

342.455 LOWER-POTENCY HEMP EDIBLE WHOLESALER.

Subdivision 1. **Authorized actions.** A lower-potency hemp edible wholesaler license, consistent with the specific license endorsement or endorsements, entitles the license holder to perform any or all of the following within the limits established by this section:

(1) purchase lower-potency hemp edibles from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, other lower-potency hemp edible wholesalers, and lower-potency hemp edible manufacturers;

(2) sell lower-potency hemp edibles to lower-potency hemp edible retailers with a retail endorsement, cannabis microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail endorsement, cannabis retailers, cannabis wholesalers, medical cannabis combination businesses, and other lower-potency hemp edible wholesalers;

(3) import lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids that are derived from hemp plants or hemp plant parts;

(4) purchase and store products containing cannabinoids that are intended for sale outside of the state;

(5) sell products containing cannabinoids that do not qualify as lower-potency hemp edibles to customers outside of the state; and

(6) perform other actions approved by the office.

Subd. 2. **Operations; physical presence.** (a) A lower-potency hemp edible wholesaler must maintain accurate records and ensure that appropriate labels remain affixed to lower-potency hemp edibles.

(b) A lower-potency hemp edible wholesaler must maintain compliance with state and local building, fire, and zoning requirements or regulations and must ensure that the wholesaler's premises are maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

(c) A lower-potency hemp edible wholesaler may purchase and sell other products or items for which the wholesaler has a license or an authorization or that do not require a license or an authorization. Products for which no license or authorization is required include but are not limited to industrial hemp products, products that contain hemp grain, hemp-derived topical products, and cannabis paraphernalia. Cannabis paraphernalia includes but is not limited to childproof packaging containers and other devices designed to ensure the safe storage and monitoring of cannabis flower and cannabis products in the home to prevent access by individuals under 21 years of age.

(d) A lower-potency hemp edible wholesaler must own or lease warehouse or office space within the state.

Subd. 3. **Importation of lower-potency hemp edibles; endorsement.** (a) A lower-potency hemp edible wholesaler that imports lower-potency hemp edibles that are manufactured outside the boundaries of the state of Minnesota with the intent to sell the products to a cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, cannabis wholesaler, medical cannabis combination business, other lower-potency hemp edible wholesaler, or lower-potency hemp edible retailer must obtain a lower-potency hemp edible importer endorsement from the office.

(b) A lower-potency hemp edible wholesaler with an endorsement issued under this subdivision may sell products manufactured outside the boundaries of the state of Minnesota if:

(1) the manufacturer is licensed in another jurisdiction and subject to regulations designed to protect the health and safety of consumers that the office determines are substantially similar to the regulations in this state; or

(2) the lower-potency hemp edible wholesaler establishes, to the satisfaction of the office, that the manufacturer engages in practices that are substantially similar to the practices required for licensure of manufacturers in this state.

(c) The office may suspend, revoke, or cancel the license or endorsement of a wholesaler who is prohibited from distributing products containing cannabinoids in any other jurisdiction, convicted of an offense involving the distribution of products containing cannabinoids in any other jurisdiction, or found liable for distributing any product that injured customers in any other jurisdiction. A lower-potency hemp edible wholesaler shall disclose all relevant information related to actions in another jurisdiction. Failure to disclose relevant information may result in disciplinary action by the office, including the suspension, revocation, or cancellation of an endorsement or license.

(d) Notwithstanding any law to the contrary, it is not a defense in any civil or criminal action that a wholesaler relied on information on a product label or otherwise provided by a manufacturer who is not licensed in this state.

Subd. 4. Products intended for sale in other jurisdictions. (a) A lower-potency hemp edible wholesaler that purchases, stores, transports, or sells products containing cannabinoids that do not qualify as lower-potency hemp edibles and are intended for sale only in jurisdictions other than Minnesota must obtain a hemp product exporter endorsement from the office.

