

Tuesday, September 6, 2022
6:00 p.m.

Brooklyn Park City Hall – A203
And by Telephone or other Electronic Means
5200 85th Avenue North

CITY COUNCIL WORK SESSION – AGENDA #33

Some members of the City Council will participate in the meeting by telephone pursuant to Minnesota Statutes, Section 13D.021 rather than in person at the City Council's regular meeting place at City Hall, 5200 85th Avenue North, Brooklyn Park, Minnesota.

If you need these materials in an alternative format or need reasonable accommodations for a City Council meeting, please provide the City with 72-hours' notice by calling 763-424-8000 or emailing Josie Shardlow at josie.shardlow@brooklynpark.org.
Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

- A. CALL TO ORDER – Mayor Lisa Jacobson**
- B. GENERAL INFORMATION**
None.
- C. DISCUSSION ITEMS/GENERAL ACTION ITEMS – These items will be discussion items but the City Council may act upon them during the course of the meeting.**
 - C.1 Sister City Agreements Discussion – Banjul, The Gambia
 - A. CRITERIA FOR SISTER CITY PARTNERSHIPS**
 - B. BANJUL SISTER CITY PROPOSAL**
 - C.2 THC Licensing and Regulations Discussion
 - A. CITIES AND REGULATIONS OF EDIBLE CANNABINOID PRODUCTS – LMC**
 - B. FOCUS ON NEW LAWS: SOME EDIBLE CANNABINOIDS NOW LEGAL – LMC**
 - C. HEMP DERIVED EDIBLE CANNABINOID PRODUCT GUIDANCE FOR FOOD OPERATORS – MDA**
 - C.3 2023 Preliminary Budget Discussion
- D. VERBAL REPORTS AND ANNOUNCEMENTS**
 - D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**
 - D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS**
- E. ADJOURNMENT**

City of Brooklyn Park Council Work Session

Meeting Date:	September 6, 2022	Originating Department:	Administration
Agenda Item:	C.1	Prepared By:	Josie Shardlow, Interim Assistant City Manager/Community Engagement Manager
Agenda Section:	Discussion Items/General Action Items	Presented By:	Josie Shardlow
Item:	Sister City Agreements Discussion – Banjul, The Gambia		

Summary:

Consider the sister city proposal from Banjul, The Gambia and advise on bringing it to the Council for approval on September 12.

On Tuesday, June 21, 2022, Mayoress Rohey Lowe of Banjul, The Gambia visited with Mayor Jacobson, a number of Council Members, and senior staff. Subsequently, the city has received a proposal to establish a new Sister City Relationship with Banjul, The Gambia. The proposal was put forth by the Sister City Committee made up of members of the Executive Council of the The Gambian Association in Minnesota (GAM-MN). Members of the Sister City Committee will be present to share more about their proposal.

Should the Council want the proposal to move forward, we would bring both a sister city agreement and a sponsor agreement at an upcoming City Council meeting.

Attachments:

- C.1A CRITERIA FOR SISTER CITY PARTNERSHIPS
- C.1B BANJUL SISTER CITY PROPOSAL



City of Brooklyn Park

Process and Criteria for Sister City Relationships

A. Process for establishing new sister city relationships

Organizations interested in starting a sister city relationship should contact the City of Brooklyn Park Community Engagement Division to discuss the requirements for submitting a proposal. To be considered, a proposal must meet the requirements described below. Submission of a proposal does not guarantee that Brooklyn Park will enter into a sister city relationship.

The City Manager, or his/her designee, will review the proposal and may recommend that the proposal be submitted to the City Council for review and approval. All sister city relationships must be approved by the City Council and Mayor before an official invitation to proceed can be extended.

The following definitions are used for the purpose of this document:

Sponsor organization: A Brooklyn Park organization that will manage the sister city relationship. The organization must be based in Minnesota, and either designated by the Internal Revenue Service as a 501(c)(3) non-profit and registered with the Minnesota Secretary of State or have a fiscal agent that meets the same criteria.

Sister city committee: The same as the sponsor organization or a committee of the sponsor organization organized to manage the sister city relationship.

Sister City: A city that has a formal relationship with Brooklyn Park recognized by a Sister City Agreement.

Sister City Agreement: A memorandum of understanding between Brooklyn Park and another city outlining the terms of the sister city relationship.

Sponsor Agreement: A memorandum of understanding between the City of Brooklyn Park and a sponsor organization outlining the requirements for managing the sister city relationship.

B. Proposal Requirements

1. Demographic profile of the proposed sister city.
2. Description of the benefits to both cities.
3. Description of how the sister city relationship will support the goals of the City of Brooklyn Park.
4. Membership list for the proposed sister city committee.
5. Description of the proposed sister city's expectations for the relationship with Brooklyn Park.
6. Letter of invitation from the Mayor of the proposed sister city.
7. List of at least 20 Brooklyn Park residents interested in participating in the sister city relationship. This must include address, phone number and e-mail address for each person.

8. Optional: Letters of support

C. Criteria

1. Brooklyn Park does not have a sister city relationship with any other cities in the country.
2. The relationship is multi-purpose and presents the opportunity for benefits to both cities.
3. The sister city relationship supports the City of Brooklyn Park's goals and objectives.
4. There is solid current and long-term local support for the new relationship:
 - a. Business connections
 - b. Financial support from groups and individuals
 - c. Governmental, educational and cultural interest
5. The potential sister city has demonstrated strong interest in and commitment to the relationship.
6. There is involvement from Brooklyn Park residents.

D. Requirements for creating and maintaining a sister city relationship

If a sister city relationship is approved, the following steps will be followed:

1. The mayor of Brooklyn Park will send a letter to the mayor of the proposed sister city.
2. The sponsor organization will be required to enter into a Sponsor Agreement with the City of Brooklyn Park.
 - a. As part of the Agreement the sponsor organization will be required to:
 - i. Be designated by the Internal Revenue Service as a 501(c)(3) non-profit and registered with the Minnesota Secretary of State or have a fiscal agent that meets the same criteria.
 - ii. Present an annual report.
 - iii. Facilitate exchanges between Brooklyn Park and the proposed sister city.
 - iv. Provide volunteer and financial resources to support the Sister City Agreement.
 - v. Maintain an active sister city committee, including the recruitment of new participants.
3. The Sister City Agreement and Sponsor Agreement will be developed and approved by City Council.
4. The mayors sign the Sister City Agreement.
5. The Sister City Agreement is filed with Sister Cities International.

