

PART 3 OF WEBINAR SERIES
***YOUTH ACCESS AND EXPOSURE TO LEGAL CANNABIS PRODUCTS:
LANDSCAPE, SAFEGUARDS, AND FURTHER PROTECTIONS***

October 23, 2023, 12:30 pm CDT



**Hosted by the Public Health Law Center, in collaboration with the MN Regional Prevention Coordinators,
funded by the Minnesota Department of Human Services, Behavioral Health Division**



Land Acknowledgement

Every community owes its existence and vitality to generations from around the world who contributed their hopes, dreams, and energy to making the history that led to this moment. Some were brought here against their will, some were drawn to leave their distant homes in hope of a better life, and some have lived on this land for more generations than can be counted. Truth and acknowledgment are critical to building mutual respect and connection across all barriers of heritage and difference.

We begin this effort to acknowledge what has been buried by honoring the truth. We are standing on the ancestral lands of the Dakota people. We want to acknowledge the Dakota, the Ojibwe, the Ho Chunk, and the other nations of people who also called this place home. We pay respects to their elders past and present. Please take a moment to consider the treaties made by the Tribal nations that entitle non-Native people to live and work on traditional Native lands. Consider the many legacies of violence, displacement, migration, and settlement that bring us together here today. Please join us in uncovering such truths at any and all public events.*

*This is the acknowledgment given in the USDAC Honor Native Land Guide – edited to reflect this space by Shannon Geshick, MTAG, Executive Director Minnesota Indian Affairs Council

Resources



+

Data



+

1-on-1 Support



+

You

=

Successful Prevention



Prevention Champions

substance abuse professionals,
researchers, law enforcement,
social workers, educators, faith
leaders, community coalitions



TODAY'S PRESENTERS & MODERATORS



**Dr. Lynn Silver,
Getting it Right from the
Start/Public Health Institute**



**Rachel Callanan,
Public Health Law Center**



**Marisa Katz,
Public Health Law Center**



**Patti Miller,
Regional Prevention Coordinator,
Region 4
East Central Minnesota**



Getting it Right
· from the Start ·

Advancing Public Health & Equity in Cannabis Policy

*Youth Access and
Exposure to legal
Cannabis products:
Landscape,
Safeguards and
Further Protections*

Lynn Silver, MD, MPH, FAAP

Senior Advisor

Public Health Institute

Minnesota Regional Prevention Providers &
Public Health Law Center

October 23, 2023

MINNESOTA



ACLU

2018 SUMMARY

Minnesota ranks

8th

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

5.4x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

35%

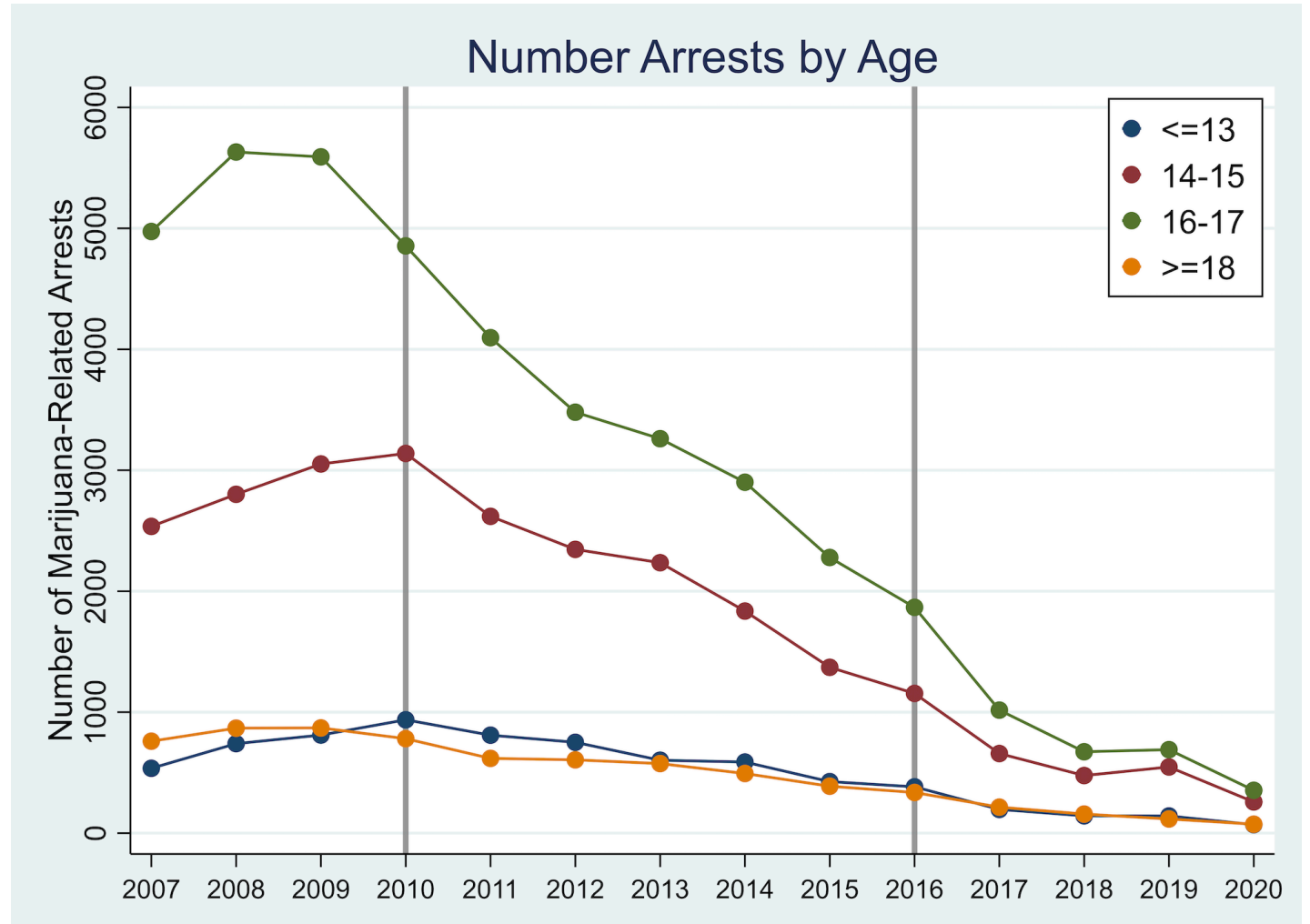
of all drug arrests in the state ↓

Direction of → indicates increase or decrease since 2010.

Criminal Justice – Major Progress in California!

