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For immediate release

THC products now legal, but no 'legal limit' for drivers

By Rice County Attorney John Fossum and Rice County Sheriff Jesse Thomas

While the state of Minnesota now allows the sale, possession and consumption of certain products containing tetrahydrocannabinol (THC) to anyone 21 and older, operating a motor vehicle while under its influence remains illegal.

The law, which took effect July 1, legalizes edible products and drinks made for human and animal consumption which contain as much as 0.3% (up to 5 milligrams) of THC derived from hemp. THC is the psychoactive substance found in marijuana, and to a lesser degree, hemp.

But despite the difference in concentration, THC remains an impairing substance.

Unfortunately, Minnesota legislators who introduced this bill deliberately kept it under the

radar, catching some of their colleagues, as well as law enforcement and prosecutors, unawares. Despite the political maneuvering, we believe it's important for Rice County residents to know what is and isn't permitted when it comes to THC-infused products.

Law enforcement can and will request a search warrant to require a blood draw from anyone operating a motor vehicle (snowmobiles and watercrafts, too) who is involved in a serious or fatal crash, or when there is evidence the driver is impaired.

For those drivers, the problem is twofold: Not only are blood tests unable to determine whether the THC came from a legal or illegal substance, THC can remain in a person's system for weeks.

Unlike a blood alcohol level, which is considered impairing at .08 and drops over just a few hours, there is no "legal limit" for THC, which is present in the blood well after the effect has worn off.

And because blood tests can't distinguish between THC derived from hemp and THC from marijuana, anyone with a commercial driver's license runs the risk of losing their CDL if they drive after consuming what's now a legal product in Minnesota.

It's important to note that while permitted in Minnesota, these products are not regulated by the Food and Drug Administration, not legal in every U.S. state and illegal at the federal level.

In Minnesota, possession or use by anyone under 21 is a gross misdemeanor. Selling the newly legal products to anyone under 21 can be prosecuted by the County Attorney's Office as a misdemeanor-level crime.



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