E. Brooklyn Park 2025 Community Goals

Working together to make Brooklyn Park a thriving community, inspiring pride where opportunities exist for all

By 2025, our community wants to accomplish these goals by 2025:

1. A united and welcoming community, strengthened by our diversity
2. Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination
3. A balanced economic environment that empowers businesses and people to thrive
4. People of all ages have what they need to feel healthy and safe
5. Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper
6. Effective and engaging government recognized as a leader

F. Objectives for a sister city relationship

1. Explore economic development synergies between cities and develop avenues for local businesses who want to establish or expand international commercial initiatives.
2. Increase community awareness of the influence and impact that foreign policy and the global marketplace have on our community.
3. Provide more options for residents to experience, understand and appreciate other cultures.
4. Share best practices for city government.
5. Develop and support educational, cultural and people-to-people exchanges.

Sister City Proposal Banjul City and Brooklyn Park

DEMOGRAPHIC PROFILE, CITY OF BANJUL

The 200-year-old island city of Banjul (formerly known as Bathurst) remains the capital city of The Gambia since the country gained its independence from Britain on February 18, 1965. Today, an estimated 35,000 people live in Banjul, of which roughly 17% are immigrants, with an average household size of 4 residents. With a total land area of 2,200 km² (849.5 square miles), Banjul is the second-most densely populated City in The Gambia (2500 people/square kilometer).

Banjul houses nearly 70% of key government ministries and departments. As the center for economic growth and development in The Gambia, Banjul has not only been a regional and international trading hub but also a tourist destination for many decades. In addition, the City symbolizes the country's rich culture and history owing to its traditional heritage.

However, Banjul, like many other cities, is faced with numerous resilience and development challenges, including climate change impacts, poor healthcare infrastructure/equipment, out-migration, and improper waste management system, lack of modern learning facilities in schools, and meager resources for youth empowerment with skills and support in sports¹.

BENEFITS TO BOTH CITIES

Given these challenges and opportunities described above, the proposed Sister City Bilateral Relations benefit both cities in the areas of.

1. Economic and business development for ensuring the sustainability of both cities.
2. Capacity Building and Professional Development Exchange Programs
3. Cultural Exchange, Sharing of Values, and Experiential Learning through tourism
4. Supporting global cooperation for combating climate change, international migration crises, pandemics, and conflicts over scarce resources

More specifically, the objectives of the sister city relationship may be beneficial in exploring the following areas of cooperation.

1. Exploring economic development synergies between cities and developing avenues for local businesses who want to establish or expand international commercial and trade initiatives.
2. Increasing community awareness of the influence and impact that foreign policy (climate change, migration, peace, and security)

¹ Nfamara K Dampha, 'Ecosystem Services and Coastal Adaptation to Climate Change: An Interdisciplinary Science-Based Application in The Gambia' (University of Minnesota, 2020) <<https://doi.org/https://conservancy.umn.edu/handle/11299/217791>>.

3. Providing more options for residents to experience, understand and appreciate other cultures.
4. Sharing best practices for city government and in other sector of development, including education, healthcare, business development,
5. Develop and support educational, capacity building, cultural and people-to-people exchanges.

HOW THE SISTER CITY RELATIONSHIP WILL SUPPORT THE GOALS OF THE CITIES OF BROOKLYN PARK AND BANJUL

The City of Banjul envisions creating a sustainable city that is protected from climate change impacts, increases its resilience to chronic and emerging local and global challenges, and opens its ports to international, regional, and local markets for the transfer of goods and services. The envisioned city of Banjul creates opportunities for tourism, hospitality, and shared development for all to thrive in an economy that allows all segments of society to maintain a decent standard of living without prejudice, discrimination, and marginalization.

The City of Brooklyn Park, on the other hand, envisions working together to make Brooklyn Park a thriving community, inspiring pride where opportunities exist for all. By 2025, the City of Brooklyn Park aims to accomplish the following goals:

1. A united and welcoming community, strengthened by our diversity
2. Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination
3. A balanced economic environment that empowers businesses and people to thrive
4. People of all ages have what they need to feel healthy and safe
5. Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper
6. Effective and engaging government recognized as a leader

Through its formal collaboration with The Gambian Association in Minnesota (GAM-MN)² the city of Banjul will support its counterpart city, Brooklyn Park, in attaining these goals in the following ways.

1. The city of Banjul will continue to call on Gambians residing in Brooklyn Park to remain united, maintain peace and stability, integrate across cultures, celebrate diversity, and share their Gambian culture (food, language, festivities, etc.) with their neighbors in Brooklyn Park
2. Encourage Gambians to enhance their contribution to making Brooklyn Park a green and clean city with improved access to quality infrastructure and services through formal employment services and community-level volunteer engagements

² The Gambian Association in Minnesota (GAM-MN) signed a formal Memorandum of Understanding (MOU) with The Banjul City Council during the Lord Mayor's State Visit to Minnesota on June 19, 2022. The MOU aims to outline areas of strategic partnership between the parties in co-designing, co-implementing, and co-evaluating joint development projects targeting the City of Banjul for the benefit of Gambians.

3. Create trade and business opportunities for Gambians (both resident in Banjul and Brooklyn Park) to strengthen the exportation and importation of products from and to Banjul and Brooklyn Park with the aim of balancing the business ecosystem with a diversity of businesses and introduction of new products to meet the needs of all residents in Brooklyn Park, including products targeting many other African communities.
4. The city of Banjul will work with GAM-MN and Brooklyn Park to address the welfare and wellbeing of all Gambians in Brooklyn Park, especially those most disadvantaged members of our community, including children, widows, single mothers, elders, and those dealing with physical, mental, and behavioral health issues without access to insurance.
5. The city of Banjul will receive feedback from GAM-MN and offer official statements on race, racial justice, and economic equity issues in Brooklyn Park. Among others, the city of Banjul will ensure opportunities for all, especially Gambians and other minority and disadvantaged members residing in the City.

MEMBERSHIP LIST FOR THE PROPOSED SISTER CITY COMMITTEE

The proposed Sister City Committee membership includes the following positions from the Executive Council of The Gambian Association in Minnesota (GAM-MN).

1. President, GAM-MN
2. Vice President, GAM-MN
3. Secretary General, GAM-MN
4. Public Relations Officer, GAM-MN
5. Financial Officer/Treasurer, GAM-MN
6. Technology and IT Officer, GAM-MN
7. Other co-opted members from GAM-MN's Governing Board and/ or the Gambian Community in MN.

BANJUL'S EXPECTATIONS FOR THE RELATIONSHIP WITH BROOKLYN PARK

The city of Banjul's expectation for this bilateral cooperation calls for support and collaboration in the priority areas, which may include but are not limited to developing and sharing best practices in education, healthcare, business investment, trade promotion, environment, climate change, tourism, urban farming, and digital services sectors in both cities.

