



frontline

The Official Monthly Publication of the Minnesota Grocers Association

August 2023

Marijuana Legalization – Major Impacts Expected

Minnesota is now the 23rd state in the U.S. to allow the production, sale, and use of recreational marijuana. The impact of this change on Minnesota workplaces will be expansive and complicated and the effects will be felt for years. However, there are steps that employers should be taking now to limit risk to their businesses, their employees, and their customers.

As we enter this new reality, understanding the rights that businesses have to manage their workforce will be critical in maintaining a safe environment for all that come in contact with your operation.

Employers may enact and enforce work rules prohibiting cannabis use, possession, impairment, sale, or transfer while the employee is working, on the employer's premises, or operating the employer's vehicle, machinery, or equipment. Having clear and consistent rules regarding marijuana in your employee handbook is critical. All testing policies should include written rules

MGA Legislative Impact Series

In response to the volume of new regulations signed into law with the end of the 2023 session, the MGA Government Relations team has announced a series of additional educational opportunities regarding the changes that are coming. We are engaging with state agencies and commissioners in order to get you the pertinent information to ensure that you're complying with the new guidelines.

Issue area informational materials will be distributed on Thursdays and then discussed in a conference call the following Tuesday. All calls are recorded and available to easily share with your team members. **SB**

prohibiting cannabis use, possession, and impairment during work.

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; and DOT/CDL drivers.

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

is: (1) Under the influence of drugs or alcohol; (2) Has violated the employer's written work rules regarding drugs, alcohol, or cannabis; (3) Has sustained a personal injury or has caused another employee to sustain a personal injury; or (4) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Contact the MGA with questions regarding the new law. However, if you are uncertain about how to update your employee handbooks, drug testing requirements, and/or drug policies please consult your employment lawyer. **SB**

MGA Annual Conference – Driven to Succeed

This year's annual conference cruised into Victory Lane as a huge success thanks to MGA members and event sponsors. The weather was beautiful as we gathered for three days of networking, comradery, and discussion around the leading issues facing the industry at Madden's Resort in Brainerd.

The conference began with the annual MGA Awards Dinner where Steve Quisberg of S & R Quisberg, Inc. was inducted into the MGA Hall of Fame. Craig and Kristee Thorvig of Chris' Food Center were honored as the 2023 Outstanding Grocer, and Mark Schneider of Littler Mendelson, P.C. was awarded the 2023 Vendor of the Year.

The ever-popular, Alice Kirkland and Jeff Dilger of Littler Mendelson, P.C, provided business owners with valuable labor law updates. Professor David Schultz provided a 2023 session recap and state of Minnesota politics, and an outlook on the 2024 election. The Monday session wrapped up with an industry peer panel discussion on workforce difficulties and employee engagement opportunities looking to the future of the food industry of Minnesota.

Tuesday morning's industry workshop by Brian

Numainville of The Feedback Group

provided timely insight into Minnesota's consumers. The MGA was joined by a wholesale leadership panel discussing inflation, inventory, and infrastructure throughout the food industry. The MGA hosted a town hall discussion on its purpose and position; encouraging support and participation from its entire membership. The conference wrapped with author and keynote, Will Bowen. He is the founder of the Complaint Free movement with over 15 million followers

worldwide and left attendees energized with real-world tools and tips for lasting positive change.

The entire event was fun, educational, and enjoyed by all. Thank you to our sponsors, speakers, and attendees who helped make the 2023 Annual Conference a huge success.

If you missed this year's conference, we encourage you to make plans to sponsor and attend next year. Join us on **July 28 – 30, 2024! KA**



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MGA Bag Hunger Campaign

Sign up today for the 2023 Bag Hunger Campaign and join the members of the Minnesota Grocers Association who've committed to Bag Hunger in their neighborhoods! This year's campaign runs from **October 22 – November 11**. The Bag Hunger Campaign promotes sponsors' products and drives retail sales while producing tangible results in the fight to end hunger in our communities. Participation in this program is an excellent way to reinforce the role of grocers and our vendor partners in local communities and demonstrate how our industry works together to produce a tremendous positive impact on a crucial social issue. See insert to register. **KA**



