

Regulatory Register

Keeping you informed of changes in government regulations



An exclusive member-only service of the
Minnesota Grocers Association



New Laws – Effective August 1st

Several laws passed by the legislature last session are taking effect on August 1st, 2023. The MGA Government Relations team has been distributing briefings and hosting a series of additional educational opportunities regarding the changes that are coming during our *2023 Legislative Impact Series*. We are engaging with state agencies and commissioners in order to get you the pertinent information to ensure that you're complying to the new guidelines.

If you have questions regarding new laws and regulations, be sure to contact the MGA. We will continue to provide you up-to-the-minute information as it becomes available. If you have additional questions, [Jamie Pfuhl](#) and [Steve Barthel](#) are available at any time to help you navigate these changes.

Marijuana - Adult Possession & Home Growing Legal – Effective August 1, 2023

The legislation allows adults age 21 and older to possess or transport up to 2 ounces of cannabis flower, 8 grams of concentrate and 800 milligrams of edible product (including low-potency hemp-derived product). An adult may also possess up to two pounds of cannabis flower in a private residence. Minnesotans 21 and older will be able to grow up to eight cannabis plants per residence, with no more than four being mature and flowering at the same time.

Employer Drug Testing Provisions

An employer cannot request or require an employee or job applicant to undergo a cannabis drug test as a condition of employment unless otherwise required by state or federal law or the employee's position is safety-sensitive.

Safety-sensitive positions include:

- All supervisory and management positions;
- Any position in which impairment caused by drug, alcohol or cannabis usage would threaten the health or safety of any person;
- DOT/CDL drivers

Employers may enact and enforce work rules prohibiting cannabis use, possession, impairment, sale, or transfer while employee is working, on employer's premises, or operating employer's vehicle, machinery, or equipment. **All testing policies should include written rules prohibiting cannabis use, possession, impairment during work.**

Employers can require testing if there is a responsible suspicion that an employee is:

- Under the influence of drugs or alcohol;
- Has violated employer's written work rules regarding drugs, alcohol, or cannabis;
- Has sustained a personal injury or has caused another employee to sustain a personal injury; or
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident

Employers can no longer require employees to submit to random cannabis testing as a condition of employment, except for safety-sensitive positions.

Note: If uncertain about employee handbooks, drug testing requirements, and/or drug policies please consult your employment lawyer.

Warehouse Worker Protections Increased – Effective August 1, 2023

Employers that directly or indirectly employ 250 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in Minnesota.

The law requires warehouse distribution centers to disclose quotas and work-speed data to certain current and former employees to inform them about their job performance and rights in the workplace. The law also protects workers from retaliation. This provision does not require employers to use quotas or monitor work-speed data and only applies to employers that choose to do so.

Compliance Requirements

- Within 30 days of hiring, qualifying warehouses must provide each employee a written description of their quotas and any potential action from failure to meet that quota.

Restrictions on Employer-Sponsored Meetings- Captive Audience – Effective Aug 1, 2023

The law bans employers from holding mandatory employer-sponsored “captive audience” meetings if those meetings are for the purpose of communicating the employer’s opinion on religious or political matters. Employers are prohibited from taking, or threatening to take, adverse action against employees who refuse to attend or participate in an employer-sponsor meeting if the meeting/communication is to communicate the employer’s opinion about religious or political matters.

The law defines “political matters” as matters “relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.” “Religious matters” are defined as matters “relating to religious belief, affiliation, and practice and the decision to join or support any religious organization or association.”

Action

- Remove any references to mandatory meetings on the subject of politics or religion from handbooks.

[Steve Barthel](#), Government and Community Relations Manager and [Jamie Pfuhl](#), President are here to assist. Do not hesitate to contact us with any questions or concerns.

DISCLAIMER: *This information is provided by MGA as a service to its members. This information does not constitute legal advice. As legal advice must be tailored to the specific circumstances of each case and laws and regulations are frequently changing, nothing provided herein should be used as a substitute for the advice of counsel in the relevant jurisdiction.*