LETTER OF INVITATION FROM THE MAYOR OF THE PROPOSED SISTER CITY



BANJUL CITY COUNCIL

P. O. Box 90 Banjul, Independence Drive, The Gambia, West Africa

12th July, 2022

Ref: 207/BCC/119/Vol. III

Lord Mayor
City of Brooklyn Park
Minnesota, USA

Dear Lord Mayor,

INVITATION FOR SISTER CITY RELATIONSHIP

The Office of Lord Mayor of The Gambia's Capital City Banjul, under the management of Banjul City Council (BCC), cordially invites the City of Brooklyn Park to establish a Sister City Partnership based on our shared visions, culture, values, and aspirations for delivering positive changes on the lives of residents living in both cities.

The 200-year-old island city Banjul (formerly known as Bathurst) remains the capital city of The Gambia since the country gained its independence from Britain on February 18, 1965. Banjul houses nearly 70% of key government ministries and departments. As the center for economic growth and development in The Gambia, Banjul has been not only a regional and international trading hub but also a tourist destination for many decades. In addition, the city symbolizes the country's rich culture and history owing to its traditional heritage.

However, Banjul, like many other cities, is faced with numerous resilience and development challenges, including climate change impacts, lack of healthcare infrastructure/equipment, out-migration, an improper waste management system, lack of modern learning facilities in schools, and youth empowerment with skills and support in sports.

Given these challenges and opportunities, the proposed Sister City Bilateral Relations will be based on the following areas of cooperation and collaboration, among others.

1. Economic and business development for ensuring the sustainability of both cities
2. Capacity Building and Professional Development Exchange Programs
3. Cultural Exchange, Sharing of Values, and Experiential Learning through tourism
4. Supporting global cooperation for combating climate change, international migration crises, pandemics, and conflicts over scarce resources

The priority areas of this cooperation may include but are not limited to developing and sharing best practices in **education, healthcare, business development, environment, climate change, tourism, urban farming, and digital services sectors in both cities.**

While I look forward to this mutually beneficial partnership, kindly accept the expression of my highest consideration and esteem.

Yours Sincerely,


Hon. Rohey Malick Lowe
Lord Mayor, Banjul City Council (BCC)

Cc: File

³ Lord Mayor Rohey Malick Lowe is the first elected female mayor in The Gambia. She is also the President of the African Capital Cities Sustainable Forum, President of REFELA-Africa, Vice Chair of the Global Parliament of Mayors, Founder of the Rohey Malick Lowe Women and Girls Initiative, Advocate of the United Nations Sustainable Development Goals, and an active advocate in the fight against COVID-19

LIST OF AT LEAST 20 BROOKLYN PARK RESIDENTS INTERESTED IN PARTICIPATING IN THE SISTER CITY RELATIONSHIP³.

No.	Name	Sex	Phone Number	Email	Address
1.	Ramatoulie Touray	F	██████████	hdbsupply@gmail.com	██████████ ██████████ Brooklyn Park
2.	Ousman Dibba	M	██████████	Bfdibba@yahoo.com	██████████ ██████████ Brooklyn Park
3.	Mbaye Drammeh	M	██████████	Metta@333gmail.com	██████████ ██████████ Brooklyn Park
4.	Meta Bah-Dibba	M	██████████	Metta@333gmail.com	██████████ ██████████ Brooklyn Park
5.	Satang Conteh	F	██████████	satang1o4c@gmail.com	██████████ ██████████ Brooklyn Park
6.	Ebrima Touray	M	██████████	None	██████████ ██████████ Brooklyn Park
7.	Sutura conteh	M	██████████	satang1o4c@gmail.com	██████████ ██████████ Brooklyn Park
8.	Chaku Touray	F	██████████	Chaku.touray02@gmail.com	██████████ ██████████ Brooklyn Park
9.	Fatoumata Touray	F	██████████	ft6709ft@gmail.com	██████████ ██████████ Brooklyn Park
10.	Abubacar Conteh	M	██████████	satang1o4c@gmail.com	██████████ ██████████ Brooklyn Park
11.	Binta Conteh	F	██████████	satang1o4c@gmail.com	██████████ ██████████ Brooklyn Park
12.	Modou Lamin Conteh	M	██████████	satang1o4c@gmail.com	██████████ ██████████ Brooklyn Park
13.	Mariama Touray Ceesay	F	██████████	MariamaturY79@gmail.com	██████████ ██████████ Brooklyn Park
14.	Alieu Bakary Ceesay	M	██████████	MariamaturY79@gmail.com	██████████ ██████████ Brooklyn Park
15.	Fatou Bakary Ceesay	F	██████████	MariamaturY79@gmail.com	██████████ ██████████ Brooklyn Park
16.	Wuyeh Sanneh	M	██████████	Wsanneh1@gmail.com	██████████ ██████████ Brooklyn Park

³ This must include address, phone number and e-mail address for each person.

17.	Khadijah Sanneh	F	██████████	Wsanneh1@gmail.com	██████████ ██████████ Brooklyn Park
18.	Ajakaddy Sonko	F	██████████	Wsanneh1@gmail.com	██████████ ██████████ Brooklyn Park
19.	Awa Sonko	F	██████████	asonko81@gmail.com	██████████ ██████████ Brooklyn Park
20.	Bambo Sonko	M	██████████	bsonko7262@gmail.com	██████████ ██████████ Brooklyn Park
21.	Cherno Bah	M	██████████	bubabah@gmail.com	██████████ Brooklyn Park
22.	Saffiatou Secka-Bah	F	██████████	safsecka@gmail.com	██████████ Brooklyn Park
23.	Pa Omar Jagne	M	██████████	jagneomar10@yahoo.com	██████████ ███████████ ███████████ Brooklyn Park
24.	Fatou Bin Bah	F	██████████	fatoubah006@gmail.com	██████████ Brooklyn Park
25.	Aminata Jagne-Bah	F	██████████	amimuche@gmail.com	██████████ Brooklyn Park
26.	Imam Alh. Yero Jallow	M	██████████	gainako@gmail.com	██████████ ███████████ ███████████ ██████████ Brooklyn Park
27.	Ebrima A Jagne	M	██████████	jagneeb@gmail.com	Brooklyn Park

City of Brooklyn Park Council Work Session

Meeting Date:	September 6, 2022	Originating Department:	Community Development
Agenda Item:	C.2	Prepared By:	Keith Jullie, Rental & Business Licensing Manager
Agenda Section:	Discussion Items/General Action Items	Presented By:	Keith Jullie
Item:	THC Licensing and Regulations Discussion		

Summary:

Discussion of the new State law allowing the sales of THC edibles in Minnesota.