A 98% Decline in Marijuana Possession Arrests 2009-2020

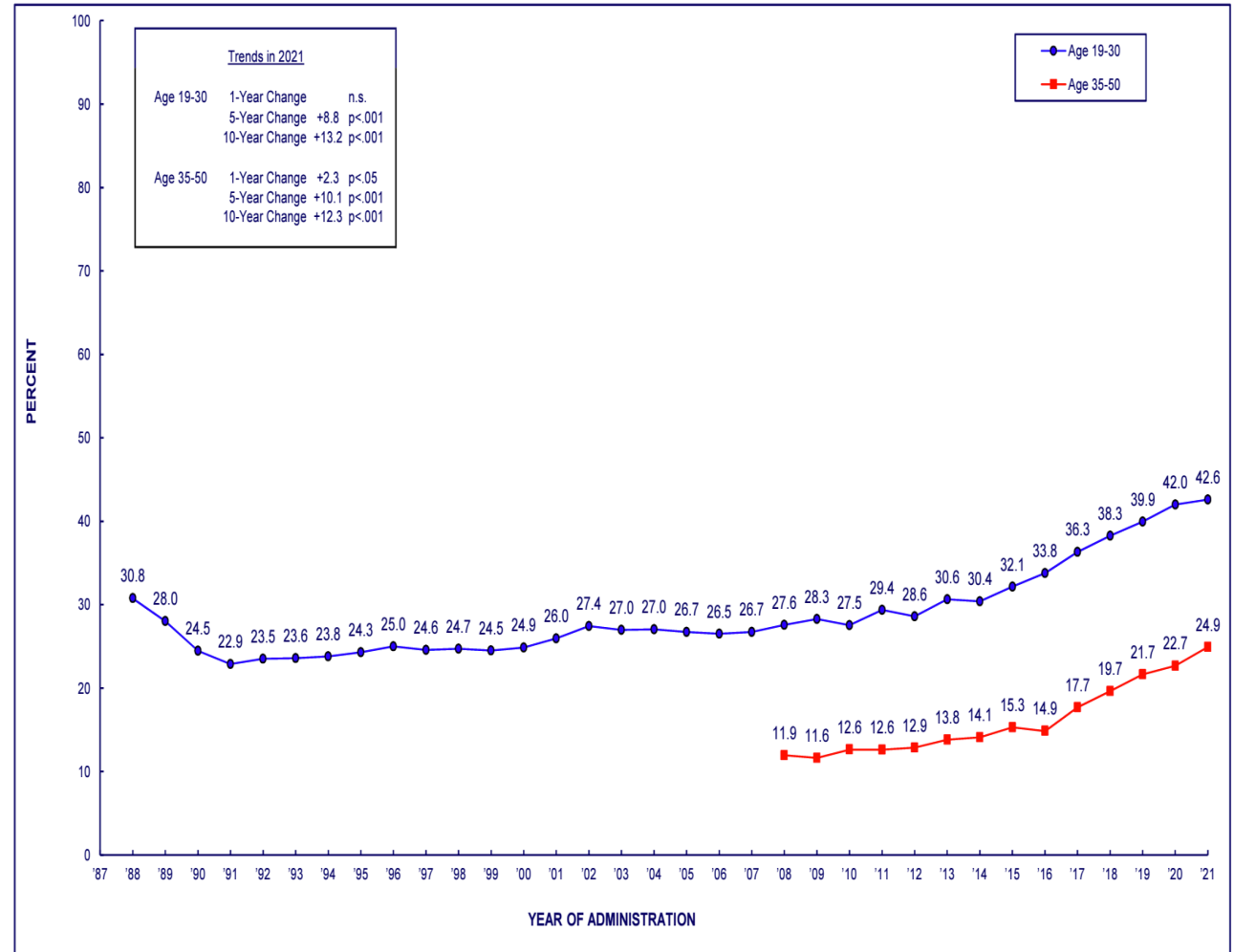
- **And 87% of eligible criminal records expunged by 2023**



Source: PHI from FBI Crime Data Explorer; California DOJ 2023

Trends: Marijuana Use 12 Month Prevalence in Adults 1987- 2021

FIGURE 1
MARIJUANA
Trends in 12-Month Prevalence
among Respondents of Modal Ages 19 through 50, by Age Group

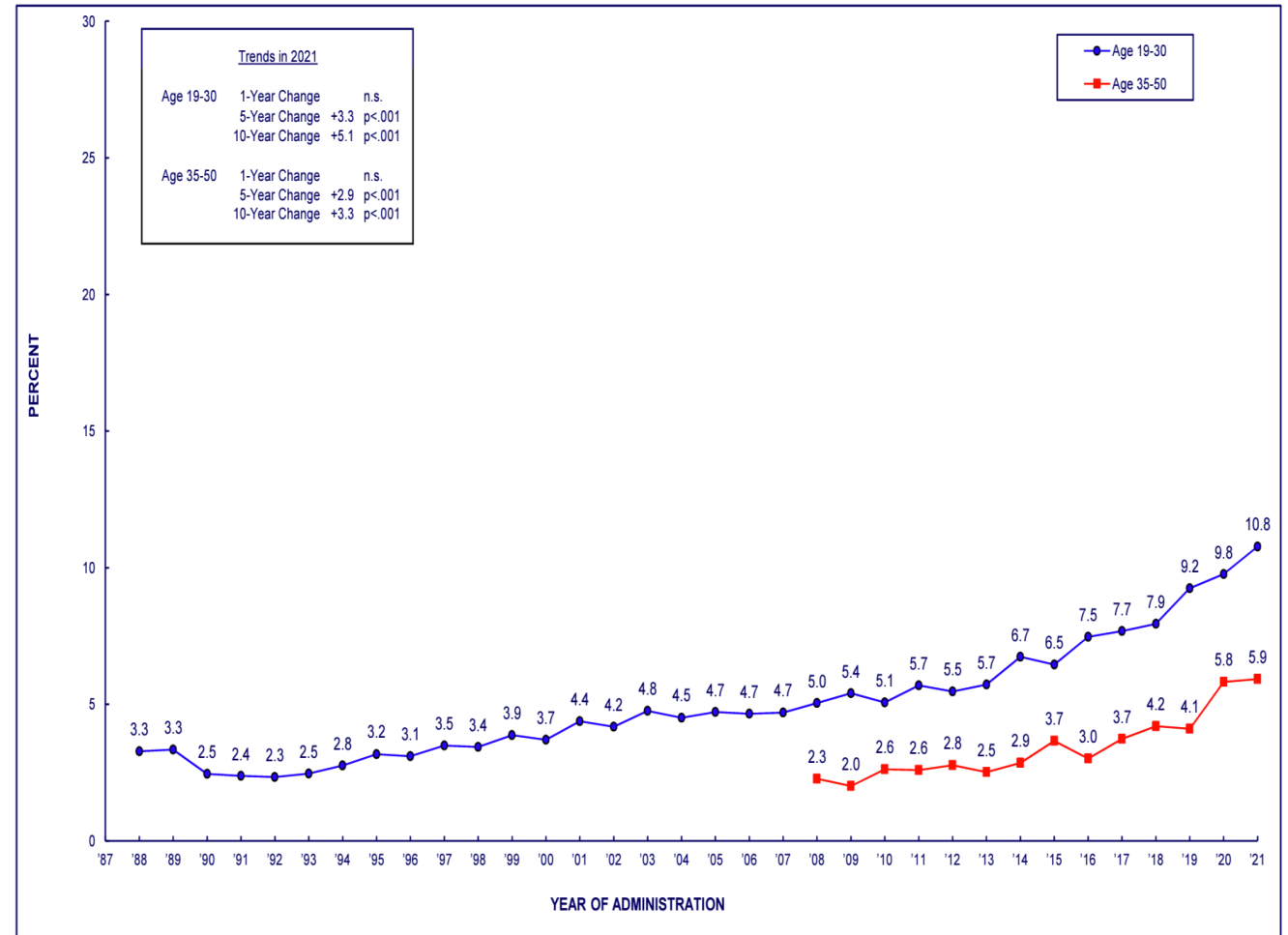


Source: Monitoring the Future 2021

Trends:
Daily Marijuana Use in US Young Adults TRIPLED 1987-2021

One in ten youth walks around high **every day**

FIGURE 3
MARIJUANA
 Trends in 30-Day Prevalence of Daily Use among Respondents of Modal Ages 19 through 50, by Age Group



Source: Monitoring the Future 2021

Teens

- Overall use declined during pandemic
- But cannabis vaping tripled 2017-2022



Why worry about legalizing sale? Substantial Evidence of Harm with Use

Low birth weight

Schizophrenia
and psychoses

Increased motor
vehicle crashes

Respiratory
illness, including
severe lung
disease with
vaping

Problem use
associated with
early onset of
use and
frequency of use

Source: National Academies of
Science, Engineering, and Medicine, 2017, CDC 2019

Rapidly emerging evidence

COGNITIVE, ACADEMIC AND SOCIAL EFFECTS

GROWTH IN CANNABIS USE DISORDER

ACCIDENTAL INGESTION AND OVERDOSE

CARDIOVASCULAR DISEASE

Bad News: California Post Legalization

Quadrupling of pediatric ingestions at Rady Children's hospitals, 1400% increase nationally

Near doubling of use during pregnancy

75% Increase in cannabis related ER visits in CA 2016-2020, including increasing psychosis; 1800% in older adults



Use during pregnancy associated with

More low
birth weight

More
prematurity

More NICU
admission

Long Term Harm
from *in utero*
exposure

Psychopathology
and neurological
impacts at
age 9 – 12

- **NIH ABCD Study**

- 11 489 children; Mean age, 9.9 years
- 5.7% were exposed to cannabis prenatally.

