

Hemp-Derived Edible Cannabinoid Products Guidance for Food Operators

FACT SHEET¹

This guidance was developed by the Minnesota Department of Health and the Minnesota Department of Agriculture to provide information for food business operators about producing safe and legal edible cannabinoid products (ECPs). It is specific to ECPs, temporarily regulated by the Minnesota Department of Health under Minnesota Statute 151.72. In early 2025 the Minnesota Office of Cannabis Management will begin regulating cannabinoid products under Minnesota Statute Chapter 342. For information and updates regarding cannabis legalization and Minnesota Statute Chapter 342, go to the [Minnesota Office of Cannabis Management's website](#).

Background

Minnesota Statutes chapter 151.72 provides requirements for on-site consumption of products, requires retailers to register, restricts how products can be sold, and clarifies enforcement authority, and penalties for non-compliance by the Minnesota Department of Health (MDH). A food license is not required to make or sell ECP, nor does state law prohibit licensed food businesses from making or selling an ECP. Manufacturers of ECP are not required to register with MDH unless they are intending to sell directly to consumers. For more information about registration and retail sales requirements go to [Hemp-Derived Cannabinoid Products](#).

Minnesota Statutes chapter 151.72 only applies to the sale of cannabinoids derived from hemp, including THC and CBD. Other hemp foods, such as hemp seed oil, hemp seed protein powder, or hulled hemp seed, remain approved by the FDA and are regulated under Minnesota Food Laws. Products that are not labeled specifically as “hemp seed oil” may not be approved by the FDA and may fall under Minnesota Statute 151.72 regulation.

Making Edible Cannabinoid Products

Minnesota Statute 151.72 states that an ECP will be considered noncompliant if, among other things, “it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals’ or ‘it has been produced, prepared, packed or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth.” Manufacturers are responsible for ensuring that preparation processes result in products that are safe for consumption as well as meet all the requirements of 151.72.

¹ NOTE: The information appearing in this document is for general informational purposes only and is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing on this document or any site to which it may be linked.

HEMP-DERIVED CANNABINOID PRODUCT COMPLIANCE FACT SHEET

Some best practices for producing a safe product include:

- Obtain food ingredients from sources approved to sell food in Minnesota and meet the requirements of Minnesota Food Law being safe and wholesome.
- Develop a recipe/formulation that is consistent and meets the regulatory requirements.
- Make products using safe cooking methods or processes.
- Maintain a clean environment and equipment.
- Wash hands with soap and warm water prior to processing.
- Prevent bare-hand contact with ECP ingredients during processing.
- Avoid processing while ill with symptoms of vomiting and/or diarrhea.
- Make ECP on surfaces that have been cleaned and sanitized prior to processing.
- Avoid cross-contact with food allergens including milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans, and sesame.
- Maintain safe temperature control during storage, preparation, delivery, and display.
- Use sanitary practices and controls consistent with generally accepted industry standards for food production.

If you also produce food products, make sure hemp-derived cannabinoids do not transfer to food products.

- Clean and sanitize food equipment and preparation surfaces used to make an ECP promptly after use.
- Change gloves and wash hands prior to handling food products after handling unpackaged ECP.
- Implement processing and packaging controls to make sure ECP product is not mistakenly placed into food packaging. Examples of potential controls are not mixing of un-packaged food product and ECP during storage, separating times when food product and ECP are produced, etc.
- Food exposed to or contaminated with hemp-derived cannabinoid ingredients is subject to state food regulations and related enforcement authority.

According to Minnesota Statute 151.72

- Products must be packaged for consumers. See Packaging and Labeling section for more details.
- Edibles, other than beverages, intended for more than a single use or that contain multiple servings, must have each serving indicated by scoring, wrapping, or have another indicator that identifies the individual serving size.
- Products must NOT be:
 - Modeled after brands of products primarily consumed by or marketed to children or that bear the likeness of or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children.
 - A commercially available candy or snack food item where CBD or hemp THC has been applied to or added.
 - Permitted to be mixed with an alcoholic beverage.
- Synthetic cannabinoids or artificially derived cannabinoids other than delta-8 or delta-9 THC are prohibited, including THC-P, THC-O, and HHC.