Purpose of discussion:

- Review State laws and current situation
- Share options for moving forward
- Get preliminary feedback to inform next steps, including community engagement
- Set timelines for next steps

Attachments:

- C.2A CITIES AND REGULATIONS OF EDIBLE CANNABINOID PRODUCTS - LMC
- C.2B FOCUS ON NEW LAWS: SOME EDIBLE CANNABINOIDS NOW LEGAL - LMC
- C.2C HEMP DERIVED EDIBLE CANNABINOID PRODUCT GUIDANCE FOR FOOD OPERATORS - MDA



Cities and Regulation of Edible Cannabinoid Products

Published: July 15, 2022

A new law was enacted at the end of the 2022 legislative session that allows certain edible and beverage products infused with tetrahydrocannabinol (THC) to be sold. Since the enactment of the law, the League of Minnesota Cities has been researching and collecting information from state agencies and stakeholders to answer questions pertaining to local regulatory authority, law enforcement, taxing, and employment. The following frequently asked questions (FAQ) aim to provide information to cities on the new law to assist local governments in making decisions related to the law. The League will continually update the information below as necessary.

(Updated July 28, 2022)

Get answers to FAQs regarding the new law allowing certain edible and beverage products containing THC extracted from hemp to be sold.

General information

[Q1. What does the new law do?](#)

[Q2. Under the new law, where are edible cannabinoids allowed to be sold?](#) *(Updated July 20, 2022)*

[Q3. Could my city's municipal liquor store sell the edible cannabinoid products?](#) *(Updated July 20, 2022)*

[Q4. What regulations are in place for packaging for edible cannabinoids?](#)

[Q5. Are these products legal under federal regulations?](#) *(Updated July 22, 2022)*

[Q6. Where do the edible cannabinoid products come from?](#)

[Q7. How are the new products taxed?](#)

Enforcement and public safety

[Q8. How is the new law enforced?](#) *(Updated July 28, 2022)*

[Q9. What are penalties for someone who violates?](#)

[Q10. How do our officers determine if a driver is under the influence of these new products?](#)

[Q11. Could cities prohibit the sale of edible cannabinoids entirely?](#) *(Updated July 19, 2022)*

[Q12. Is our city required to adopt regulations under the new law?](#)

City Licensing

Q13. What authority do cities have regarding licensing the sale of edible cannabinoids?

Q14. What types of restrictions should we consider in regulating cannabinoids? (Updated July 19, 2022)

Q15. Can a city add edible cannabinoid products to its existing tobacco licensing program?

Q16. If our city licenses edible cannabinoid products, how much can we charge as a license fee?

Zoning

Q17. What authority do cities have regarding zoning for where the products could be sold? (Updated July 19, 2022)

Q18. Could cities adopt a moratorium prohibiting the sale, manufacturing or, distribution of cannabinoids so it can study the issue?

City employment and personnel issues

Q19. Does the new Minnesota legal cannabinoid law change anything about how we do drug testing for CDL holders? (Updated July 22, 2022)

Q20. Does the new law change anything related to employees who carry a firearm? (Updated July 22, 2022)

Q21. Are there now “acceptable” limits of cannabinoids for non-CDL employees for purposes of drug testing at work (i.e., those we test under state drug and alcohol testing law)?

Q22. Can we still prohibit employees from being under the influence of cannabinoids while at work? Does the League have a model policy with updated language?

Q23. Can employees be in possession of edibles or other cannabinoid products while at work?

Q24. Do we need to change anything in our collective bargaining agreement with regard to discipline of employees who use cannabinoid products?

Q25. Can employees use cannabinoid products off-duty?

Q26. How does this impact the requirements of the Drug-Free Workplace Act?

Q27. Should my city still continue to include marijuana as a pre-employment panel screen for my Non-DOT employees? (Updated July 19, 2022)

General information

Q1. What does the new law do?

A1. It is now legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp.

The new law was passed by the Legislature as part of [Chapter 98](#). Article 13 makes several changes to [Minnesota Statutes, section 151.72](#) regarding the sale of certain cannabinoid (CBD) products. The changes took effect on July 1.

The new law amends the scope of sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal

consumption.

Previous law authorized a product containing nonintoxicating cannabinoids to be sold, but the authority to sell edible CBD products was unclear. The new law expands the authority to include nonintoxicating cannabinoids, including edible cannabinoid products, provided they do not contain more than 0.3% of any THC. An edible cannabinoid product also cannot exceed more than five milligrams of any THC in a single serving, or more than a total of 50 milligrams of any THC per package.

Q2. Under the law, where are edible cannabinoids allowed to be sold?

A2. The new law does not limit where edible cannabinoid products may be sold. However, certain businesses by their nature maybe be limited on their ability to sell the products. Liquor stores, for example, are limited to selling specific items set by Minnesota Statute, section 340A.412, subd. 14. The Alcohol and Gambling Enforcement Division (AGE) of the Minnesota Department of Public Safety has advised the League of Minnesota Cities that products containing CBD, hemp, or THC are not allowed for sale at an exclusive liquor store. In addition, AGE has informed LMC that a liquor store's ability to sell food pursuant to Minnesota Statute, section 340A.412, subd. 14 (b), does not include edible cannabinoid products.

Q3. Could my city's municipal liquor store sell the edible cannabinoid products?

A3. Liquor stores are limited to selling specific items set by Minnesota Statute, section 340A.412, subd. 14. The Alcohol and Gambling Enforcement Division (AGE) of the Minnesota Department of Public Safety has advised the League of Minnesota Cities that products containing CBD, hemp, or THC are not allowed for sale at an exclusive liquor store. AGE has advised LMC that CBD, hemp, or THC infused beverages are not intended to be mixed with alcoholic beverages and are not considered soft drinks. In addition, AGE has informed LMC that a liquor store's ability to sell food pursuant to Minnesota Statute, section 340A.412, subd. 14 (b), does not include edible cannabinoid products. Due to this guidance, LMC recommends cities refrain from selling such products at their municipal liquor stores.

Q4. What regulations are in place for packaging for edible cannabinoids?

A4. Along with testing and labeling requirements, an edible cannabinoid must meet several requirements, including that it:

- Not bear the likeness or contain cartoon-like characteristics.
- Not be modeled after a brand of products primarily consumed or marketed to children.
- Not be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item.
- May not contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the federal Food and Drug Administration.
- May not be packaged in a way that resembles any commercially available food product.
- Must not be packaged in a container that could reasonably mislead any person to believe that it contains anything other than an edible cannabinoid product.

Q5. Are these products legal under federal regulations?

A5. The 2018 Farm Bill made several changes to federal law related to hemp. Under the law, hemp was removed from the controlled substance act, including derivatives, extracts, and cannabinoids, provided those substances contained less than 0.3% THC concentration. If a product contains more than 0.3% THC it is considered marijuana and not hemp. Pursuant to the Farm Bill, Minnesota has legalized the production of hemp through its [industrial hemp program](#).