Cannabis exposure associated with greater psychopathology in the child

- Psychotic like episodes
- Lower cognition, and gray matter volume
- Internalizing, externalizing, attention, thought and, social problems
- Sleep problems

Two follow-up studies of same cohort found more sluggish cognitive tempo, social problems, rule-breaking behavior, conduct problems visuo-perceptual processing ability and intracranial volume

Source: Paul, JAMA Psychiatry. 2021 ; Baranger JAMA Pediatrics 2022, Hiraoka Dev Cog Neuroscience 2023

5x

Frequent
“High
Potency”
Cannabis use
(> 10%) and
new psychosis

- **Daily** cannabis use associated with **three-fold higher odds of psychotic disorder**
- **Daily use of high-potency** types of cannabis associated with **five-fold higher odds of psychotic disorder**
- **Population attributable fraction** of first episode psychosis to high potency (>10% THC) :
 - **12·2% (95% CI 3·0-16·1) across the 11 sites**
 - 30·3% (15·2-40·0) in London
 - 50·3% (27·4-66·0) in Amsterdam.

Source: Di Forti, Lancet Psychiatry 2019

Increased psychosis in teens – A California Doc

“Kids who vape or use cartridges or edibles daily they get psychotic. ...I can think of three or four off the top my head the last five months who actually were psychotic. I was trying to talk to them and they were, yeah, they were psychotic. Drug-induced psychosis and that we didn't use to see so much.”

An addiction medicine pediatric provider in CA

Source: Young-Wolff 2023 preliminary data not for citation

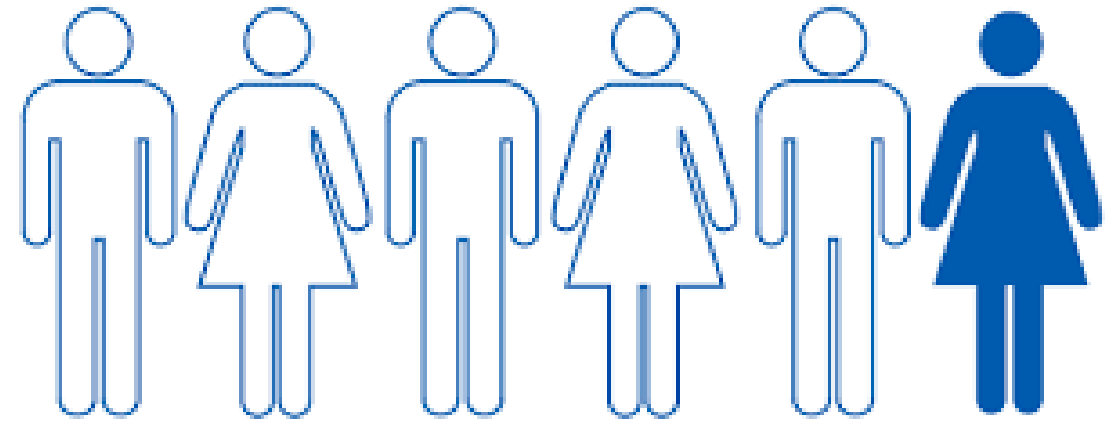


Increased Suicide Risk

- Studied 281,000 Americans ages 18-34 years 2008-2019
- Cannabis use disorder (CUD) , daily cannabis use, and even nondaily cannabis use associated with higher risk of :
 - Suicidal ideation
 - Plan
 - Attempt
- For people without major depression prevalence of suicidal ideation for those with vs without CUD was:
 - 13.9% vs 3.5% among women
 - 9.9% vs 3.0% among men; $P < .001$

Cannabis use disorder

- Developed in approximately 9% of users (in potency pre-history)
- One in six of those who start in adolescence



Three Dangerous Areas Where the Cannabis Industry is Borrowing from Big Tobacco's Playbook



Manipulating Potency thereby
Increasing the Risk of Addiction
and Psychosis



Creating flavored and other
diverse products aimed at
attracting youth



Shameless and misleading
marketing of products

Examples of Legal Cannabis Products Attractive to Kids (CA)

Cannabis Product or Not?

California, along with the rest of the nation, is experiencing an explosion of children being rushed to emergency departments due to accidental ingestion/overconsumption of psychoactive cannabis products that often mimic some of their favorite brands of candy, soda, or snacks. Don't believe us?

Do you think a child could distinguish these cannabis products from the commonly sold ones or characters they are mimicking?



Legally Sold Cannabis Products



MacFlurry: Flower. Imitates popular fast food chain dessert and it's branding (logo, product colors, graphics), association with ice cream flavoring.



Cocoa Pebbles: Flower. Prominent display of kid friendly imagery, insinuates chocolate flavor, imitates popular cereal marketed to children, use of bright green/orange colors.



Bobbi Hylly: Flower. Depiction of youth friendly imagery, imitates popular animated tv show, it's branding (logo, colors), and characters, use of bright colors & cannabis plant graphic.



Purple Smerf: Flower. Likeness to classic children's cartoon/movie franchise, imitates name, logo and mushroom house imagery. Name of brand, Yogi Baer, is a variant of the name of a popular cartoon character.



Chips: Description of cheese and onion flavors prominently featured, imitates Funyuns and Fritos chips, depiction of famous artist and their popular phrasing style.



Sweet Treats: Packaging and product imitates commonly sold kids rice crispy treat/cereal, features flavor description, contains multiple doses (10/package) not physically separated, use of bright colors.



Gummies: Prominent display of fruits and flavors, including tropical, marketed as having a great taste and being healthy (vegan, gluten free).



Blunts: Flavor description prominently featured, references specific type of chocolate product. **Concentrates:** High potency product, imitates Skittles (Zkittlez), features images of candy and implies "juiciness," use of bright colors.



Beverages: Each can, a normal drink size, has ten doses of cannabis. Arnie's depicts a cartoon character, fruits images and a rocketship, and use bright colors. "Keef Orange Kush" imitates Fanta Orange soda.

