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March 11, 2024

Senator Matt Klein
Chair, Commerce and Consumer Protection
Committee
Minnesota Senate Office Building
St. Paul, MN 55155

Senator Gary Dahms
Ranking Minority Member, Commerce and
Consumer Protection Committee
Minnesota Senate Office Building
St. Paul, MN 55155

Re: Senate File 3623

Dear Senator Klein, Senator Dahms, and committee members:

Part of my job as Attorney General is to recommend statutory changes to protect consumers. I write in support of Senate File 3623. This important legislation is necessary to protect consumers, particularly Minnesota's youth and other vulnerable populations, from the emerging public health issue of copycat packaging for THC edibles that use famous brands enticing children to inadvertently consume these products.

In June of 2022 the FDA issued a warning stating that between Jan. 1, 2021, and May 31, 2022, national poison control centers received 10,448 single substance exposure cases involving edible products containing THC¹. Of these cases, 77% involved patients 19 years of age or younger. Widely available and often easily mistaken for name brand snacks such as Oreo cookies, Doritos chips and others, THC copycat products often are unintentionally given to children or mistaken by children for the brand name snack products, resulting in unsuspecting children ingesting large amounts of THC.

This legislation would add a new prohibition to the cannabis packaging prohibitions provided by Minnesota Statutes section 342.62, subd. 3, passed as part of the Cannabis Legalization legislation in the 2023 Session. This new prohibition would prohibit persons from selling, offering for sale, or facilitating the sale of empty packaging that, if used, would be a violation of cannabis packaging prohibitions. The bill would also provide the Attorney General's Office with authority to enforce this prohibition through section 8.31, the Attorney General Office's consumer protection statute.

¹ <https://www.fda.gov/food/alerts-advisories-safety-information/fda-warns-consumers-about-accidental-ingestion-children-food-products-containing-thc>



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I strongly encourage your committee to advance this important bill. While we may not all agree on the best regulatory scheme for cannabis and THC generally, we can all agree that copycat THC edibles pose a grave risk to the health, safety, and welfare of our children. Prohibiting the selling of empty packaging is an important part of helping to protect Minnesota's children.

Thank you for allowing me to provide my recommendations. If you have any questions or would like additional information, my team and I would be happy to help in any way that we can.

Sincerely,

KEITH ELLISON
Attorney General