Although hemp extracts that meet the mandated THC level are no longer controlled substances, the Farm Bill did not alter the authority of other federal agencies, including the Food and Drug Administration (FDA) from regulating hemp and hemp byproducts. Under current [FDA regulations](#), CBD or THC products cannot be sold as a dietary supplement and cannot be added to food for humans or animals.

Q6. Where do the edible cannabinoid products come from?

A6. Under current law, these products can be manufactured in Minnesota but also imported from other states. Growing hemp in Minnesota is governed by the Department of Agriculture, though the MDA Hemp Program does not regulate cannabis extracts, development and manufacturing of cannabis extracts, or the retail and marketing of cannabinoid products. Cities may want to consider zoning implications for manufacturing and production of cannabinoid products.

Q7. How are the new products taxed?

A7. It is the understanding of LMC that edible cannabinoid products legalized under the new law are subject to Minnesota sales tax. LMC is waiting for more guidance from the Minnesota Department of Revenue to determine if any exemptions apply. The new law does not authorize cities to tax the products in their communities, however LMC is waiting on more information as to whether the products would be subject to a local food and beverage tax.

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Enforcement and public safety

Q8. How is the new law enforced?

A8. The Minnesota Board of Pharmacy has regulatory authority over drug products that are implicitly or explicitly intended for human or animal consumption. This includes products regulated in the new law. If a product does not meet all the requirements of the new law, the product may be considered [misbranded](#) or [adulterated](#). The sale of a misbranded or adulterated product is a [misdemeanor-level crime](#) which is to be prosecuted by the [county attorney](#) where the offense took place. Questions regarding whether a specific product deviates from the requirements of the new law should be forwarded to the [Minnesota Board of Pharmacy](#). The Board of Pharmacy has provided a [form to file complaints against licensed or unlicensed cannabis businesses \(pdf\)](#) and an [inspection checklist to assist law enforcement \(pdf\)](#).

In addition, the new law limits the sale of CBD and THC products to persons over the age of 21. The sale of CBD and THC products to a person under the age of 21 is a misdemeanor-level crime which is to be prosecuted by the county attorney where the offense took place. Cities will need to work with local law enforcement and the county attorney to determine how to enforce this requirement.

If cities desire to further regulate CBD and THC products within their jurisdiction, they will need to work with their city attorney to adopt local regulations.

The League is working with the Minnesota Chiefs of Police Association and Minnesota Sheriff's Association to understand potential implications for law enforcement and identify additional questions pertaining to the enforcement of these new products along with employment related questions for law enforcement.

Q9. What are penalties for someone who violates?

A9. A violation of the new law is a misdemeanor. In most cases, the county attorney is charged with prosecuting these violations.

Q10. How do our officers determine if a driver is under the influence of these new products?

A10. The new law does not change the current rules relating to driving under the influence of a cannabinoid. Officers should use the same process to determine sobriety as they have used if they suspected a driver was under the influence of marijuana.

Q11. Could cities prohibit the sale of edible cannabinoids entirely?

A11. In most states that have adopted adult use cannabis legislation, local governments are given the option to either opt-in or opt-out of cannabis in their communities. This framework helps to maintain local control of the cannabis issue. The new Minnesota law does not provide such an option. Therefore, the new law makes the new cannabinoid products legal in every city throughout the state.

Without a clear opt-out option, the question as to whether a city could completely prohibit the sale of edible cannabinoids is an open question. One potential approach would be to follow the Minnesota House Research's suggestion to LMC that it may be possible for a city to classify cannabis edibles containing THC as an intoxicating cannabinoid and therefore would not be allowed under the new law.

Arguments have also been made that a city may be able to prohibit the sale of edible cannabinoids products under its authority to provide for the health safety and welfare of its community. If a city were to attempt to prohibit edible cannabinoids under this authority, it would need to work with its city attorney to develop findings that clearly show the dangers of edible cannabinoids products and the need to prohibit the products. Cities may want to look at communities that have banned the sale of flavored tobacco products as a model for such prohibitions.

Q12. Is our city required to adopt regulations under the new law?

A12. The new law does not require cities to take action in regulating the new products. If a city chooses not to adopt additional regulations, the sale and production of these new products will be governed by the city's existing zoning and other regulations. In addition, the new law gives local law enforcement power to enforce violations as a misdemeanor.

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City licensing

Q13. What authority do cities have regarding licensing the sale of edible cannabinoids?

A13. A city's authority to license comes from either a specific grant of authority from the Legislature or from its authority to provide for its general health, safety, and welfare. When a city official proposes local licensing of any activity or occupation, a city first must determine whether the state already licenses that activity and, if so, whether the law forbids or allows a local license.

Q14. What types of restrictions should we consider in regulating cannabinoids?

A14. If a city decides to regulate edible cannabinoids or other cannabinoid products, the types of regulations can vary from city to city. Some items a city may consider when drafting these regulations include:

- What areas of the city edible cannabinoids may be sold or manufactured or distributed.
- What business should be allowed to sell edible cannabinoids.
- Age of person selling the product.
- Location of products within retail establishment.
- Pop-up sales.
- Transient merchants.
- Vending machines.
- Distance from other uses (schools, parks, residential, etc.).
- Distance between retailers.
- Delivery services.
- Online sales.
- Limit number of establishments within the city.
- Age verification.
- Hours.
- Background checks.

Q15. Can a city add edible cannabinoid products to its existing tobacco licensing program?

A15. The requirements and legal authority for tobacco products are unique to those products. While some aspects of tobacco regulations may be used when regulating edible cannabinoid products, the products and the authority to regulate them are quite different. If a city chooses to license edible cannabinoid sellers, it would be best to do so separately from tobacco regulations or be sure to carefully draft new language in an existing ordinance that follows the unique requirements of the new law.

Q16. If our city licenses edible cannabinoid products, how much can we charge as a license fee?

A16. When setting fees, cities should consider a number of things. First, cities should not view municipal licensing as a significant source of revenue. License fees must approximate the direct and indirect costs associated with issuing the license and policing the licensed activities. License fees that significantly exceed these costs are considered unauthorized taxes.

This means a license fee may not be so high as to be prohibitive or produce any substantial revenue beyond the actual cost to issue the license and to supervise, inspect, and regulate the licensed business.

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Zoning

Q17. What authority do cities have regarding zoning for where the products could be sold?