Summary

- Cannabis harms are not usually as severe or immediate as fentanyl or opioid overdose
- BUT... harms are varied and serious, and aggravated by massive increases in THC
- Because use is so widespread, population health impacts are large-scale
- **Irreversible harms to developing children and increases in psychosis may be most worrisome**
- Cannabis does kill indirectly through psychosis, suicide, and accidents
- Today's cannabis is NOT a healthy natural wellness product





Minnesota –
Welcome to the
world of legalized
cannabis

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Thanks also to Alisa Padon, PhD,,
Amanda Naprawa, JD Aurash
Soroosh, RD, MHS, Ted Mermin, JD,
Leslie Zellers, JD, Michael Colantuono,
JD, Nima Shahidinia PhD and many
others

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Principles for a Public Health & Equity Approach to Cannabis Regulation

<https://www.gettingitrightfromthestart.org/policy-brief-principles-of-regulation/>

PRINCIPLES FOR PROTECTING YOUTH, PUBLIC HEALTH & EQUITY IN CANNABIS REGULATION

The war on drugs has resulted in large scale unjust incarceration and other harmful social impacts. At the same time, legalizing cannabis without robust regulation and promoting the growth of an unfettered for-profit industry threatens our developing youth and public health, and risks further exacerbating social, economic, and health disparities. As a society, we have a collective responsibility to prevent or mitigate such harms. Where legalization is occurring, we can better accomplish this by putting in place strong guardrails and policies that protect youth, promote public health, and advance social equity. These should include:

PROTECT CHILDREN & YOUTH



- Eliminate the Cannabis Kids Menu. Prohibit any products, packaging or marketing that is attractive to children or youth, such as cannabis-infused beverages, flavored products intended for inhalation, flavored wrappers, and products that resemble candy.
- Limit the number of retail outlets to fewer than 1 per 15,000 people.
- Require buffer zones between retail outlets and schools (including colleges), public libraries, and other youth-serving facilities.

PROMOTE EQUITY & MITIGATE HARMS FROM THE WAR ON DRUGS



- Decriminalize cannabis possession, reduce cannabis-related incarceration and automatically expunge past criminal convictions for non-violent cannabis-related crimes (e.g. CA, IL).
- Capture most or all tax revenue for substance abuse prevention and treatment, mitigating negative social impacts of the war on drugs, and public education campaigns.
- Prioritize equity in licensing applicants and hiring requirements (e.g. residents of communities impacted by high drug incarceration rates, people with past cannabis convictions).

AVERT THE EMERGENCE OF A NEW TOBACCO-LIKE INDUSTRY



- Favor public or nonprofit monopoly models to allow legal access without creating a profit-driven market (Quebec cannabis model or state alcohol monopoly models).
- Preserve local control so communities can innovate and learn.
- Prohibit conflicts of interest in regulatory bodies, advisory commissions, and for regulators and prescribers.

PROTECT PUBLIC HEALTH



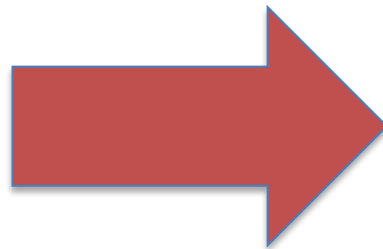
- Assure that not driving increased consumption is a system goal.
- Place public health authorities in leadership roles.
- Require prominent health warnings in stores and provide safer use information to consumers.
- Inform vulnerable groups of the risks of use, such as low birth weight when used during pregnancy, psychosis and schizophrenia and other mental health effects, traffic incidents and immigration risks.
- Extend smoke-free air restrictions to consistently prohibit smoking and vaping cannabis indoors in workplaces, multi-unit housing and in public outdoors spaces.

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING



- Limit THC content, require stocking of lower THC products, and standardized 5 mg THC doses of concentrates.
- Prohibit the use of flavor additives and limit marketing of flavor names known to attract kids.
- Limit aggressive cannabis marketing, especially when visible to youth and children.
- Require warning labels on any advertising & prominent pictorial warnings on packages.
- Prohibit therapeutic or health claims for cannabis products.
- Use a specialized business model for retailers (no food or other product sales).

PRINCIPLES APPLIED TO MINNESOTA'S CANNABIS LAW



CHAPTER 63--H.F.No. 100

An act relating to cannabis; establishing the Office of Cannabis Management; establishing an advisory council; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis and certain hemp products by adults; providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses; establishing licensing fees; requiring testing of cannabis flower, cannabis products, and certain hemp products; requiring labeling of cannabis flower, cannabis products, and certain hemp products; limiting the advertisement of cannabis flower, cannabis products, cannabis businesses, and hemp businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; providing for Tribal medical programs; taxing the sale of cannabis flower, cannabis products, and certain hemp products; establishing grant and loan programs; clarifying the prohibition on operating a motor vehicle while under the influence of certain products and chemicals; amending criminal penalties; establishing expungement procedures for certain individuals; requiring reports on expungements; providing for expungement of certain evictions; clarifying the rights of landlords and tenants regarding use of certain forms of cannabis; establishing labor standards for the use of cannabis flower, cannabis products, and certain hemp products by employees and testing of employees; providing for the temporary regulation of certain edible cannabinoid products; providing for professional licensing protections; providing for local registration of certain cannabis businesses operating retail establishments; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; making miscellaneous cannabis-related and hemp-related changes and additions; making clarifying and technical changes; requiring reports; transferring money; appropriating money; amending Minnesota Statutes 2022, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 18K.02, subdivision 5; 34A.01, subdivision 4; 97B.065, subdivision 1; 144.99, subdivision 1; 144A.4791, subdivision 14; 151.72; 152.01, subdivision 9, by adding subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.11, subdivision 2; 152.22, by adding subdivisions; 152.29, subdivision 4, by adding a subdivision; 152.30; 152.32; 152.33, subdivision 1; 152.35; 169A.03, by adding subdivisions; 169A.20, subdivision 1; 169A.31, subdivision 1; 169A.51, subdivisions 1, 4; 169A.72; 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, subdivisions 4, 5, 6, by adding subdivisions; 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1; 192A.555; 244.05, subdivision 2; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625, subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 270B.12, by adding a subdivision; 270C.19, by adding a subdivision; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67, subdivisions 2, 7, by adding a subdivision; 297A.70, subdivisions 2, 4, 18; 297A.85; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.402, subdivision 1; 340A.412, subdivision 14; 360.0752, subdivision 2; 461.12, by adding a subdivision; 484.014, subdivision 3; 504B.171, subdivision 1; 609.135, subdivision 1; 609.2111; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609A.01; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 270C; 289A; 295; 340A; 477A; 504B; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes

PROTECT CHILDREN & YOUTH



- Eliminate the Cannabis Kids Menu. Prohibit any products, packaging or marketing that is attractive to children or youth, such as cannabis-infused beverages, flavored products intended for inhalation, flavored wrappers, and products that resemble candy.
- Limit the number of retail outlets to fewer than 1 per 15,000 people.
- Require buffer zones between retail outlets and schools (including colleges), public libraries, and other youth-serving facilities.

PROTECT CHILDREN AND YOUTH ELIMINATE THE CANNABIS KIDS MENU--PACKAGING

- Minnesota's law:
 - Prohibits any packaging that resembles common commercial or trademarked product or that are designed to appeal to children or persons under age 21.
 - Requires plain, child-resistant, tamper-evident, opaque packaging.
- Lower-potency hemp edibles are not currently required to be sold in plain packaging.
- Child-resistant packaging requirement does not apply to “lower-potency” edible products that are consumed as beverages.



PROTECT CHILDREN AND YOUTH ELIMINATE THE CANNABIS KIDS MENU--PRODUCTS

Minnesota's law:

- OCM is prohibited from approving any cannabis product that:
 - is or appears to be a lollipop or ice cream;
 - bears the likeness or contains characteristics of a real or fictional person, animal, or fruit;
 - is modeled after a type or brand of products primarily consumed by or marketed to children.
- “Lower-Potency” edibles cannot:
 - bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;
 - be modeled after a brand of products primarily consumed by or marketed to children;
 - be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item



PROTECT CHILDREN AND YOUTH ELIMINATE THE CANNABIS KIDS MENU

Opportunities:

- The OCM has authority to further regulate packaging, labeling and types of products approved for sale.
- Local units of government could regulate some aspects of retail sale—particularly for the “lower-potency” edible products.



