



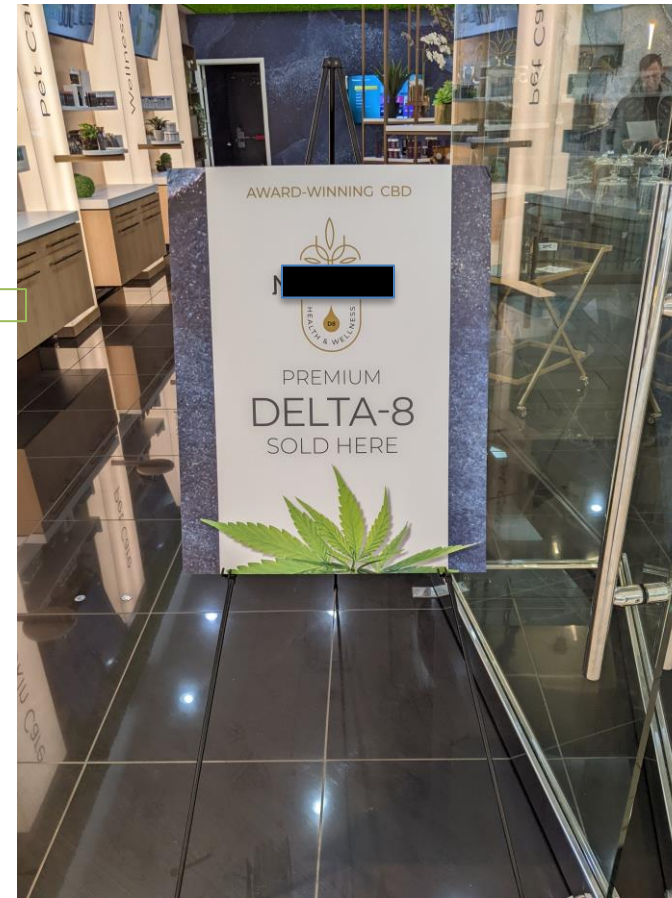
# THC EDIBLES FOR SALE IN MINNESOTA



# WHERE ARE DELTA-8 THC & SIMILAR PRODUCTS SOLD?



St. Paul, MN  
(Photo: PHLC)



Mall of America, Bloomington, MN  
(Photo: PHLC)

8/18/2022

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# WHAT PRODUCTS WERE MADE LEGAL BY THE MN LAW? EDIBLE PRODUCTS ONLY!

- “Q: For products which are **not edible** cannabinoids, what quantity or percentage limits apply to products that contain substances derived from hemp?
- A: **The total amount of all tetrahydrocannabinols contained in such products cannot exceed 0.3%.** (For example, a product cannot contain 0.3% of delta-9 THC and 0.3% of delta-8 THC). **Examples** of other types of products that are subject to the 0.3% limit include, but are not limited to, creams, lotions, ointments, salves, or other products meant for topical administration; **products meant to be inhaled, smoked, vaped, sprayed into nostrils, or insufflated (sniffed); and hemp flowers and buds.**” (Board of Pharmacy FAQ, 2022)

# WHAT ARE PUBLIC HEALTH ADVOCATES AND COMMUNITIES DOING?

- **Moratoria on sales at the local level**
  - Cities—at least 26 cities have adopted or are exploring moratorium on sales
  - Counties—Kanabec County is the only county we are currently aware of that is considering a moratorium (hearing 8/22/22)
- **Regulatory structures based on commercial tobacco and alcohol regulations**
  - Cities—a handful of cities are considering enacting a more robust regulatory structure
  - Counties—to our knowledge no counties are considering a specific regulatory structure

## Kanabec County to address new THC-edibles law

By Hope Murray editor@moraminn.com Aug 10, 2022 Updated Aug 10, 2022 0

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The Kanabec County Board of Commissioners is in the process of addressing a new Minnesota law that permits the sale and consumption of hemp-derived edible products that contain tetrahydrocannabinol, more commonly known as THC, the substance that makes people feel "high."

