

Minnesota Aims High With Recreational Cannabis

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On May 30, 2023, Minnesota's governor signed House File (HF) 100 [[H0100-12 \(state.mn.us\)](https://legis.mn.us/hf/100)], legalizing adult use of recreational cannabis. Per the new law, beginning August 1, 2023, an individual 21 years of age or older may: (1) use, possess, or transport cannabis paraphernalia; (2) possess or transport two ounces or less of adult-use cannabis flower in a public place; (3) possess two pounds or less of adult-use cannabis flower in the individual's private residence; (4) possess or transport eight grams or less of adult-use cannabis concentrate; and (5) possess or transport edible cannabis products or lower-potency hemp edibles infused with a combined total of 800 milligrams or less of tetrahydrocannabinol.

The law permits cannabis use at a private residence and on the premises of an establishment or event licensed to permit on-site consumption. The law also permits home cultivation for adult use, pursuant to the following conditions: up to eight cannabis plants, with no more than four being mature flowering plants, may be grown at a single residence without a license to cultivate cannabis, provided that cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked space that is not open to public view.

The law establishes the Office of Cannabis Management (OCM), which will not only oversee adult use but also regulate the State's Medical Cannabis Program and the hemp edibles and beverages' market. The Medical Cannabis Program will move from the Minnesota Department of Health to OCM on March 1, 2025. Regulation of hemp edibles and beverages will move to the Minnesota Department of Health and then transfer to OCM on March 1, 2025.

OCM will also oversee the issuance of licenses and regulate cannabis business practices. Licensing of recreational marijuana retailers, however, is a work in progress. It will take another 12-18 months to get a commercial sales and licensing system launched, as Minnesota is in the process of selecting vendors. The State does not expect to start processing license applications until May 2024 with retail sales starting no sooner than early 2025.

To assist with social equity, the law also establishes a Cannabis Expungement Board. Minnesotans who have been convicted of misdemeanor or petty misdemeanor possession are eligible for automatic expungement. On June 9, 2023, Minnesota's Bureau of Criminal Apprehension (BCA) estimated that over 60,000 cannabis records are expected to be sealed automatically, with another 230,000 records needing further review. BCA estimated it will take until August 2024 to process all cases. Individuals with more serious convictions may seek reduced sentences.

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