

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5388

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DATE
04/09/2024

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Introduction and first reading
Referred to Commerce and Consumer Protection

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to cannabis; prohibiting the Office of Cannabis Management from
1.3 approving certain cannabis flower, cannabis products, and hemp-derived consumer
1.4 products; amending Minnesota Statutes 2023 Supplement, section 342.06.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 342.06, is amended to read:

1.7 **342.06 APPROVAL OF CANNABIS FLOWER, PRODUCTS, AND**
1.8 **CANNABINOIDS.**

1.9 (a) For the purposes of this section, "product category" means a type of product that
1.10 may be sold in different sizes, distinct packaging, or at various prices but is still created
1.11 using the same manufacturing or agricultural processes. A new or additional stock keeping
1.12 unit (SKU) or Universal Product Code (UPC) shall not prevent a product from being
1.13 considered the same type as another unit. All other terms have the meanings provided in
1.14 section 342.01.

1.15 (b) The office shall approve product categories of cannabis flower, cannabis products,
1.16 lower-potency hemp edibles, and hemp-derived consumer products for retail sale.

1.17 (c) The office may establish limits on the total THC of cannabis flower, cannabis products,
1.18 and hemp-derived consumer products. As used in this paragraph, "total THC" means the
1.19 sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus
1.20 the percentage by weight of all tetrahydrocannabinols.

1.21 (d) The office shall not approve any cannabis product, lower-potency hemp edible, or
1.22 hemp-derived consumer product that:

- 2.1 (1) is or appears to be a lollipop or ice cream;
- 2.2 (2) bears the likeness or contains characteristics of a real or fictional person, animal, or
2.3 fruit;
- 2.4 (3) is modeled after a type or brand of products primarily consumed by or marketed to
2.5 children;
- 2.6 (4) is substantively similar to a meat food product; poultry food product as defined in
2.7 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision
2.8 7;
- 2.9 (5) contains a synthetic cannabinoid;
- 2.10 (6) is made by applying a cannabinoid, including but not limited to an artificially derived
2.11 cannabinoid, to a finished food product that does not contain cannabinoids and is sold to
2.12 consumers, including but not limited to a candy or snack food; or
- 2.13 (7) if the product is an edible cannabis product or lower-potency hemp edible, contains
2.14 an ingredient, other than a cannabinoid, that is not approved by the United States Food and
2.15 Drug Administration for use in food.
- 2.16 (e) The office must not approve any cannabis flower, cannabis product, or hemp-derived
2.17 consumer product intended to be inhaled as smoke, aerosol, or vapor from the product that:
- 2.18 (1) contains any added artificial, synthetic, or natural flavoring, either in the product
2.19 itself or in its components or parts;
- 2.20 (2) presents any descriptor or depiction of flavor that would imply to an ordinary person
2.21 that the product contains flavors other than the natural taste or smell of cannabis;
- 2.22 (3) imparts a taste or smell, other than the taste or smell of cannabis, that is distinguishable
2.23 by an ordinary consumer prior to or during the consumption of the product; or
- 2.24 (4) imparts a cooling, a burning, a numbing, or another sensation distinguishable by an
2.25 ordinary consumer to impart a flavor other than cannabis either prior to or during the
2.26 consumption of the product.