A17. Nothing in the new law limits a city's zoning authority related to CBD and THC products. No Minnesota court has interpreted the limits on zoning authority in this context, but at least one court in another state has ruled that a state law related to cannabis did "not nullify a municipality's inherent authority to regulate land use under [state] law so long as the municipality does not prohibit or penalize all medical marijuana cultivation ... and so long as the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law." *DeRuiter v. Township of Byron*, 505 Mich. 130, 949 N.W.2d 91 (2020). It is unknown if a Minnesota court would come to the same conclusion.

Cities should be thoughtful and intentional about how zoning regulations related to cannabinoid products affect their communities and work with their city attorney to determine what, if any, zoning restrictions should be adopted. Cities will need to consider not only zoning regulations related to retail sales of CBD and THC products but also the manufacturing and production of the products within the city. Unless specifically differentiated in a zoning ordinance, a city's general manufacturing and production zoning provisions will likely apply to CBD and THC production as well.

Q18. Could cities adopt a moratorium prohibiting the sale, manufacturing or, distribution of cannabinoids so it can study the issue?

A18. A moratorium is a tool cities use to pause specific uses in order that the city may study the issue in anticipation of future regulations. A moratorium is limited to a period of one year. To adopt a moratorium, a city must follow the procedures in [Minnesota Statute, section 462.355, subd. 4](#). The statute specifies the specific instances where a city may adopt a moratorium. If a

city were to adopt a moratorium prohibiting the sale or manufacturing of edible cannabinoid products, it should work with its city attorney to clearly state the legal justification for the moratorium.

If a city does adopt a moratorium, it must actually review and study the issue or meet one of the other requirements of the statute. More information on moratoriums can be found in the [LMC Zoning Guide for Cities](#).

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City employment and personnel issues

Q19. Does the new Minnesota legal cannabinoid law change anything about how we do drug testing for CDL holders?

A19. No, cities with positions requiring an employee to hold a commercial driver's license (CDL) will recall these positions are regulated by federal law, and those regulations are supervised by the Federal Department of Transportation (DOT). Federal law preempts state law related to cannabinoid use; in fact the DOT states in its [DOT Recreational Marijuana Notice](#) it does not authorize the use of Schedule I drugs, including marijuana, for any reason. As a result, cities should continue to follow their drug-testing procedures related to CDL holders and may enforce prohibitions against any use of cannabinoids for CDL holders, regardless of state law protections.

Although there is a legal difference between marijuana and hemp, [DOT warns](#) CDL drivers the hemp products could lead to a positive marijuana test; therefore CDL holders are ultimately responsible if those products lead to a positive marijuana test.

Cities can find more information on the effects of the new law on drug testing in the [LMC Drug and Alcohol Testing Toolkit](#), starting on page 22.

Q20. Does the new law change anything related to employees who carry a firearm?

A20. No. Public safety employees who carry a firearm cannot lawfully use marijuana under federal law. [Federal law](#) prohibits cities from providing firearms or ammunition to an employee it knows or has reason to think is using marijuana. Although there is a legal difference between marijuana products and hemp products, it is the understanding of LMC that it may not be possible to differentiate the products in a drug test. Officers should be mindful of any substance they ingest because they are ultimately responsible if those products lead to a positive marijuana test.

Q21. Are there now “acceptable” limits of cannabinoids for non-CDL employees for purposes of drug testing at work (i.e., those we test under state drug and alcohol testing law)?

A21. There isn't a clear answer, since THC can remain in the body for several weeks after usage (and long after any intoxicating or impairing effects have since disappeared), so positive test results may not indicate any wrongdoing on the employee's part and may just be evidence of an

employee's lawful actions done outside of work. The League of Minnesota Cities recommends that employers thoroughly document any suspicions of an employee being under the influence and to work closely with their city attorney(s) before taking any action against the employee. With this new area of law, a city may want to avoid relying on the results of traditional tests that detect metabolites remaining in a person's body (for many days or weeks after using marijuana) and instead focus on implementing reasonable-suspicion drug-testing protocols to detect marijuana intoxication based on behavioral observations. Keep in mind, employers may prohibit all employees from being under the influence while the employee is working. That would include employees who operate vehicles. Employers may want to revise their policies to clarify that employees still may not be under the influence of cannabis, legal or otherwise, while at work.

The [National Drug-Free Workplace Alliance](#) offers a toolkit to help employers work through the complex and confusing issue of marijuana and the workplace.

Q22. Can we still prohibit employees from being under the influence of cannabinoids while at work? Does the League have a model policy with updated language?

A22. Yes, employers can continue to prohibit employees from being under the influence of cannabinoid products, including edibles, while at work. Although employers' obligations and restrictions related to marijuana use vary widely across the states, there is no law we are aware of that requires employers to allow cannabinoid use during work hours or to allow an employee to report to work impaired. Thus, employers may continue to maintain drug-free policies at the workplace and discipline employees who use cannabinoids during working hours or who report to work impaired. In fact, one could argue that under the [Occupational Safety and Health Administration's \(OSHA\) General Duty Clause](#) of the Occupational Safety and Health Act, employers are required to furnish a workplace free from recognized hazards that are likely to cause serious physical harm. This provision of the Act is typically used in accident cases where toxicology screens are positive.

OSHA's new electronic recordkeeping rule, [clarified on 10/11/2018](#), states "If the employer chooses to use drug testing to investigate the incident, the employer should test all employees whose conduct could have contributed to the incident, not just employees who reported injuries," with respect to using drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees. Thus, if a city has a non-DOT drug-testing policy in place, a protocol following this guidance is important.

The League has a [Non-DOT Drug and Alcohol Testing and Drug-Free Workplace Act model policy](#) that has been updated initially, and will be continually updated as the League learns more.

Q23. Can employees be in possession of edibles or other cannabinoid products while at work?

A23. Cities may enact policies prohibiting employees from bringing cannabinoid products, including edibles, to work.

Q24. Do we need to change anything in our collective bargaining agreement with regard to discipline of employees who use cannabinoid products?

A24. No, but ensure your city's drug-testing policy has been updated and your supervisors are trained on the behavioral signs and symptoms associated with impairment. Of course, if the collective bargaining agreement includes language that policy changes need to be negotiated, then there would need to be a meeting with the union if the city's policy changes.

Q25. Can employees use cannabinoid products off-duty?

A25. It depends. Certain types of employees, such as law enforcement officers and other employees issued firearms and ammunition as part of their jobs, are subject to regulations from the federal Bureau of Alcohol, Tobacco and Firearms, which prohibits firearms and ammunitions to be given to individuals who do or are believed to use illegal drugs. As noted above, city positions required to hold a commercial driver's license are subject to Department of Transportation regulations and are not authorized for the use of Schedule I drugs, including marijuana, for any reason. Thus, these types of employees could be prevented from using cannabinoid products both on and off duty. Other employees who are not subject to that or other federal regulations would likely be able to use cannabinoid products while they are off duty, as there is nothing under Minnesota law which prohibits certain classes of employees from using cannabinoid products off duty, as long as they are not impaired at work.