PROTECT CHILDREN AND YOUTH LIMIT THE NUMBER, LOCATION, & DENSITY OF RETAILERS

Minnesota's law:

- There is no limit on the number or density of retailers
- The law allows local units of government to enact ordinances to limit the operation of a cannabis business:
 - Within 1,000 feet of a school
 - 500 feet of a day care
 - 500 feet of a residential treatment facility, or
 - 500 feet of an attraction within a public park that is regularly used by minors (playground/athletic field)
- The law allows local units of government to enact “time/place/manner” restrictions that could include additional restrictions.



PROTECT CHILDREN AND YOUTH LIMIT THE NUMBER, LOCATION, & DENSITY OF RETAILERS

Opportunities:

- Local governments have some ability to set limits, but do not have authority to completely prohibit cannabis businesses.
 - Time/place/manner of operations and locations
 - Zoning restrictions
 - Public health, safety, and welfare protections



AVERT THE EMERGENCE OF A NEW TOBACCO-LIKE INDUSTRY



- Favor public or nonprofit monopoly models to allow legal access without creating a profit-driven market (Quebec cannabis model or state alcohol monopoly models).
- Preserve local control so communities can innovate and learn.
- Prohibit conflicts of interest in regulatory bodies, advisory commissions, and for regulators and prescribers.

AVERT “BIG CANNABIS” INDUSTRY

FAVOR EXCLUSIVE PUBLIC OR NONPROFIT BUSINESSES

Minnesota law:

- The law allows a city or county to “establish, own, and operate a municipal cannabis store.”

Opportunity:

- This provision, in combination with the ability to limit the number of registered retailers to 1 per 12,500 population, may create the ability to limit the number of retailers and create an exclusive public or nonprofit run retailer.
- However, due to the current limitations of federal law, it may be impractical for municipal ownership of a cannabis retailer at this time.

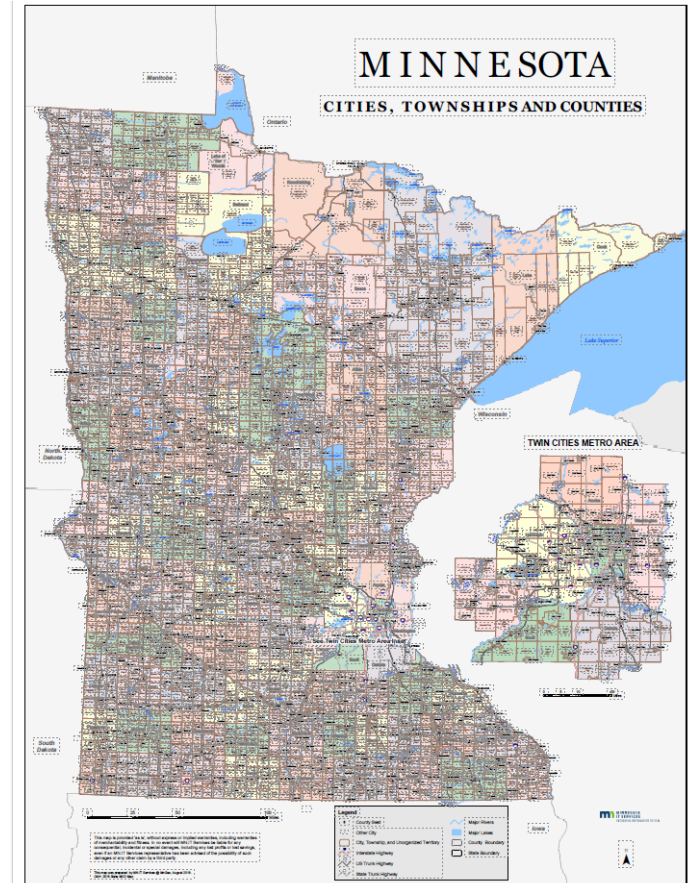
“(j) If a county has one active registration for every 12,500 residents, a city or town within the county is not obligated to register a cannabis business.”

AVERT “BIG CANNABIS” INDUSTRY

PRESERVE LOCAL CONTROL

Minnesota law:

- Local units of government are generally preempted from prohibiting possession, transport, or use within their jurisdiction and they cannot outright prohibit the establishment or operation of cannabis businesses,
- Local governments are provided explicit authority to regulate in several aspects of cannabis business operations and use of cannabis.



AVERT “BIG CANNABIS” INDUSTRY PROHIBIT CONFLICTS OF INTEREST FOR REGULATORS

Minnesota’s law:

- Cannabis business and hemp business **license holders** cannot be employees of the OCM or other state agencies with regulatory authority

Opportunities:

- Strengthen conflict of interest for all employees and members Cannabis Advisory Council members

News State Government

Gov. Tim Walz on withdrawal of Minnesota’s new cannabis director: ‘We got this wrong’

Erin DuPree has asked that Gov. Tim Walz withdraw her appointment to be the director of the Office of Cannabis Management after two news stories revealed that she had sold disallowed products in her Apple Valley hemp store and has a series of tax liens and unpaid debts from previous businesses.

By [Peter Callaghan](#) | Staff Writer



PROTECT PUBLIC HEALTH



- Assure that not driving increased consumption is a system goal.
- Place public health authorities in leadership roles.
- Require prominent health warnings in stores and provide safer use information to consumers.
- Inform vulnerable groups of the risks of use, such as low birth weight when used during pregnancy, psychosis and schizophrenia and other mental health effects, traffic incidents and immigration risks.
- Extend smoke-free air restrictions to consistently prohibit smoking and vaping cannabis indoors in workplaces, multi-unit housing and in public outdoors spaces.

PROTECT PUBLIC HEALTH DON'T DRIVE INCREASED CONSUMPTION

Minnesota's law:

- The OCM is charged with conflicting goals of promoting public health, welfare, and safety, while also promoting “a craft industry for cannabis flower and cannabis products.”
- In its enumerated duties and powers, the OCM is required to promote economic growth, along with responsibilities to protect the health of citizens.
- Additionally, the 51-member Cannabis Advisory Council includes many seats for industry representatives and organizations whose primary interests will be to grow the cannabis industry.



PROTECT PUBLIC HEALTH

PLACE PUBLIC HEALTH IN LEADERSHIP ROLES

Minnesota's law:

- There is no requirement that the governor-appointed director of the OCM have public health experience or expertise, nor does the law require that any employees or high-level personnel have public health expertise.
- The 51-member Cannabis Advisory Council has a seat for the Local Public Health Association and the Minnesota Department of Health. However, the majority of members represent business and economic development interests.
- The lack of conflict-of-interest requirements in the law leaves the door open for the cannabis industry to participate in setting the policies for regulating their own industry.

Opportunities:

- Public health expertise could be included in hiring criteria.

PROTECT PUBLIC HEALTH

POINT OF SALE HEALTH WARNINGS & INFORMATION

Minnesota's law:

- Requires information be prominently displayed and provided to consumers **in the store** re:
 - Impairment effects, timing of impairment, side effects, adverse effects and health risks;
 - Statement that a person should not operate motor vehicle or heavy machinery while under the influence;
 - Resources to answer questions about side effects and adverse health effects;
 - Contact information for Poison Control and a safety hotline or website to report and obtain advice about side effects and adverse effects;
 - Substance use disorder treatment options; and
 - Any other information specified by the OCM.

Opportunities:

- OCM has authority to develop stronger and more extensive requirements for warnings and consumer education.