2023 MGA Best Bagger Contest

Join us for our upcoming Best Bagger contest! The contest will be held on **Saturday, August 26, 2023**, at the MGA office (Energy Park Financial Center, 1360 Energy Park Drive, St. Paul, MN 55108). This is a fun event that showcases one of your key team members. The contest has several fun prizes, including first place, which receives \$500, and a trip to the National Best Bagger Championship. Best Bagger informational packets and registration forms have been sent out and are available on our website at www.mngrocers.com. **ST**



Minnesota Grown Retailer of the Year Contest

The Minnesota Grown Retailer of the Year contest period has begun. This year's contest is based on promotional activities during a one-week showcase period between **August 1 - September 29** and is a fantastic way to showcase your innovative marketing while supporting your local producers. Contest winners receive exclusive rights to utilize the coveted "Minnesota Grown" logo for one year. The MGA hosted a webinar on contest best practices. Watch the webinar at www.bit.ly/MNGrown23 and visit www.minnesotagrown.com for more information on how to get involved. **ST**



WeCard Awareness Month – September

September is We Card Awareness Month. This creates a valuable opportunity to retrain your employees about the importance of compliance. Additionally, the campaign will allow you to highlight your regulatory compliance with customers. Using resources to increase awareness and highlight support is important. Visit the We Card website at www.wecard.org to get updated material. **KA**



FMI's Family Meals Month

September is National Family Meals Month – a nationwide event designed to underscore the benefits of family meals and the challenge for us all to pledge to share one more meal at home per week with our families using items purchased from the grocery store. This educational program is sustained by the FMI Foundation, which supports the role of food retailing and focuses on research and education in the areas of food safety, nutrition, and health. Join the movement and commit to one more meal at home per week this September for #FamilyMealsMonth! Visit www.fmi.org/gamily-meals-month for more information.



HR Corner

Earned Sick and Safe (ESST)

ESST local ordinances already exist in the cities of Bloomington, Duluth, Minneapolis, and St. Paul, Minnesota. When Minnesota's statewide earned sick and safe time law goes into effect on January 1, 2024, employers must follow the law or ordinance that is most protective of their employees.

Employee Handbook/Postings Updates

The legislature made several changes to state labor law that requires action by employers. These include new or updated workplace postings, mandated disclosures of employee rights, and other changes that require updates to company training procedures and hiring practices. Many of these changes need to be reflected in company handbooks and disclosures. The MGA has created a checklist to help identify the necessary postings and employee handbook updates through January 1, 2024. Required postings can be found at www.dli.mn.gov/posters. See insert.

MGAF Carts to Careers Program

One great program that the Carts to Careers initiative supports is the Retailer Management Certificate (RMC), which is run by Alexandria Technical & Community College. It is an online, nationally recognized, industry-endorsed, 8-course education certificate. The RMC is an accredited business education program and most participants complete it in two years or less.



Tuition support is available through a State of Minnesota grant appropriation and MGAF funding. The next set of classes begins on **August 21, 2023**. The application is open, and the cost-share program makes this an affordable way to provide an educational benefit to your employees (\$2,750 per student). To apply simply fill out the form application available at www.mngrocers.com. **RH**

Food PAC of MN Needs Your Support

Get your 2023 Food PAC of MN investment in today! These funds are used to engage with legislative officials and candidates for office. The 2024 election cycle is right around the corner, and it's critical that the MGA has the resources to continue its role in advocating for the food industry. To ensure we can support candidates, we need your investment today! We have set a big goal and we need your support to achieve it. Thank you to those who have already donated and for your continuing support of our efforts! **SB**

Minnesota SAVERS Team

The MGA is your consumer resource. The MGA is committed to bringing our members value-added engagement opportunities. We are pleased to provide relevant sharable tools, tips, and resources for consumers. The MGA created the Minnesota SAVERS Team - see insert. This is a simple yet valuable tool to provide your customers with tips to help reduce food waste. By engaging with your customers, you create a relationship of working together for a great cause. Be proactive about making your sustainability efforts visible to your customers so they feel inspired to participate and do their part, too. **KA**

WASHINGTON NEWS

Pharmacy Benefit Manager Reform

Following the enactment of the sweeping drug pricing provisions included in the Inflation Reduction Act (IRA), lawmakers are again attempting to address high drug prices by focusing on pharmacy benefit managers (PBMs) in a bipartisan fashion. Congress has crafted several legislative packages that include reforms to a range of PBM practices to increase transparency regarding the role of PBMs in the distribution chain for prescription drugs, overhaul how PBMs are compensated, and curb potentially anticompetitive behavior. The MGA signed onto a letter to the Senate Finance Committee pushing for these changes be included in the final PBM reform proposal.

