on the label, does not contain more than trace amounts of any mold, residual solvents or other catalysts, pesticides, fertilizers, or heavy metals, and does not contain more than 0.3 percent of any tetrahydrocannabinol.

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