If there are any questions regarding whether an employee could be prevented from using cannabinoid products while off-duty due to federal regulations, please consult your city attorney before any action is taken.

Q26. How does this impact the requirements of the Drug-Free Workplace Act?

A26. It does not. The Drug-Free Workplace Act of 1988 (DFWA) requires federal grantees and contractors to implement a drug-free workplace policy and establish a drug-free awareness program as a precondition for receiving a federal grant or a contract. However, the DFWA does not require covered employers to test employees for drugs or terminate them for drug-related violations, so the new Minnesota state law does not impact the DFWA directly. Minnesota law allows employers to prohibit employees from bringing legal cannabinoid products to work and permits employers to prohibit employees from being under the influence while at work. It would be best practice for cities with drug-free work policies to keep those in effect. If a city wishes to do so, it can update its policy to include lawful cannabinoid products within its scope.

Q27. Should my city still continue to include marijuana as a pre-employment panel screen for my Non-DOT employees?

A27. That is for each city to decide for itself. Because currently there are no devices or blood tests available that measure marijuana impairment, and because a best practice approach for Non-DOT marijuana drug testing is to base testing on behavioral observations, some employers are excluding marijuana from their pre-employment Non-DOT drug screens. Some states even prohibit an employer from refusing to hire an applicant simply because of a positive drug test,

but Minnesota is currently not one of these states at this time. Any city that chooses to continue to test for THC for Non-DOT positions must be aware of the fact that these substances may remain in an individual's system for weeks after the impairing effect of the drug has worn off. Thus, it will be difficult, if not impossible, to determine whether the positive test indicates usage in violation of the city's drug-free workplace policy or indicates lawful usage during an employee's time-off from work. Cities should consult with their city attorneys prior to taking any action based upon a positive drug test for THC.

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Focus on New Laws: Some Edible Cannabinoids Now Legal

July 5, 2022

Cities may want to consider regulating sellers of certain edibles and beverages infused with the cannabis ingredient THC.

It is now legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. Cities may want to update regulations and employee policies as a result of this new law.

The new law was passed by the Legislature as part of [Chapter 98](#). Article 13 makes several changes to [Minnesota Statutes, section 151.72](#) regarding the sale of certain cannabinoid products. The changes took effect on July 1.

This new law was a surprise to many stakeholder groups and even to legislators, as many were not aware of the full extent of the language's authorizations. Many lawmakers were hoping to pass a provision to reign in the selling of delta-8, a substance manufactured from hemp-derived cannabidiol that has similar intoxicating effects as the more commonly known cannabinoid delta-9.

Instead, the language authorized certain amounts of both delta-8 and delta-9 in edible CBD products. This legislation was passed in the last days of session without broad discussion, with the provision added into the health and human services policy omnibus bill. It has been a source of frustration for both stakeholders and legislators, as the full impacts of the legislation are realized.

The League is continuing to work with the involved stakeholders to better understand the new law and provide guidance to cities on potential paths forward.

New definitions added

The new law creates several new definitions, including the following:

- Defining “certified hemp” to mean hemp plants that have been tested and found to meet the requirements of Minnesota Statutes, [chapter 18K](#).
- Defining “edible cannabinoid product” to mean any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- Defining “nonintoxicating cannabinoid” to mean substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Cannabinoids extracted from hemp

The new law amends the scope of sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption.

Previous law authorized a product containing nonintoxicating cannabinoids to be sold, but the authority to sell edible CBD products was unclear. The new law expands the authority to include nonintoxicating cannabinoids, including edible cannabinoid products, provided they do not contain more than 0.3% of any THC. An edible cannabinoid product also cannot exceed more than five milligrams of any THC in a single serving, or more than a total of 50 milligrams of any THC per package.

Requirements for edible cannabinoid products

Along with testing and labeling requirements, an edible CBD must meet several requirements, including that it:

- Not bear the likeness or contain cartoon-like characteristics.
- Not be modeled after a brand of products primarily consumed or marketed to children.
- Not be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item.
- May not contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the federal Food and Drug Administration.
- May not be packaged in a way that resembles any commercially available food product.
- Must not be packaged in a container that could reasonably mislead any person to believe that it contains anything other than an edible cannabinoid product.

An edible cannabinoid product must be prepackaged in a container with certain requirements, including being child-resistant and tamper-evident. Any cannabinoid product intended for more than a single use or containing multiple servings must have indicators or separate wrapping for the individual serving sizes.

The new law prohibits the sale of any product containing any cannabinoid or THC extracted or otherwise derived from hemp to be sold to any individual under the age of 21.

Regulation of edible cannabinoids

Regulation of the edible cannabinoid products falls under the state Board of Pharmacy. The board has the authority to issue cease-and-desist orders under Minnesota Statutes, section 151.06; to embargo adulterated and misbranded drugs under Minnesota Statutes, section 151.38; and to seek injunctive relief under Minnesota Statutes, section 214.11.

Guidance from the Board of Pharmacy indicates that retailers selling products that contain cannabinoid to individuals under the age of 21 should be reported to local law enforcement agencies.

Local regulation of edible cannabinoids

The new law does not specifically prohibit cities from regulating the sale of cannabinoid products locally. Cities will need to work with their attorneys to determine what, if any, local

regulation would be right for their communities. Local regulations will most likely be through a city's zoning or licensing authority.

Employment impacts of edible cannabinoids

It is important to consider both federal and state laws with respect to employee cannabinoid use and related impacts to the workplace.

Cities often have positions requiring an employee to hold a commercial driver's license (CDL). These positions are regulated by federal law and those regulations are supervised by the Federal Department of Transportation (DOT).

Federal law preempts state law related to cannabinoid use. In fact, in a [December 2012 notice](#), the DOT states it does not authorize the use of Schedule I drugs, including marijuana, for any reason. As a result, cities should continue to follow their current drug testing procedures related to CDL holders and to enforce prohibitions against the use of cannabis for CDL holders, regardless of state law protections.

Additionally, public safety employees who carry a firearm cannot lawfully use marijuana under federal law. Federal law prohibits cities from providing firearms or ammunition to an employee it knows or has reason to know is using marijuana.

For non-sworn police officer positions and non-CDL drivers, the new law provides no allowance for an employee to use, possess, or be impaired by cannabis while on duty. Dealing with impaired behavior on the job site can be challenging, so League staff will continue to research this new law and next steps for this groups of workers.

Law enforcement impacts of edible cannabinoids

The new law and recent rulings by the Board of Pharmacy have changed Minnesota's controlled substances schedules related to certain types of THC products. The League is working with the Minnesota Chiefs of Police Association to explore the public safety implications of the new law.