New reporting requirements to increase transparency could be the most easily accomplished provisions in the PBM overhaul. Greater oversight would allow plan sponsors to make more informed decisions about contracts, which could lead to more competition between PBMs as well as lower prescription drug costs overall. Senate committees have approved bills that would establish reporting requirements for PBMs regarding their negotiations with pharmaceutical companies, drug price and rebate information, and formulary and benefit design.

EBT Act Introduced

A bill to prohibit EBT processing fees and protect independent grocers from modernization costs relating to chip cards was recently introduced to Congress. The Ensuring Fee-Free Benefit Transactions Act would prohibit processing fees from being levied on retailers participating in SNAP. It also protects retailers from modernization costs due to USDA's chip card efforts. The Act also includes cost-saving measures and fraud prevention by requiring state agencies to review payment technology for updates during each new contracting period and necessitating that state EBT contracts have fraud protection to prevent skimming.

Food Traceability Update

The MGA joined other industry organizations on a letter urging the Senate Agriculture Appropriations Committee to include language in the FY '24 bill to ensure that the Food and Drug Administration (FDA) provides additional clarity needed by all stakeholders in the food supply chain while maintaining efforts that improve food safety.

In one of the final rulemaking actions to implement a relatively narrow provision of the Food Safety Modernization Act (FSMA), the FDA issued an incredibly complex final rule – "Requirements for Additional Traceability Records for Certain Foods" – in November 2022. The original intent of the legislative provision was to target truly "high-risk" food products that have experienced challenging food safety concerns and product recalls. Unfortunately, the FDA has morphed this provision into an expansive "food traceability list" that now includes more than two dozen categories of foods and food ingredients. The list of foods the FDA determines should be included in this high-risk category is not yet defined at the food product level, but the list of food products subject to the rule could number in the thousands.

FDA Issues Response to False Aspartame Claims

Following a recent release by the International Agency for Research on Cancer (IARC) labeling aspartame as "possibly carcinogenic to humans", the Food and Drug Administration (FDA) issued its own statement disagreeing with the research and broad labeling about potential harms. FDA scientists reviewed the scientific information included in IARC's review and identified significant shortcomings in the studies on which IARC relied. The FDA noted that the IARC study did not raise safety concerns for aspartame under the current levels of use and did not change the Acceptable Daily Intake. (Consumers would need to consume 23 Splenda packets/day in order to reach current ADI levels).

MGA Advertising Special

Limited space is still available for advertising in the Minnesota Grocer magazine. Show your support for your association and its outstanding award winners. Place a special congratulatory ad in the upcoming fall publication to honor our 2023 MGA Award Winners! Space is limited – get your contract in today! **KA**



THANK YOU 2022 Annual Conference Sponsors

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August 1 – September 29

Minnesota Grown
Retailer of the Year Contest
Statewide
MGA Program

August 26

Best Bagger Contest
MGA Office
St. Paul, MN
MGA Partnership

October 22 – November 11

MGA Bag Hunger Campaign
Statewide
MGA Program



It is now legal for Minnesota retailers to offer discounts on dairy products. Previously, state law had prevented the sale of these products at a level that was “below-cost” – except during Dairy Month (June). The 2023 legislature repealed this decades-old law. The repeal takes effect on August 1, 2023.



You Asked it

Q. What is the legal age to purchase CBD?

A: Consumers must be at least 21 years old to purchase any hemp-derived products in Minnesota. This includes CBD topicals, ointments, and tinctures. The sale of all consumable THC products is also restricted to those over 21.

Consumable products are subject to the new 10% cannabis tax. CBD topical products not intended for consumption are not subject to this tax.



Questions? Call MGA 1-800-966-8352



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