The Kanabec County Planning Commission will hold a public hearing at 7 p.m. on Monday, Aug. 22 to address adopting an interim ordinance that would place a one-year moratorium on the sale of THC consumables within Kanabec County. The meeting will be held at Kanabec County Courthouse, meeting rooms 3 and 4.

The moratorium would allow the county to "complete an in-depth study" that would result in changes to



# WHAT CAN PUBLIC HEALTH ADVOCATES AND COMMUNITIES DO?

- **Support local jurisdictions in their efforts to adopt moratoria and/or regulate edible THC products**
  - PHLC findings and talking points to support regulation/moratorium
  - League of MN Cities supporting their members
- **Urge greater state regulation that prioritizes public health and safety**
  - Model language for state regulation should follow the principles outlined by the Public Health Institute, Getting it Right from the Start: <https://gettingitrightfromthestart.org/policy-brief-principles-of-regulation/>

## Minnesota Findings for Local Regulation of Cannabis 7/20/22

The following sample findings and evidentiary support for local cannabis regulation were adapted from the Public Health Institute's [California Cannabis Retail and Marketing Model Ordinance](#). The findings were amended to reflect Minnesota specific data and findings where applicable.

These findings could be used to support a moratorium on sales of edible cannabinoid products or prohibition of sales. Additional findings could be added to support specific policy measures that may be pursued, such as a licensing structure, pricing provisions, and other public health focused provisions to reduce youth access and exposure to these products.

### FINDINGS

The [City/County] hereby finds and declares as follows:

WHEREAS, based on the most reliable and up-to-date scientific evidence, the [City Council/County Board] finds that the rapid introduction of newly legalized edible cannabinoid products ("edibles"), presents a significant potential threat to the public health, safety, and welfare of the residents of [City/County], and particularly to youth; and

WHEREAS, [City/County] has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products and to the marketing of these products;

WHEREAS, the United States Surgeon General has issued an advisory to alert the public to the known and potential harms to developing brains, posed by the increasing availability of highly potent marijuana in multiple, concentrated forms;<sup>1</sup> and the reasons for concerns with the increasing use of marijuana by pregnant women,<sup>2</sup> adolescents and youth;<sup>3</sup> and

WHEREAS, the National Academies of Science, Engineering and Medicine note that the growing acceptance, accessibility, and use of cannabis and its derivatives have raised important public

<sup>1</sup> Office of the Surgeon General, U.S. Surgeon General's Advisory: Marijuana Use and the Developing Brain. Available at: <https://www.hhs.gov/surgeongeneral/reports-and-publications/addiction-and-substance-misuse/advisory-on-marijuana-use-and-developing-brain/index.html> (last accessed June 11, 2020).

<sup>2</sup> Young-Wolff KC, Tucker L-Y, Alexeeff S, et al. Trends in Self-reported and Biochemically Tested Marijuana Use Among Pregnant Females in California From 2009-2016. *JAMA*. 2017;318(24):2490-2491. doi:10.1001/jama.2017.17225

<sup>3</sup> Substance Abuse and Mental Health Services Administration (SAMHSA). *Comparison of 2017-2018 and 2018-2019 Population Percentages (50 States and the District of Columbia) | CBHSQ Data*. Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration; 2020. <https://www.samhsa.gov/data/>

# WHAT CAN PUBLIC HEALTH ADVOCATES AND COMMUNITIES DO?

- **Work with state cannabis regulators:**
  - Share information with regulators about what is on the market and any concerns or challenges faced
  - Report/submit complaints re: manufacture and sales violations to appropriate regulators
    - State of Minnesota Board of Pharmacy Complaint Form:  
<https://mn.gov/boards/pharmacy/public/hemprelatedcomplaints.jsp>
    - State Attorney General and Law enforcement
- **Urge greater federal regulation for health and safety**
  - Food, Drug, and Cosmetic Act enforcement--health claims, food additives, drugs

