

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5206

(SENATE AUTHORS: PHA)

DATE
03/25/2024

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Introduction and first reading
Referred to Commerce and Consumer Protection

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to commerce; defining appeal to individuals under 21 years of age related
1.3 to packaging and advertising; amending Minnesota Statutes 2023 Supplement,
1.4 section 342.62, subdivision 3, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 342.62, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 1a. Appeal to individuals under 21 years of age. For the purposes of this section
1.9 and section 342.64, "appeal to individuals under 21 years of age" means any of the following:

1.10 (1) the use of images, including but not limited to any of the following:

1.11 (i) images depicting cartoons, toys, or robots;

1.12 (ii) images depicting any real or fictional humans; and

1.13 (iii) images depicting any fictional animals or creatures;

1.14 (2) the use of images depicting fruits or vegetables, except when used to accurately
1.15 describe ingredients or flavors contained in a product;

1.16 (3) the use of any images bearing a likeness to images, characters, or phrases that are
1.17 popularly used to advertise to children;

1.18 (4) the use of any image imitating candy packaging or labeling, or imitating other
1.19 packaging or labeling of cereals, sweets, chips, or other food products typically marketed
1.20 to children;

2.1 (5) the use of terms "candy" or "candies" or variants in spelling of the term "candy,"
2.2 such as "kandy" or "kandee";

2.3 (6) the use of brand names or close imitations of brand names of candies, cereals, sweets,
2.4 chips, or other food products typically marketed to children; and

2.5 (7) the use of any other image or packaging that could be easily confused with
2.6 commercially available foods that do not contain cannabis and are typically marketed to
2.7 children.

2.8 Sec. 2. Minnesota Statutes 2023 Supplement, section 342.62, subdivision 3, is amended
2.9 to read:

2.10 Subd. 3. **Packaging prohibitions.** (a) Cannabis flower, cannabis products, lower-potency
2.11 hemp edibles, or hemp-derived consumer products sold to customers or patients must not
2.12 be packaged in a manner that:

2.13 (1) bears a reasonable resemblance to any commercially available product that does not
2.14 contain cannabinoids, whether the manufacturer of the product holds a registered trademark
2.15 or has registered the trade dress; or

2.16 (2) is designed to appeal to ~~persons~~ individuals under 21 years of age.

2.17 (b) Packaging for cannabis flower, cannabis products, lower-potency hemp edibles, and
2.18 hemp-derived consumer products must not contain or be coated with any perfluoroalkyl
2.19 substance.

2.20 (c) Edible cannabis products and lower-potency hemp edibles must not be packaged in
2.21 a material that is not approved by the United States Food and Drug Administration for use
2.22 in packaging food.