- Other than a hemp-derived cannabinoid, an ECP must not contain any ingredient that is not approved by the FDA for use in food.
- Retailers which offer hemp-derived cannabinoid products to be applied to or mixed with food or beverages, and the customer consumes the food or beverage on site, must:
 - Hold an on-sale license issued under chapter 340A;
 - Serve the hemp-derived cannabinoid product in the original packaging or container, and the product may be removed from the packaging by customers and consumed on site;
 - Not sell hemp-derived cannabinoid products to a customer who the retailer knows or reasonably should know is intoxicated;
 - Not mix or permit mixing of hemp-derived cannabinoid products with an alcoholic beverage; and
 - Not permit the removal of products from the premises that have been mixed with or had hemp-derived cannabinoid products applied to.

Laboratory Testing

According to Minnesota Statute 151.72:

- A manufacturer must submit representative samples of each batch of product to be tested by an independent, accredited laboratory to certify that the product meets the standards set by the Minnesota Department of Health. Sample collection techniques for accurate representation of the batch should be considered when planning for lab testing.
- Testing of products must be consistent with generally accepted industry standards for herbal and botanical substances. The product's batch number must be included on the package label.
- At minimum, the testing must confirm the finished product:
 - Contains the same amount or percentage of cannabinoids as stated on the product label.
 - Does not contain more than trace amounts of mold, residual solvents or catalysts from processing, pesticides, fertilizers, or heavy metals.
 - Does not contain more than 0.3% of any THC.
- Multiple laboratories can be used to do partial testing to complete the required testing. Consider using an ISO 17025:2017 accredited laboratory.

Packaging and Labeling

According to Minnesota Statute 151.72:

- All edibles, including beverages, must be packaged in tamper-evident and opaque packages or container.
- Products other than beverages must be in child-resistant packaging.
- All ECP packaging must not:
 - Be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product.
 - Include a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

- Include claims that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA .
- Edibles can contain up to 5 mg of hemp derived THC per serving and have maximum of 50 mg per package.
- Beverages can contain two servings of up to 5 mg of hemp-derived THC per container for a total of 10 mg.
- Product packaging must have a label that displays:
 - The statement, “Keep this product out of the reach of children.”
 - The name, location, phone number, and website of the manufacturer of the product.
 - The name of the accredited laboratory used by the manufacturer to test the product.
 - The amount or percentage of cannabinoids found in each serving size of the product.
 - The list of ingredients in the product.
 - The batch number of the product.
 - A statement that the product has not been approved by the U.S. Food & Drug Administration (unless such approval has been secured).
 - A statement that the product does not claim to cure, treat, diagnose, or prevent any disease, or alter the structure or function of the body.
- If the label requirements cannot fit on the product, an outer package that contains a scannable or matrix barcode that links to the manufacturer’s website that lists the information is acceptable.

According to Minnesota Statute 151.72, an ECP will be considered a non-compliant product if:

- It consists, in whole or in part, of any filthy, putrid, or decomposed substance.
- It has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth.
- Its container is composed, in whole or in part, of any poisonous or deleterious substance that render the contents injurious to health.
- It contains food additives, color additives, or excipients found by the FDA to be unsafe for human consumption.
- It contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount of percentage on the label.

Additional Resources for Food Businesses

Visit the following websites for more detailed information related to edible cannabinoid products:

- [Minnesota Statute 151.72](#)
- [MDH Edible Cannabinoid Products](#) – Information about retail sales, registration, FAQs
- [Taxable Cannabis Product Information](#)
- [MDA Food Safety resources](#)
- [MDA Hemp in Food FAQs](#)
- [MN Food Business Fact Sheets](#)
- [Edible Cannabinoid Complaints](#)

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Minnesota Department of Health
Office of Medical Cannabis
PO Box 64975
St. Paul, MN 55164-0975
651-201-5598
health.hempedibles@state.mn.us
www.health.state.mn.us

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To obtain this information in a different format, call: 651-201-5598