# RESOURCES

- **Minnesota Board of Pharmacy,**
  - Hemp Derived Products FAQ (June 30, 2022)  
[https://mn.gov/boards/assets/Hemp%20Derived%20Products%20FAQ\\_tcm21-532612.pdf](https://mn.gov/boards/assets/Hemp%20Derived%20Products%20FAQ_tcm21-532612.pdf)
  - Complaint form: <https://mn.gov/boards/pharmacy/public/hemprelatedcomplaints.jsp>
- **League of Minnesota Cities,** Cities and Regulation of Edible Cannabinoid Products (July 15, 2022) <https://www.lmc.org/resources/cities-and-regulation-of-edible-cannabinoid-products/>
- **Public Health Institute—**Getting it Right from the Start  
<https://gettingitrightfromthestart.org/>
- **U.S. FDA,** FDA Regulation of Cannabis and Cannabis-Derived Products  
<https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd>



# PUBLIC HEALTH LAW CENTER RESOURCES



MARIJUANA



## COMMERCIAL TOBACCO & MARIJUANA

Decriminalization of marijuana is an important step towards health equity and repairing the damage to communities and individuals caused by punitive and discriminatory drug laws. Many states have legalized or are considering legalizing the use and sale of marijuana for medical and recreational purposes, but despite general public support, legalization and regulation of marijuana presents many public health, safety, and social justice challenges. Although marijuana and commercial tobacco differ, many of the strategies used to regulate them are similar, as are the regulatory obstacles these strategies present. Public health advocates and tobacco control professionals must be able to address the policy impacts of recreational marijuana use on hard-won tobacco control laws and other measures to protect public health.



**MARIJUANA USE BY EMPLOYEES: DRUG-FREE POLICIES AND THE CHANGING LEGAL LANDSCAPE**



**TOBACCO, RECREATIONAL MARIJUANA, AND THE SHIFTING PREROGATIVES OF USE**



**MARIJUANA IN MULTI-UNIT RESIDENTIAL SETTINGS**



**THERE IS NO CONSTITUTIONAL RIGHT TO SMOKE OR TOKE**



**TOKING, SMOKING & PUBLIC HEALTH: LESSONS FROM TOBACCO CONTROL FOR**

Q Search Commercial Tobacco an

### VIDEOS

[Cannabis Regulation: High Time for a Public Health & Equity Approach](#) →

[What if Marijuana Were NOT a Schedule 1 Drug?: Legal and Policy Implications](#) →

[Marijuana Mayhem: Regulatory Lessons from Tobacco Control](#) →

[Palliative Care versus Harmful Exposure: Secondhand Medical Marijuana Smoke in Multi-Unit Housing](#) →

## WHAT'S THE DEAL WITH DELTA-8 THC?

### Frequently Asked Questions



Cannabis is a species of plant containing hundreds of different chemical compounds known as cannabinoids.<sup>1</sup>

The two most prevalent cannabinoids are cannabidiol (CBD), a non-psychoactive compound, and Delta-9 tetrahydrocannabinol (THC), the compound responsible for the psychoactive effects experienced when using marijuana.<sup>2</sup> Delta-8 THC, on the other hand, is a compound not naturally occurring in significant amounts in the cannabis plant. Instead, concentrated amounts are manufactured through a chemical extraction process from hemp-derived CBD.<sup>3</sup> Often marketed as “weed lite” or “diet weed,” Delta-8 THC is estimated to be 50 to 75 percent as psychoactive as Delta-9 THC, and is frequently sold and marketed as an intoxicating product.<sup>4</sup>

Delta-8 THC is widely available in a variety of products, such as gummies, tinctures, candies, vape pens, oils, and beverages, and is often found online and in convenience stores, gas stations, tobacco product shops, CBD shops, and other



Photo: Association for Nonsmokers — MN (ANSR)

retail establishments. The growing popularity of Delta-8 products has raised concerns regarding legal sale and manufacture and health and safety risks, particularly to youth, and spurred a rare health warning by the CDC in September 2021.<sup>5</sup> This fact sheet addresses a few frequently asked questions about Delta-8 THC products, including regulatory options.

www.publichealthlawcenter.org



<https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/commercial-tobacco-and-marijuana>

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