[Read more about this topic and get answers to frequently asked questions about cities and regulation of edible cannabinoid products](#)

[Read more news articles](#)

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Hemp Derived Edible Cannabinoid Product Guidance for Food Operators



Background

On July 1, 2022, state law (Minnesota Statute 151.72) pertaining to the sale of certain products derived from hemp changed to allow the processing and sale of goods defined as Edible Cannabinoid Product (ECP). 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. A food license is not required to make or sell an ECP, nor does state law prohibit licensed food businesses from making or selling an ECP. This document provides summary information to food business operators about ECP requirements as well as ECP and food protection guidelines.

Selling Edible Cannabinoid Product

- An ECP can only be sold to individuals 21 years of age or older.
- An ECP must not be marketed to or target children.
- An ECP must not:
 - » bear the likeness or contain characteristics of persons, animals, or fruit that appeal to children;
 - » be modeled after a brand of products primarily consumed by or marketed to children; or
 - » be made by applying a hemp-derived cannabinoid to a commercially available candy or snack food item.

Packaging

- Prior to sale, an ECP must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed into packaging or a container meeting these same requirements.
- An ECP intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol (THC) must meet ECP packaging requirements but is not required to be in child-resistant packaging.
- An ECP must not be offered unpackaged or further prepared for service after packaging.
- An ECP must not:
 - » be packaged in a way that resembles the trademark, characteristic, or product-specialized packaging of a commercially available food product; or

- » be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe the package contains anything other than ECP.

Labeling

- An ECP must bear a label that can be easily read and understood by the consumer that has:
 - » the serving size;
 - » the cannabinoid profile per serving and in total;
 - » a list of ingredients, including any major food allergens declared by name; and
 - » the following statement: “Keep this product out of the reach of children.”
- The following information must be provided on the product label or may be provided using a scannable barcode or matrix barcode linking to a page on the manufacturer’s website if the page contains all of the following information in terms that can be easily read and understood by the consumer:
 - » the name, location, and website of the manufacturer;
 - » the name and address of the independent, accredited laboratory that tested the product;
 - » an accurate statement of the amount or percentage of cannabinoids in each unit of the product; and
 - » a statement that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the FDA, unless the product has been so approved.
- The labeling must not contain any claim 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 bodies, unless the claim has been approved by the FDA.

Misbranding

- An ECP shall be considered misbranded if the product labeling is false or misleading in any manner, or in violation with the sale of certain hemp-derived product law.
- Promotional materials and signage about the ECP also must not contain any misleading information.

Dosage

An ECP must not contain more than five milligrams of any THC in a single serving, or more than a total of 50 milligrams of any THC per package and must not contain more than 0.3 percent of any THC.

Making Edible Cannabinoid Product

Ingredients

- Other than a hemp-derived cannabinoid, an ECP must not contain any ingredient that is not approved by the FDA for use in food.
- Food ingredients used should come from sources approved to sell food in Minnesota and should meet the requirements of Minnesota Food law being safe and wholesome.
- Cannabinoids used to make an ECP must be derived from hemp grown lawfully within the U.S. or approved as meeting U.S. criteria for hemp if grown elsewhere, and be certified under an official state, tribal, or federal hemp regulatory program.

Lab Testing

A manufacturer of an ECP must submit representative samples of each batch of the ECP to an independent, accredited laboratory to certify that the product complies with standards adopted by the Board of Pharmacy. Testing must confirm that the product:

- contains the amount or percentage of cannabinoids that is stated on the label of the product;
- does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals;
- does not contain more than 0.3% of any THC; and
- does not contain an ingredient, other than a hemp-derived cannabinoid, that has not been approved by the FDA for use in food.

Adulteration

An ECP shall be considered an adulterated drug 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 or percentage on the label;

- it contains more than 0.3 percent of any THC, or more than five milligrams of any THC in a single serving or more than a total of 50 milligrams of any THC per package; or
- it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

ECP Processing and Food Protection Guidelines

- Protect consumer health while producing an ECP by:
 - » washing hands with soap and warm water prior to processing;
 - » preventing bare-hand contact with ECP ingredients during processing;
 - » avoiding processing an ECP while ill with symptoms of vomiting and/or diarrhea;
 - » other than hemp-derived cannabinoid, using ingredients approved by the FDA for use in food;
 - » ensuring safe temperature control during storage, preparation, delivery, and display;
 - » making an ECP on surfaces that have been cleaned and sanitized prior to processing; and
 - » avoiding cross-contact with food allergens.
- Licensed food business operators must ensure hemp-derived cannabinoid does not transfer to regulated food product. Food preparation surfaces used to make an ECP must be cleaned and sanitized immediately afterward. Regulated food exposed to or contaminated with hemp-derived cannabinoid is subject to state policy and procedures relating to and food laws governing prohibited acts, adulteration, misbranding, and enforcement.

Cottage Food Licensing Exemption

Since ECP is not considered food, a cottage food producer is not permitted to make and sell an ECP under their registration according to Minnesota cottage food law.

Apparent violations of state law pertaining to the sale of ECP may be referred to the MN Board of Pharmacy or to local law enforcement agencies for investigation and enforcement.

Additional Resources

Please visit the following websites for more detailed information about the law and specific state agency information:

- MN Sale of Certain Cannabinoid Products Law: <https://www.revisor.mn.gov/statutes/cite/151.72>
- MN BoP Hemp Derived Products FAQs: https://mn.gov/boards/assets/Hemp%20Derived%20Products%20FAQ_tcm21-532612.pdf
- MDA Hemp in Food FAQs: <https://www.mda.state.mn.us/food-feed/hemp-food-faqs>
- MN Food Code Fact Sheets: <https://www.mda.state.mn.us/food-feed/minnesota-food-code-fact-sheets>

City of Brooklyn Park Council Work Session

Meeting Date:	September 6, 2022	Originating Department:	Administration/Finance
Agenda Item:	C.3	Prepared By:	Dolly Lee Asst. Finance Director
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Jay Stroebel and LaTonia Green
Item:	2023 Preliminary Budget Discussion		

Summary:

The presentation and discussion will focus on the General Fund proposed 2023 Budget and potential levy calculations.

The purpose of this discussion is to provide an overview of the anticipated 2023 Budget and to receive direction from City Council on the maximum property tax levy impact for 2023.

The City Council must set a preliminary tax levy for 2023 before September 30, 2022. Setting the preliminary tax levy indicates the maximum amount of property tax levy the city is proposing to collect in 2023. This number cannot be increased, although the City Council maintains the flexibility to reduce the levy prior to final levy certification in December.