



Get the Facts: Legal Marijuana in Minnesota

In a Nutshell

On August 1, Minnesota will join the long list of states legalizing recreational use of marijuana. With legalization, there are questions around education and enforcement. We're dedicating this issue to things we know are on your mind and to providing resources that can help you educate workers and others on what the new law means to them on the job and behind the wheel.

Understanding Legalized Marijuana in Minnesota: August 1 and Beyond

What does the new recreational marijuana law do?

The new law legalizes the possession and use of marijuana for Minnesotans 21 and older. It also creates a new state agency, called the Office of Cannabis Management, to manage commercial aspects of the law. The law mandates the expungement of all misdemeanor marijuana and imposes new rules and requirements for hemp-based THC drinks and edibles.

When does the new law take effect?

While there are some variations, much of the law takes effect August 1.

Can you be charged with driving under the influence of marijuana?

Driving while under the influence of this drug is illegal. A person can receive a driving while impaired charge if he or she drives under the influence of marijuana or another

How will law enforcement officials know someone is driving under the influence of marijuana? Will they be able to issue citations when they pull someone over?

As we approach the effective date of this new law, there is no reliable test for marijuana/THC like a breathalyzer for alcohol. The bill legalizing marijuana in Minnesota included funding for drug recognition training for law enforcement. It also establishes a pilot project to study oral fluid roadside tests to determine if someone is high.

What does the law do about driving while impaired?

The bill legalizing marijuana also allocates \$15 million over the next two years to fund drug recognition training for law enforcement to help officers better identify impaired drivers. The law requires the state's public safety commissioner to launch a pilot project studying the creation of an oral fluid roadside test to detect cannabis impairment.

What will be legal?

The new law authorizes the production and retail sale of marijuana flower, concentrates, topicals and edible products, such as candy and beverages. It also permits the sale of immature cannabis plants and seeds, as well as hemp-derived THC products.



Also, the Office of Cannabis Management must conduct a study on impaired driving to determine how many crashes involve drivers who use cannabis, how many arrests of cannabis-impaired drivers are made and the number of convictions for driving under the influence of cannabis. Driver education programs will be required to include information on the effects of cannabis use.

Where will the consumption of cannabis products be explicitly prohibited?

Anywhere not explicitly authorized by the law. Consuming marijuana products in any form would also be prohibited in motor vehicles, on school property and in state correctional facilities.

What driving-related actions remain a crime under the law?

Driving under the influence of cannabis will be a crime. And like the state's open container law for alcohol, it will be illegal to have an open cannabis product in a vehicle, except in the trunk or a similar area of the vehicle that can't be accessed while driving.

What happens to pre-employment drug tests and workplace consumption bans?

Except where required by federal law or for a handful of job categories specified in Minnesota statutes, applicants for jobs cannot be screened for marijuana as a condition for employment. Ongoing or random cannabis tests for many employees would also be banned.

Companies can ban the possession and use of cannabis during work hours and when an employee is on-site or in a company vehicle. Businesses can also require cannabis testing if on-the-job cannabis use is suspected to be the cause of a violation of company policy or law.

What types of jobs could still require testing for cannabis to be hired or employed under the new law?

Cannabis is considered a drug and could be subject to drug and alcohol testing for to be hired for or hold specific jobs. These jobs include:

- Positions that require a commercial driver's license or involve the operation of a motor vehicle and are subject to drug or alcohol testing under state or federal law.
- A "safety-sensitive" job, which Minnesota law defines as a in which impairment by drugs or alcohol would threaten the health or safety of any person.

Question: Can employees use cannabis at work?

Employers are not required to permit employee use, possession, or distribution of cannabis products at the workplace. Employers may also prohibit being under the influence at work. These requirements should be in the employer's policies and the policy should specifically state that being under the influence of cannabis is not permitted. Simply prohibiting "drugs"



or referring to “drug testing” will no longer suffice, because the new law removes cannabis products from the definition of “drug” in certain portions of the statute.

