THC EDIBLES FOR SALE IN MINNESOTA

Funding for this cannabis-related work is provided through PHLC’s grant from Robert Wood Johnson Foundation
WHERE ARE DELTA-8 THC & SIMILAR PRODUCTS SOLD?

St. Paul, MN
( Photo: PHLC)

Mall of America, Bloomington, MN
( Photo: PHLC)
WHAT PRODUCTS WERE MADE LEGAL BY THE MN LAW?
EDIBLE PRODUCTS ONLY!

• “Q: For products which are not edible cannabinoids, what quantity or percentage limits apply to products that contain substances derived from hemp?
• A: The total amount of all tetrahydrocannabinols contained in such products cannot exceed 0.3%. (For example, a product cannot contain 0.3% of delta-9 THC and 0.3% of delta-8 THC). Examples of other types of products that are subject to the 0.3% limit include, but are not limited to, creams, lotions, ointments, salves, or other products meant for topical administration; products meant to be inhaled, smoked, vaped, sprayed into nostrils, or insufflated (sniffed); and hemp flowers and buds.” (Board of Pharmacy FAQ, 2022)
WHAT ARE PUBLIC HEALTH ADVOCATES AND COMMUNITIES DOING?

• Moratoria on sales at the local level
  – Cities—at least 26 cities have adopted or are exploring moratorium on sales
  – Counties—Kanabec County is the only county we are currently aware of that is considering a moratorium (hearing 8/22/22)

• Regulatory structures based on commercial tobacco and alcohol regulations
  – Cities—a handful of cities are considering enacting a more robust regulatory structure
  – Counties—to our knowledge no counties are considering a specific regulatory structure
WHAT CAN PUBLIC HEALTH ADVOCATES AND COMMUNITIES DO?

• Support local jurisdictions in their efforts to adopt moratoria and/or regulate edible THC products
  – PHLC findings and talking points to support regulation/moratorium
  – League of MN Cities supporting their members

• Urge greater state regulation that prioritizes public health and safety
  – Model language for state regulation should follow the principles outlined by the Public Health Institute, Getting it Right from the Start: [https://gettingitrightfromthestart.org/policy-brief-principles-of-regulation/](https://gettingitrightfromthestart.org/policy-brief-principles-of-regulation/)
WHAT CAN PUBLIC HEALTH ADVOCATES AND COMMUNITIES DO?

• **Work with state cannabis regulators:**
  – Share information with regulators about what is on the market and any concerns or challenges faced
  – Report/submit complaints re: manufacture and sales violations to appropriate regulators
    • State of Minnesota Board of Pharmacy Complaint Form: [https://mn.gov/boards/pharmacy/public/hempreviolations.jsp](https://mn.gov/boards/pharmacy/public/hempreviolations.jsp)
    • State Attorney General and Law enforcement

• **Urge greater federal regulation for health and safety**
  – Food, Drug, and Cosmetic Act enforcement--health claims, food additives, drugs
RESOURCES

• Minnesota Board of Pharmacy,
  – Hemp Derived Products FAQ (June 30, 2022)
  – Complaint form: https://mn.gov/boards/pharmacy/public/hemprevrelatedcomplaints.jsp

• League of Minnesota Cities, Cities and Regulation of Edible Cannabinoid Products (July 15, 2022)

• Public Health Institute—Getting it Right from the Start
  https://gettingitrightfromthestart.org/

• U.S. FDA, FDA Regulation of Cannabis and Cannabis-Derived Products
Public health law center resources

Commercial tobacco & marijuana

Decriminalization of marijuana is an important step towards health equity and repairing the damage to communities and individuals caused by punitive and discriminatory drug laws. Many states have legalized or are considering legalizing the use and sale of marijuana for medical and recreational purposes, but despite general public support, legalization and regulation of marijuana presents many public health, safety, and social justice challenges. Although marijuana and commercial tobacco differ, many of the strategies used to regulate them are similar; as are the regulatory obstacles these strategies present. Public health advocates and tobacco control professionals must be able to address the policy impacts of recreational marijuana use on hard-won tobacco control laws and other measures to protect public health.

Featured Resources

Videos
- Cannabis Regulation: High Time for a Public Health & Equity Approach
- What if Marijuana Were NOT a Schedule I Drug? Legal and Policy Implications
- Marijuana Mayhem: Regulatory Lessons from Tobacco Control
- Palliative Care versus Harmful Exposures: Secondhand Medical Marijuana Smoke in Multi-Unit Housing
- Taking, Smoking & Public Health: Lessons from Tobacco Control for

What's the deal with Delta-8 THC?

Frequently Asked Questions

Cannabis is a species of plant containing hundreds of different chemical compounds known as cannabinoids. The two most prevalent cannabinoids are cannabidiol (CBD), a non-psychoactive compound, and Delta-9 tetrahydrocannabinol (THC), the compound responsible for the psychoactive effects experienced when using marijuana. Delta-8 THC, on the other hand, is a compound not naturally occurring in significant amounts in the cannabis plant. Instead, concentrated amounts are manufactured through a chemical extraction process from hemp-derived CBD. Often marketed as “weed lite” or “diet weed,” Delta-8 THC is estimated to be 50 to 75 percent as psychoactive as Delta-9 THC, and is frequently sold and marketed as an intoxicating product.

Delta-8 THC is widely available in a variety of products, such as gummies, tinctures, candles, vape pens, oils, and beverages, and is often found online and in convenience stores, gas stations, tobacco product shops, CBD shops, and other retail establishments. The growing popularity of Delta-8 products has raised concerns regarding legal sale and manufacture and health and safety risks, particularly to youth, and sparked a rare health warning by the CDC in September 2021. This fact sheet addresses a few frequently asked questions about Delta-8 THC products, including regulatory options.

https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/commercial-tobacco-and-marijuana