(b) All products containing cannabinoids that do not qualify as lower-potency hemp edibles and are intended, distributed, and offered for sale only in jurisdictions other than Minnesota must be physically separated from all lower-potency hemp edibles and must be in packaging that clearly states that the products are not for sale in Minnesota.

(c) All products containing cannabinoids that do not qualify as lower-potency hemp edibles and are intended, distributed, and offered for sale only in jurisdictions other than Minnesota must be packaged in a manner that includes verification that the product was tested according to section 342.61 and that the product complies with applicable standards except for any limits on the amount of any cannabinoid a product may contain. The packaging must also include the product's batch number and the cannabinoid profile per serving and in total.

(d) A lower-potency hemp edible wholesaler must not sell or offer for sale products containing cannabinoids that do not qualify as lower-potency hemp edibles in Minnesota and must not distribute or store such products knowing or having reason to know that the products will be sold in Minnesota.

(e) The office may suspend, revoke, or cancel the license or endorsement of a lower-potency hemp edible wholesaler who is prohibited from distributing products containing cannabinoids in any other jurisdiction, convicted of an offense involving the distribution of products containing cannabinoids in any other jurisdiction, or found liable for distributing any product that injured customers in any other jurisdiction. A lower-potency hemp edible wholesaler shall disclose all relevant information related to actions in another jurisdiction. Failure to disclose relevant information may result in disciplinary action by the office, including the suspension, revocation, or cancellation of an endorsement or license.

Subd. 5. Transportation of lower-potency hemp edibles; endorsement. (a) A lower-potency hemp edible wholesaler that transports lower-potency hemp edibles to a cannabis microbusiness, cannabis

mezzobusiness, cannabis retailer, cannabis wholesaler, medical cannabis combination business, different lower-potency hemp edible wholesaler, or lower-potency hemp edible retailer must obtain a lower-potency hemp edible transporter endorsement from the office.

(b) In addition to the information required to be submitted under section 342.44, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a lower-potency hemp edible transporter endorsement must submit the following information in a form approved by the office:

(1) an appropriate surety bond, a certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than \$300,000, for loss of or damage to cargo;

(2) an appropriate surety bond, a certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than \$1,000,000, for injury to one or more persons in any one accident and, if an accident has resulted in injury to or destruction of property, of not less than \$100,000 because of such injury to or destruction of property of others in any one accident;

(3) the number and type of equipment the business will use to transport lower-potency hemp edibles;

(4) a loading, transporting, and unloading plan;

(5) a description of the applicant's experience in the distribution or security business; and

(6) evidence that the business will comply with the applicable operation requirements for the license being sought.

(c) A lower-potency hemp edible wholesaler may transport lower-potency hemp edibles on public roadways if:

(1) the lower-potency hemp edibles are in a locked, safe, and secure storage compartment that is part of the motor vehicle or in a locked storage container that has a separate key or combination pad;

(2) the lower-potency hemp edibles are packaged in tamper-evident containers that are not visible or recognizable from outside the transporting vehicle;

(3) the lower-potency hemp edible wholesaler has a shipping manifest in the wholesaler's possession that describes the contents of all tamper-evident containers;

(4) all departures, arrivals, and stops are appropriately documented;

(5) no person other than a designated employee enters a vehicle at any time that the vehicle is transporting lower-potency hemp edibles;

(6) at all times that the vehicle contains lower-potency hemp edibles, the vehicle is (i) secured by turning off the ignition, locking all doors and storage compartments, and removing the operating keys or device, or (ii) attended by a lower-potency hemp edible wholesaler employee; and

(7) the lower-potency hemp edible wholesaler complies with any other rules adopted by the office related to the transportation of lower-potency hemp edibles by a lower-potency hemp edible wholesaler, except that rules requiring a lower-potency hemp edible wholesaler to randomize delivery times and routes or staff vehicles with multiple employees do not apply.

(d) Any vehicle assigned for the purposes of transporting lower-potency hemp edibles is subject to inspection at any time.

History: *2025 c 31 s 76*