PROTECT PUBLIC HEALTH

INFORM VULNERABLE GROUPS ABOUT RISKS

Minnesota's law:

- The only explicit warning required in the law is: “Keep out of reach of children.”
- A warning symbol is required that indicates that it is not for children and that includes a number for poison control.
- The package must indicate the “the maximum dose, quantity, or consumption that may be considered medically safe within a 24-hour period” but it is unclear how this will be determined.

Opportunities:

- The OCM has authority to develop other health and safety warnings.



PROTECT PUBLIC HEALTH

EXTEND SMOKE-FREE AIR RESTRICTIONS TO CANNABIS

Minnesota's law:

- Smoking and vaping of cannabis is prohibited wherever smoking and vaping is prohibited by the Minnesota Clean Indoor Air Act.
- Use, including smoking and vaping, is also prohibited:
 - In a motor vehicle
 - Public and charter schools
 - Correctional facilities
 - In any location where smoke/vapor “would be inhaled by a minor”
- Local units of government are given explicit authority to enact more stringent smoking/vaping, and public use restrictions for their jurisdiction.
- Smoking and vaping of nonmedical cannabis in multifamily housing is prohibited beginning Mar. 1, 2025.

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING



- Limit THC content, require stocking of lower THC products, and standardized 5 mg THC doses of concentrates.
- Prohibit the use of flavor additives and limit marketing of flavor names known to attract kids.
- Limit aggressive cannabis marketing, especially when visible to youth and children.
- Require warning labels on any advertising & prominent pictorial warnings on packages.
- Prohibit therapeutic or health claims for cannabis products.
- Use a specialized business model for retailers (no food or other product sales).

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING

LIMIT THC CONTENT, STOCK LOW THC, 5 MG STANDARD DOSES

Minnesota's law:

- No potency restrictions for non-edible cannabis products in law.
- “Lower-Potency” edibles are limited to 5mg THC per serving and 50mg per package.
- Edible adult-use cannabis products and hemp-derived consumer products are limited to 10mg per serving and 200mg per package.
- There is no requirement that retailers stock lower-potency THC products.
- There is no requirement for standard 5mg doses of concentrates.

Opportunities:

- OCM has authority to limit potency and could enact rules about standard dose of 5mg.



May 10, 2021 By NIDA Director Nora Volkow, MD, and National Cancer Institute Director Norman E. Sharpless, MD.

As cannabis becomes more available and socially accepted in the U.S., it is increasingly important to facilitate research on this drug's effects. A major hindrance, however, has been the lack of a standard unit by which to measure cannabis intake and compare its effects across studies. Existing experimental data are often hard to interpret due to the wide variability in potency of cannabis plant material and extracts, the lack of standard measures of use, and the wide variety of ways people consume cannabis. To help rectify this, NIDA, along with the National Cancer Institute; the National Heart, Lung, and Blood



Courtesy of NIDA

<https://nida.nih.gov/about-nida/noras-blog/2021/05/establishing-5mg-thc-standard-unit-research>

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LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING PROHIBIT FLAVOR ADDITIVES AND MARKETING OF FLAVORS

Minnesota's law:

- There are no restrictions on flavored products in the law.

Opportunities:

- The OCM could limit “product categories” that include flavors and could prohibit use of flavor descriptors even where the added flavor is not present (e.g. Grape Ape or Gelato).



LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING

LIMIT CANNABIS MARKETING VISIBLE TO CHILDREN

Minnesota's law:

- Advertisements cannot:
 - contain false or misleading statements;
 - contain unverified claims about the health or therapeutic benefits;
 - promote the overconsumption;
 - depict a person under 21 years of age consuming products;
 - include an image designed or likely to appeal to individuals under 21 years of age, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed to be appealing to individuals under 21 years of age.



Photo credit: Rachel Callanan, PHLC

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING

LIMIT CANNABIS MARKETING VISIBLE TO CHILDREN

Minnesota's law:

- Requires warning on advertisements
- No outdoor advertising except cannabis businesses allowed two affixed store signs
- Print/radio/television/other medium advertisements not allowed if 30% of audience is under 21
- Unsolicited pop-up advertising prohibited
- Age verification for targeted advertising (location-based or direct communication)

Opportunities:

- The OCM could consider further limitations on advertising and require 3rd party age verification for certain advertising.
- Local jurisdictions may also have the ability to limit advertising.



Photo credit: Rachel Callanan, PHLC

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING WARNINGS ON ADVERTISEMENTS AND PACKAGING

Minnesota's law:

- A warning symbol is required on packaging to indicate the product is not for children and includes the number for Poison Control and packaging requires the specific statement: "Keep this product out of reach of children."
- Warnings will be required on advertisements, but parameters are not specified in law.

Opportunities:

- OCM has authority to develop a warning label re: impacts of cannabis by persons 25 years or younger and additional safety warnings.



Photo credit: CBC News

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING PROHIBIT THERAPEUTIC CLAIMS ON LABELS

Minnesota's law:

- Labels for “lower-potency” THC edibles and medical cannabis must not contain therapeutic claims and must include a statement that the product does not claim to diagnose, treat, cure, or prevent any disease, and has not been evaluated by the FDA.
- The label requirements for other cannabinoid products do not prohibit therapeutic claims and do not require these same disclaimers.

Opportunities:

- The OCM has authority to create additional requirements on labels and packaging, including prohibiting therapeutic claims, and requiring disclaimers about therapeutic claims and FDA.

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING EXCLUSIVE RETAIL MODEL FOR CANNABIS PRODUCTS

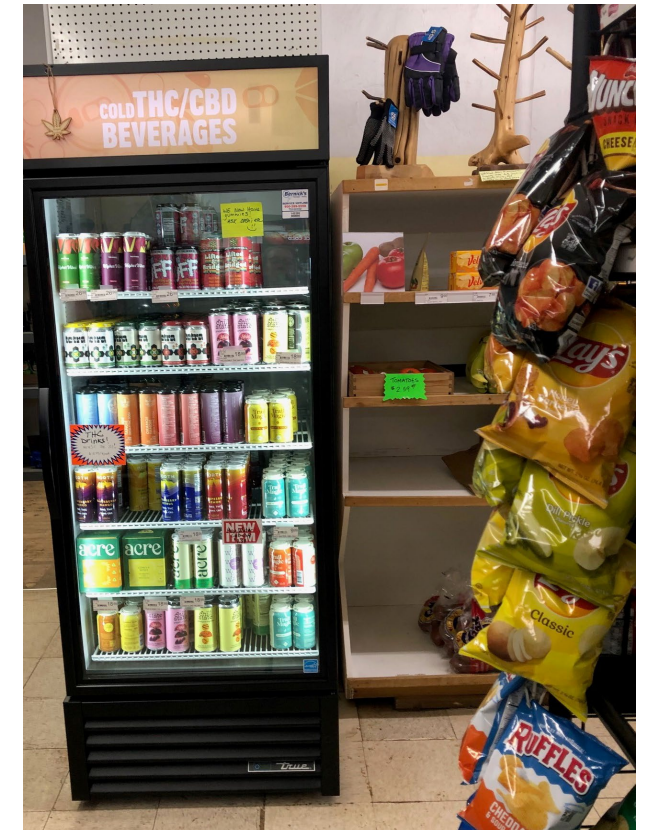
Minnesota's law:

- Cannabis products may only be sold at licensed retailers that have been granted a local retail registration by the local unit of government.
- Only persons age 21 and older are allowed to work for or to be on premises of adult-use cannabis businesses.
- Licensed cannabis retailers may only sell the products specifically enumerated in the law (i.e., they cannot sell a range of retail products). Along with cannabis products, they are only allowed to sell cannabis-related products.

LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING “LOWER-POTENCY” EDIBLE PRODUCTS

Minnesota’s law:

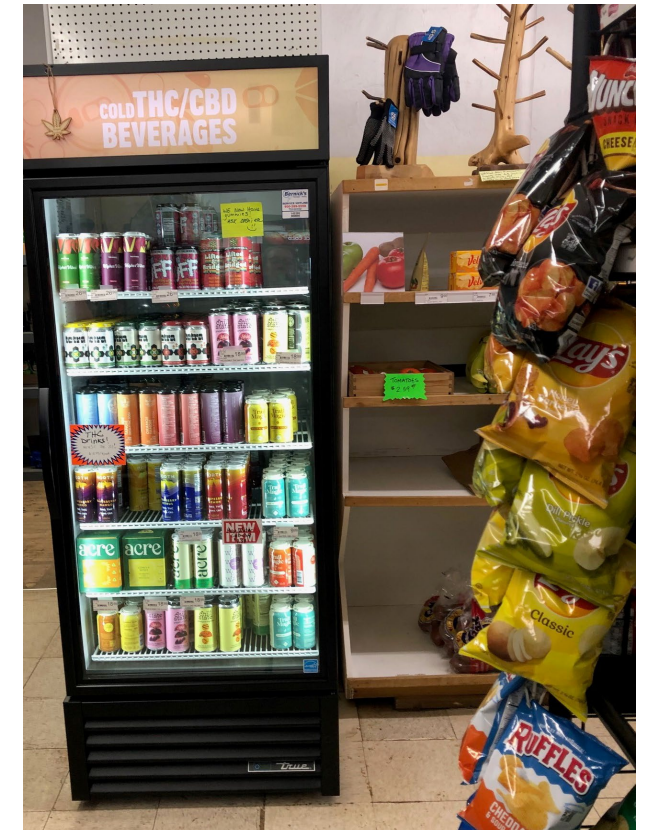
- Retail sale of “lower-potency” edible products do not have “exclusive sales” restrictions.
- This means:
 - The products may be sold by a wide range of retailers, selling a wide range of products, as long as they have registered with the state of Minnesota as a seller of hemp-derived edible cannabinoid products beginning Oct. 1, 2023.
 - There is no age restriction for employees or for customers at locations where the product are sold.
 - However, edible products must be sold behind the counter or located in a locked “case” (**this does not apply to beverages!**)



LIMIT DANGEROUS PRODUCT DIVERSIFICATION & MARKETING “LOWER-POTENCY” EDIBLE PRODUCTS

Opportunities:

- Local units of government have the ability to enact more stringent regulations:
 - require all products to be sold behind a counter
 - require products to be sold only where persons 21+ are admitted
 - require products to be sold only at exclusive cannabis retailers where no other products are sold
 - require minimum clerk age of 21
 - prohibit all sales of “lower-potency” products



PROMOTE EQUITY & MITIGATE HARMS FROM THE WAR ON DRUGS



- Decriminalize cannabis possession, reduce cannabis-related incarceration and automatically expunge past criminal convictions for non-violent cannabis-related crimes (e.g. CA, IL).
- Capture most or all tax revenue for substance abuse prevention and treatment, mitigating negative social impacts of the war on drugs, and public education campaigns.
- Prioritize equity in licensing applicants and hiring requirements (e.g. residents of communities impacted by high drug incarceration rates, people with past cannabis convictions).

PROMOTE EQUITY & MITIGATE THE CRIMINALIZATION OF CANNABIS

- Decriminalize cannabis and expunge criminal records
- Capture all/most of tax revenue for substance use prevention/treatment, mitigating social impacts of criminalization, and public education
- Prioritize equity in licensing and hiring



Expungement of Criminal Records

People with low-level cannabis convictions will get their records sealed.

[Expungement](#)

Source: MN Office of Cannabis Management
<https://www.cannabis.mn.gov/expungement.html>

OPPORTUNITIES TO SHAPE CANNABIS POLICY

- Local regulation
- Office of Cannabis Management:
 - Staffing/leadership selection
 - Rulemaking
 - Advisory council participation and feedback
- File complaints when law not followed by cannabis businesses—watchdog role
- Educate legislators for 2024 session



LOCAL REGULATION

MAXIMIZE EXPLICIT LOCAL AUTHORITY

- Restrict **smoking/vaping and public use**
- Adopt an **interim ordinance** to protect health/safety/welfare, including **regulate/restrict or prohibit** cannabis business until Jan. 1, 2025
- **Limit the number of retailers**—state law requires registration of one retailer per 12,500 residents.
- Enact ordinances to **maximize the buffer zones** from daycares, treatment centers, parks, etc.
- **Restrict hours of operation** to the minimum number of hours allowed under the law (stores open 10AM-9PM).
- **Restrict or prohibit cannabis events**. If allow events, don't allow cannabis use.
- **Enact time/place/manner restrictions** to protect public health and safety. This is the great unknown—untested and not defined. Very important to identify strong public health rationale for any policies created here.
- **Maximize enforcement authority**
 - Expedite complaints about cannabis business violations to the OCM
 - Plan for budget, staff training, staff capacity for multiple enforcement compliance checks and inspections per year.
 - Establish a complaint system to trigger additional compliance checks/inspections, as needed.

LOCAL REGULATION

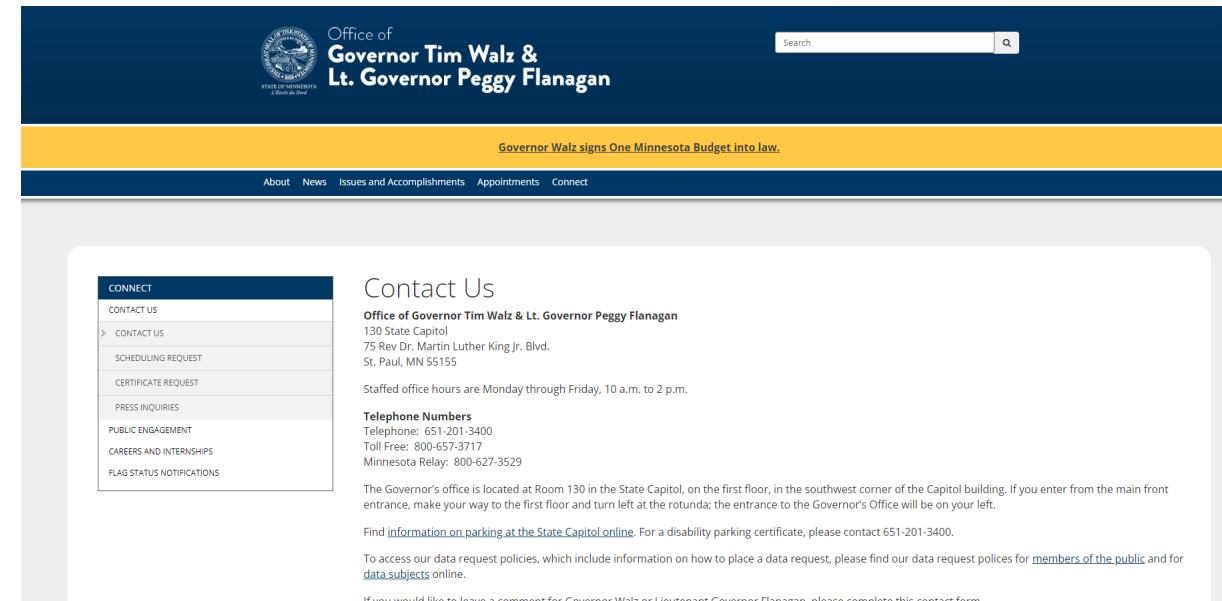
EXPLORE FURTHER AREAS FOR LOCAL CONTROL

- Public health authority and local government zoning authority provide strong bases for local regulation of products that are intoxicating and pose potential harms to public health and safety
- Some areas for possible regulation include:
 - Restrict certain products that have higher risk to youth and adults—higher potency, smokeable/vape-able products, flavored products that may appeal to children/youth.
 - Advertising and marketing restrictions that go further than the state law.
 - Prohibit discounts and price promotions.
 - Prohibit the sale of all lower-potency products or limit their availability to 21+ shops.



