

Aug. 1, 2023 – Update Recreational Cannabis



Adult-use recreational cannabis was legalized in Minnesota, **starting August 1, 2023.**

The bill, HF100, encompasses major changes in multiple areas of law – here, we lift up just some of the highlights. Please reach out to your PASG Minneapolis team with any further questions.

Personal Use & Cultivation

- Individuals aged 21+ can possess or transport up to 2oz. of cannabis flower, 8g of concentrate, and edible products containing up to 800mg of THC.
- Individuals can possess up to 2lbs. in home for personal use.
- Users may consume THC in the form of vapor, flower, edibles, and beverages in a private residence or yard, private property not accessible to the public, on the premises of a licensed business or event, and in certain multi-family buildings.
- Individuals may not consume flower or vapor in any space where the Clean Indoor Air Act currently applies to tobacco products.
- Individuals may grow up to eight plants at home, four of which may be flowering at one time – only in an enclosed, indoor space away from public view.



Employers: Take Note

- Employers must update employee handbooks with any changes to policies – cannabis is now considered part of the “lawful consumable products.”
- Employers may no longer test for cannabis as a condition of pre-employment.
- Employers may test for cannabis in certain situations: if the employee is in a safety-sensitive position, is a firefighter or peace officer, is a healthcare worker or caregiver working directly with children or vulnerable adults, is a CDL-holder, is a professional athlete (if contract allows), or in a job funded by a federal grant.
- Employers may still regulate cannabis in the workplace or in a company vehicle (sale, possession, use, impairment, and transfer.)

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Public Safety & Local Ordinances

- DUI/DWI laws remain unchanged – driving under the influence of any substance, including cannabis, is still illegal.
- “Open container” laws apply to cannabis products.
- \$15M was appropriated to local law enforcement units to help with drug recognition training.
- A pilot program is under way to study the creation of an oral fluid roadside test to detect cannabis impairment.
- Local governments cannot ban cannabis businesses entirely, but can limit amount to one per every 12,500 residents.
- Local governments may adopt ordinances prohibiting public use.
- There are advertising restrictions and packaging restrictions in the law aimed at keeping cannabis an adult-use only product.

Licensing & Businesses*

Recreational license options:

- Cannabis cultivator
- Cannabis manufacturer
- Cannabis retailer
- Cannabis microbusiness
- Cannabis mezzobusiness
- Cannabis wholesaler
- Cannabis transporter
- Cannabis delivery service
- Cannabis event organizer
- Cannabis testing facility
- Lower-potency hemp edible manufacturer
- Lower-potency hemp edible retailer



Medical license options:

- Medical cannabis cultivator
- Medical cannabis processor
- Medical cannabis retailer
- Medical cannabis combination business (w/rec.)

**The pairing of certain licenses is not allowed. Please contact us with specific licensing questions.*

Coming Up

The Governor will appoint a permanent director Office of Cannabis Management (OCM) and, over the next 12-18 months, the OCM will begin the rulemaking process and conduct several studies to inform their decision-making. Rulemaking will cover many items relating to size of cultivation and retail operations, ordinances, etc.

- **January 15, 2024:** OCM preliminary report to the legislature on status of regulated market, illicit market, driving incidents, change in potency available in market, social justice, second-hand smoke incidents, and others
- **January 15, 2025:** OCM final report on the same items – must be filed annually thereafter
- **March 1, 2025:** Medical Cannabis program transfers to OCM from the Dept. of Health

