

Appendix 5. Cannabis Threshold Tables

The tables in this appendix summarize Minnesota Statutes, chapter 152's quantity thresholds for cannabis-related possession, cultivation, and sale offenses. Refer to chapter 152 for authoritative offense descriptions, and to chapter 342 for circumstances under which cannabis-related acts may be licensed or subject to administrative fines.

A. Cannabis Possession and Cultivation

The following table summarizes cannabis thresholds for chapter 152's unlawful possession and cultivation offenses. Offenses in other chapters, such as Minnesota Statutes, section 169A.36 (Open Package Law), are outside the scope of this table.

"THC" refers to tetrahydrocannabinol. Other terms are statutorily defined.

Offense (Severity Level)	Cannabis Flower Possessed in Residence	Cannabis Flower Possessed Elsewhere	Cannabis Concentrate Possessed	THC Infused in Edible Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products Possessed	Unharvested Cannabis Plants Growing
Controlled Substance Crime 1st Degree (D8)	≥ 50 kg	≥ 50 kg	≥ 10 kg	> 1 kg	--
Controlled Substance Crime 2nd Degree (D7)	< 50 kg and ≥ 25 kg	< 50 kg and ≥ 25 kg	< 10 kg and ≥ 5 kg	≤ 1 kg and > 500 g	--
Controlled Substance Crime 3rd Degree (D6)	< 25 kg and > 10 kg	< 25 kg and > 10 kg	< 5 kg and > 2 kg	≤ 500 g and > 200 g	--
Cannabis Possession or Cultivation 1st Degree (D2)	≤ 10 kg and > 2 lb.	≤ 10 kg and > 2 lb.	≤ 2 kg and > 160 g	≤ 200 g and > 16 g	> 23 plants
Cannabis Possession or Cultivation 2nd Degree (gross misdemeanor)	--	≤ 2 lb. and > 1 lb.	≤ 160 g and > 80 g	≤ 16 g and > 8 g	≤ 23 plants and > 16 plants

Cannabis Possession 3rd Degree (misdemeanor)	--	≤ 1 lb. and > 4 oz.	≤ 80 g and > 16 g	≤ 8 g and > 1.6 g	--
Cannabis Possession 4th Degree (petty misdemeanor)	--	≤ 4 oz. and > 2 oz.	≤ 16 g and > 8 g	≤ 1.6 g and > 0.8 g	--
Not a chapter 152 offense	≤ 2 lb.	≤ 2 oz.	≤ 8 g	≤ 0.8 g	≤ 16 plants

B. Cannabis Sale

The following table summarizes cannabis thresholds for chapter 152's unlawful sale offenses. Cannabis sale offenses have only one quantity threshold, which the following table refers to as the "criminal sale threshold":

2 ounces of cannabis flower,

8 grams of cannabis concentrate, or

0.8 grams (800 mg) of tetrahydrocannabinol infused in edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

The following table applies only to sales by adults. Sales by minors are governed by Sale of Cannabis by a Minor, which has elements and penalties like those of Cannabis Sale 3rd Degree and 4th Degree.

Depending on the cannabis form and amount, the penalty for possession, shown in the preceding table, may be greater than the penalty for sale, shown in the following table, in which case the greater penalty for possession may apply to the sale.

Offense (Severity Level)	Sale of
Cannabis Sale 1st Degree (D2)	More than the criminal sale threshold-- To a minor by an adult more than 36 months older; Within 10 years of two or more convictions for Cannabis Sale 2nd or 3rd Degree; or Within 10 years of a conviction for Cannabis Sale 1st Degree
Cannabis Sale 2nd Degree (gross misdemeanor)	More than the criminal sale threshold-- In a school zone, park zone, or drug treatment facility; or Within 10 years of a conviction for Cannabis Sale 1st, 2nd, or 3rd Degree; or Any amount to a minor
Cannabis Sale 3rd Degree (misdemeanor)	More than the criminal sale threshold

Cannabis Sale 4th Degree (petty misdemeanor)	Not more than the criminal sale threshold-- For remuneration; or To or by someone under age 21
Not a chapter 152 offense	Not more than criminal sale threshold, for no remuneration, between people age 21 or older