

Cannabis Reform

Gaps in current statewide policy

Effective July 1, 2022, state law changed to allow the processing and sale of Edible Cannabinoid Products (ECPs) – hemp-derived extracts combined with food and beverages. Under the revised law, an ECP is not considered a food or drug though it is meant for human consumption and is made with food ingredients. Under the new law, ECPs can be sold to people 21 and older. These products can have concentrations of up to 5 milligrams of hemp-derived tetrahydrocannabinol (THC) per serving, with a total of 50 milligrams per package. [Read Statute 151.72 here.](#)

Hennepin County Public Health believes that the war on drugs, a federal initiative started in the early 1970's and peaking in the 1980's and 1990's to prohibit drug use, has resulted in unjust incarceration and other harmful social impacts. At the same time, allowing the sale of ECPs without robust regulation threatens the health and development of youth, pregnant people, and the public health, generally. Additionally, it may worsen some social, economic, health, and racial disparities.

Lack of comprehensive regulatory framework

Minnesota law does not adequately establish oversight and regulatory authority. Most states that have legalized the growth, manufacture, and sale of adult use cannabis have authorized, funded, and provided significant oversight and enforcement authority to a state regulatory authority as well as carving out local licensing authority. The Minnesota Board of Pharmacy is currently fielding complaints and Minnesota Department of Agriculture oversees the growing and processing of the hemp. However, there is no state agency overseeing the manufacturing and sale of the consumer products. The current state infrastructure is not equipped to the level required to provide effective oversight and monitoring of the products that were legalized.

The failure to include a regulatory framework and authority leaves local jurisdictions in the position of attempting to predict and address any unintended consequences of the legislation. Typically, when legislation is enacted that has far-reaching consequences for health, general welfare, and public safety, there is a rulemaking process authorized to ensure that the state agency charged with regulation can flesh out, interpret, and operationalize the law passed by the legislature.

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Need for public health protections

- When a product that is legally for sale has known health risks, those risks should be required to be communicated to consumers and the public. The only warning required on ECP packaging is "Keep this product out of reach of children." Other states that legalized adult use cannabis require warnings on the risk of use while pregnant or breastfeeding; while driving or using machinery; risk of overuse and dependence; risks for young people; and caution regarding the delayed onset of intoxicating effects.
- Most states require that retail sales of the products be limited to 21+ retail stores that do not sell other products. Minnesota law puts no limit on where ECPs may be sold. The result is they can be sold in settings where children and youth are present, such as grocery/convenience stores, coffee shops, and farmers markets. In contrast, Minnesota law limits commercial tobacco product sales to behind the counter and there are strict limits on the products allowed for sale where alcoholic beverages are sold.
- Five milligrams of THC is an arbitrary amount and, without adequate warnings, may imply that it is a safe amount to consume. Many recommendations for first-time or infrequent users of THC are to start with no more than 1-2.5 milligrams of THC.
- Edibles are sometimes viewed as less potent or less harmful than other methods of consuming THC. However, poison control data from Colorado demonstrates that edible products are most frequently the cause of exposures reported to the Colorado Poison Center with 57.1% of cannabis related exposure reports being edibles and almost half of those being exposure to candy edibles. Additionally, 46.3% of the cannabis edible exposures reported to poison control were consumed by children aged 0-5 years.
- The method of extracting or synthesizing THC from hemp may create unknown health risks. Chemicals may be used, and other substances are also extracted and concentrated in the process. These contaminants that remain in the final product may cause a health risk.

Apply public health and equity lens

- THC use during pregnancy or while breastfeeding increases the risk of reduced birthweight and impaired brain development
- Edible cannabis products pose a risk of accidental THC toxicity for children and adults
- With increased availability and product marketing, there is risk for increased use by adolescents. Youth are at greater risk of developing dependence, more likely to have cognitive impairments, and drop out of school.
- Cannabis dependence increases when user initiates at an early age and when used heavily
- Cannabis users are more likely to develop temporary psychosis and long-lasting mental disorders
- Drivers under the influence of THC have an increased risk of motor vehicle accidents
- Smoking is associated with lung inflammation, airway resistance, and increased risk of bronchitis
- Decriminalize cannabis possession and expunge past criminal convictions
- Cannabis retailers may open or market more heavily in low-income and BIPOC communities, exacerbating health disparities

2023 cannabis reform

- Support legislation to address the impacts of 2022 cannabis reforms on counties' public health role, including the logistics of monitoring, inspections, enforcement, and regulation.