342.46 LOWER-POTENCY HEMP EDIBLE RETAILER.

Subdivision 1. **Authorized actions.** (a) A lower-potency hemp edible retailer 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 a licensed Minnesota cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer, cannabis wholesaler, medical cannabis combination business, lower-potency hemp edible manufacturer, or lower-potency hemp edible wholesaler;

(2) sell lower-potency hemp edibles that meet all packaging and labeling requirements to customers who are at least 21 years of age;

(3) transport and deliver lower-potency hemp edibles to customers; and

(4) perform other actions approved by the office.

Subd. 1a. **Retailer operations endorsement.** In addition to the information required to be submitted under section 342.44, subdivision 1, a lower-potency hemp edible retailer that intends to operate a retail establishment must indicate that intent in the form and manner approved by the office.

Subd. 1b. **Delivery endorsement.** (a) In addition to the information required to be submitted under section 342.44, subdivision 1, a lower-potency hemp edible retailer that delivers lower-potency hemp edibles must submit the following information in a form approved by the office:

(1) proof of insurance for each vehicle or general liability insurance with a limit of at least $1,000,000 for each occurrence;

(2) a business plan demonstrating policies to avoid sales of lower-potency hemp edibles to individuals who are under 21 years of age; and

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

(b) A lower-potency hemp edible retailer with a delivery endorsement:

(1) must ensure that lower-potency hemp edibles are not visible from outside the delivery vehicle;

(2) must ensure that a vehicle that contains lower-potency hemp edibles 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 retailer employee or independent contractor acting on behalf of the lower-potency hemp edible retailer; and

(3) must not use a vehicle or trailer with an image depicting the types of items being transported, including but not limited to an image depicting a cannabis or hemp leaf, or a name suggesting that the delivery vehicle is used for transporting lower-potency hemp edibles.

(c) Any vehicle delivering lower-potency hemp edibles is subject to inspection at any time.

(d) The office may, by policy, establish limits on the amount of lower-potency hemp edibles that a single delivery vehicle may transport at any time. If the office establishes limits under this paragraph, the office must notify all lower-potency hemp edible retailers with a delivery endorsement of the limit and must post the limit on the office's publicly accessible website.

Subd. 2. **Sale of other products.** A lower-potency hemp edible retailer may sell other products or items for which the lower-potency hemp edible retailer has a license or authorization or that do not require a license or authorization.

Subd. 3. **Age verification.** Prior to initiating a sale or completing a delivery, an employee or independent contractor of the lower-potency hemp edible retailer must verify that the customer is at least 21 years of age. Section 342.27, subdivision 4, applies to the verification of a customer's age.

Subd. 4. **Display and storage of lower-potency hemp edibles.** A lower-potency hemp edible retailer operating a retail location shall ensure that all lower-potency hemp edibles, other than lower-potency hemp edibles that are intended to be consumed as a beverage, are displayed behind a checkout counter where the public is not permitted or in a locked case. All lower-potency hemp edibles that are not displayed must be stored in a secure area.

Subd. 5. **Transportation of lower-potency hemp edibles.** (a) A lower-potency hemp edible retailer may transport lower-potency hemp edibles on public roadways provided:

(1) the lower-potency hemp edibles are in final packaging;

(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 retailer has a shipping manifest in the lower-potency hemp edible retailer'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; and

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

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

(c) The requirements under paragraph (a) do not apply to the delivery of lower-potency hemp edibles to customers by a lower-potency hemp edible retailer with a delivery endorsement.

Subd. 6. **Compliant products.** A lower-potency hemp edible retailer shall ensure that all products containing cannabinoids offered for sale qualify as hemp-derived topical products or lower-potency hemp edibles and comply with all applicable limits on the amount and types of cannabinoids that the product can contain.

Subd. 7. **Prohibitions.** A lower-potency hemp edible retailer must not:

(1) sell or deliver lower-potency hemp edibles to an individual who is under 21 years of age;

(2) sell or deliver a lower-potency hemp edible to a person who is visibly intoxicated;

(3) sell or deliver cannabis flower, cannabis products, or hemp-derived consumer products;

(4) allow for the dispensing of lower-potency hemp edibles in vending machines; or

(5) distribute or allow free samples of lower-potency hemp edibles except when the business is licensed to permit on-site consumption and samples are consumed within its licensed premises.

Subd. 8. **On-site consumption endorsement.** (a) A lower-potency hemp edible retailer may permit on-site consumption of lower-potency hemp edibles on a portion of its premises if it has an on-site consumption endorsement.

(b) The office shall issue an on-site consumption endorsement to any lower-potency hemp edible retailer that also holds an on-sale license issued under chapter 340A. The office may issue an on-site consumption endorsement to a lower-potency hemp edible retailer that does not also hold an on-sale license issued under chapter 340A if the lower-potency hemp edible retailer submits proof of liability insurance as required by section 340A.409, except that the proof must be submitted to the office.

(c) A lower-potency hemp edible retailer must ensure that lower-potency hemp edibles sold for on-site consumption comply with this chapter and rules adopted pursuant to this chapter regarding testing.

(d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency hemp edibles that are intended to be consumed as a beverage, must be served in the required packaging, but may be removed from the products' packaging by customers and consumed on site.

(e) Lower-potency hemp edibles that are intended to be consumed as a beverage may be served outside of the edibles' packaging if the information that is required to be contained on the label of a lower-potency hemp edible is posted or otherwise displayed by the lower-potency hemp edible retailer. Hemp workers who serve beverages under this paragraph are not required to obtain an edible cannabinoid product handler endorsement under section 342.07, subdivision 3.

(f) Food and beverages not otherwise prohibited by this subdivision may be prepared and sold on site if the lower-potency hemp edible retailer complies with all relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

(g) A lower-potency hemp edible retailer may offer recorded or live entertainment if the lower-potency hemp edible retailer complies with all relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

(h) In addition to the prohibitions under subdivision 7, a lower-potency hemp edible retailer with an on-site consumption endorsement may not:

(1) sell, give, furnish, or in any way procure for another lower-potency hemp edibles for the use of an obviously intoxicated person;

(2) sell lower-potency hemp edibles that are designed or reasonably expected to be mixed with an alcoholic beverage, including containers containing multiple servings of a lower-potency hemp edible product intended to be consumed as a beverage;

(3) sell products from containers containing multiple servings of a lower-potency hemp edible product intended to be consumed as a beverage for on-site consumption; or

(4) permit lower-potency hemp edibles that have been removed from the products' packaging to be removed from the premises of the lower-potency hemp edible retailer.

(i) A lower-potency hemp edible retailer is permitted to sell and may permit the consumption of lower-potency hemp edibles at an event hosted off site if:

(1) the event has been authorized by the local unit of government exercising jurisdiction over the location;

(2) the event organizer holds an on-sale license issued under chapter 340A; and

(3) the event does not exceed four days.

Subd. 9. **Posting of notices.** A lower-potency hemp edible retailer with a retail endorsement must post all notices as provided in section 342.27, subdivision 6.

Subd. 10. **Building conditions.** (a) A lower-potency hemp edible retailer shall maintain compliance with state and local building, fire, and zoning codes, requirements, or regulations.

(b) A lower-potency hemp edible retailer shall ensure that the licensed premises is maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

Subd. 11. **Enforcement.** The office shall inspect lower-potency hemp edible retailers and take enforcement action as provided in sections 342.19 and 342.21.

History: *2023 c 63 art 1 s 46; 2024 c 121 art 2 s 96,97; 2025 c 31 s 77-86; 2026 c 123 s 94*