OFFICE OF CANNABIS MANAGEMENT LEADERSHIP AND STAFFING

- Urge the Governor and the advisory committee charged with hiring the OCM director to hire a leader in public health or with significant public health expertise
- Urge the leadership of the OCM and the Governor's office to prioritize public health expertise in the hiring other leadership positions at OCM



The screenshot shows the website for the Office of Governor Tim Walz & Lt. Governor Peggy Flanagan. The header includes the state seal and the text "Office of Governor Tim Walz & Lt. Governor Peggy Flanagan". A search bar is located in the top right. Below the header, a yellow banner reads "Governor Walz signs One Minnesota Budget into law." A navigation menu includes "About", "News", "Issues and Accomplishments", "Appointments", and "Connect". The main content area features a "CONNECT" sidebar with links for "CONTACT US", "SCHEDULING REQUEST", "CERTIFICATE REQUEST", "PRESS INQUIRIES", "PUBLIC ENGAGEMENT", "CAREERS AND INTERNSHIPS", and "FLAG STATUS NOTIFICATIONS". The "CONTACT US" section provides the following information: "Office of Governor Tim Walz & Lt. Governor Peggy Flanagan", "130 State Capitol", "75 Rev Dr. Martin Luther King Jr. Blvd.", "St. Paul, MN 55155", and "Staffed office hours are Monday through Friday, 10 a.m. to 2 p.m.". It also lists "Telephone Numbers": Telephone: 651-201-3400, Toll Free: 800-657-3717, and Minnesota Relay: 800-627-3529. A paragraph describes the office's location in the State Capitol. Below that, it provides information on parking and data request policies. At the bottom, it invites users to leave a comment.

<https://mn.gov/governor/connect/contact-us/contact-form.jsp>

OFFICE OF CANNABIS MANAGEMENT RULEMAKING

July 1, 2025

Deadline for Expedited Rulemaking Process per
Minn. Stat. § 14.389

***Rulemaking Process Begins FALL 2023!**

OCM will begin rulemaking to establish industry and commercial requirements for cannabis and hemp edibles.

These rules will regulate areas including:

- ✓ Product labeling and packaging
- ✓ Product testing
- ✓ Business licensing
- ✓ Plant cultivation
- ✓ Cannabis product disposal
- ✓ OCM response to municipal complaints

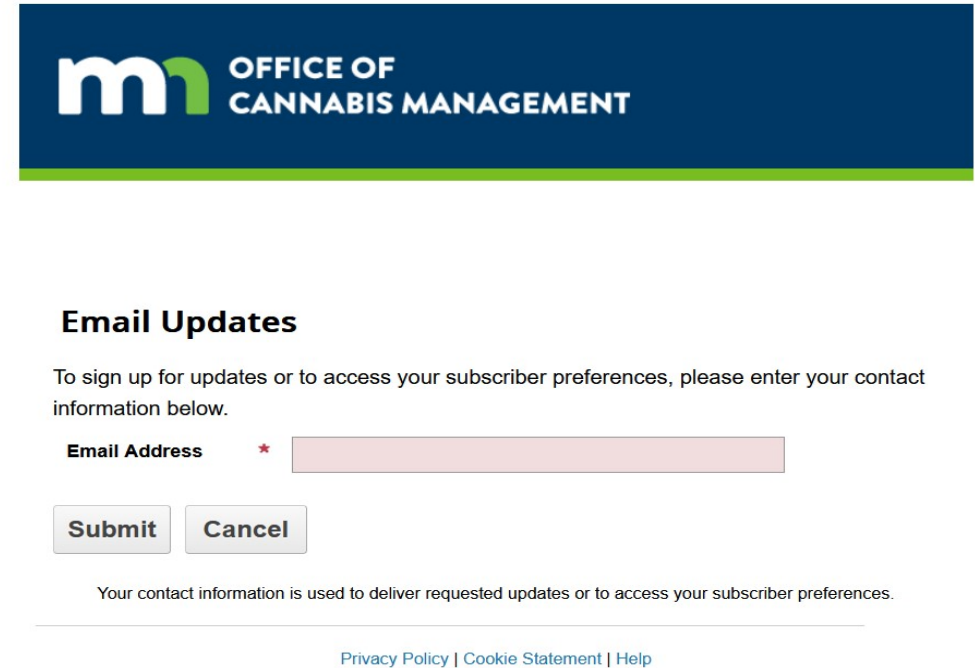


OFFICE OF CANNABIS MANAGEMENT

RULEMAKING: PUBLIC INVOLVEMENT

The public may participate in rulemaking process:

- OCM committed to giving public “ample opportunity to be heard.”
- Public discussions offered in virtual and in-person settings.
- Public allowed to submit comments.
- Advance notice posted on OCM website.



The screenshot shows the top of the Office of Cannabis Management website. It features a dark blue header with the 'm' logo and the text 'OFFICE OF CANNABIS MANAGEMENT'. Below the header is a white form titled 'Email Updates'. The form includes a text input field for 'Email Address' with a red asterisk indicating it is required. Below the input field are two buttons: 'Submit' and 'Cancel'. A small disclaimer text reads: 'Your contact information is used to deliver requested updates or to access your subscriber preferences.' At the bottom of the form, there are links for 'Privacy Policy | Cookie Statement | Help'.

https://public.govdelivery.com/accounts/MNOCM/subscriber/new?topic_id=MNOCM_2

OFFICE OF CANNABIS MANAGEMENT CANNABIS ADVISORY COUNCIL

- Apply for a seat or encourage knowledgeable people to apply:
<https://commissionsandappointments.state.mn.us/Agency/Details/332>
- Monitor, communicate with, educate, and testify before the Cannabis Advisory Council when they convene.



WATCHDOG ROLE FILE COMPLAINTS FOR BUSINESS VIOLATIONS



- Local government—contact your city or county administrator
- Office of Cannabis Management:
 - cannabis.info@state.mn.us
- Minn. Department of Health for “lower-potency” THC edibles complaints:
 - <https://www.health.state.mn.us/people/cannabis/edibles/complaints.html>
- Office of the Minnesota Attorney General consumer complaints:
 - <https://www.ag.state.mn.us/office/complaint.asp>

EDUCATE LEGISLATORS FOR THE 2024 SESSION

Session begins Feb. 12, 2024



Photo credit: Minnesota Senate Photography

WHERE CAN I FIND MORE INFORMATION?

- League of Minnesota Cities [website](#)
- Association of Minnesota Counties [website](#)
- Office of Cannabis Management website: <https://cannabis.state.mn.us/>
- MDH site re: Lower-Potency Hemp Edible Products
<https://www.health.state.mn.us/people/cannabis/edibles/index.html>
- [2023 Session Law Chapter 63](#)
- Fiscal summary may be found here:
<https://assets.senate.mn/fiscalpol/tracking/2023/Adult-Use-Cannabis-Conference-Agreement.pdf>

QUESTIONS/ANSWERS

