

152.0263 CANNABIS POSSESSION CRIMES.

Subdivision 1. **Possession of cannabis in the first degree.** A person is guilty of cannabis possession in the first degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully possesses any of the following:

- (1) more than two pounds but not more than ten kilograms of cannabis flower;
- (2) more than 160 grams but not more than two kilograms of cannabis concentrate; or
- (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 16 grams but not more than 200 grams of tetrahydrocannabinol.

Subd. 2. **Possession of cannabis in the second degree.** A person is guilty of cannabis possession in the second degree and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than \$3,000, or both, if the person unlawfully possesses any of the following:

- (1) more than one pound but not more than two pounds of cannabis flower in any place other than the person's residence;
- (2) more than 80 grams but not more than 160 grams of cannabis concentrate; or
- (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than eight grams but not more than 16 grams of tetrahydrocannabinol.

Subd. 3. **Possession of cannabis in the third degree.** A person is guilty of cannabis possession in the third degree and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully possesses any of the following:

- (1) more than four ounces but not more than one pound of cannabis flower in any place other than the person's residence;
- (2) more than 16 grams but not more than 80 grams of cannabis concentrate; or
- (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 1,600 milligrams but not more than eight grams of tetrahydrocannabinol.

Subd. 4. **Possession of cannabis in the fourth degree.** A person is guilty of a petty misdemeanor if the person unlawfully possesses any of the following:

- (1) more than two ounces but not more than four ounces of cannabis flower in any place other than the person's residence;
- (2) more than eight grams but not more than 16 grams of cannabis concentrate; or
- (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 800 milligrams but not more than 1,600 milligrams of tetrahydrocannabinol.

Subd. 5. **Use of cannabis in public.** A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place provided that the definition of public place does not include the following:

- (1) a private residence, including the person's curtilage or yard;

(2) private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or

(3) the premises of an establishment or event licensed to permit on-site consumption.

History: 2023 c 52 art 6 s 16; 2023 c 63 art 4 s 19