

## Marijuana Seed FAQs

For over 100 years people buying seed in Minnesota have been protected by the Minnesota Seed Law, a truth-in-labeling law that requires companies selling seed to test and label their products. As cannabis becomes legal for personal use in Minnesota on August 1, it is important to maintain these consumer protections and require companies selling seed to home growers to test and label it like any other seed sold in the state. These requirements allow buyers to know that what's on the label is what they are purchasing and ensures that there is a fair marketplace for companies to compete in this new arena.

To distinguish hemp from marijuana, both cannabis plants that are regulated differently, the Minnesota Department of Agriculture (MDA) will refer to seed related to the 2023 cannabis legislation as marijuana. *Cannabis sativa* can be bred to produce mature plants with different delta-9 tetrahydrocannabinol concentrations as well as different cannabinoids concentrations. Seed that produces plants with a delta-9 tetrahydrocannabinol concentration of less than 0.3% on a dry weight basis are defined as hemp. Seeds that produce plants with a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis are defined as marijuana.

This information focusses on the labeling and permit requirements for those planning to sell marijuana seed, as well as set the expectations for what consumers can expect when they purchase seed.

### FAQ for labeling marijuana seed for sale:

#### What is the difference between a seed labeler and a seed retailer?

A seed labeler usually produces, conditions, and packages the seed. The labeler is the company responsible for adhering to seed testing and labeling requirements under the [Minnesota Seed Law](#). Labelers may also purchase seed from other labelers and relabel seed or contract with a company to produce seed on their behalf.

A seed retailer is a company that sells seed to consumers. A labeler may also be a retailer, but a retailer does not have to be a labeler if they are purchasing seed from a labeler for resale without any repackaging or relabeling of the seed that will be sold.

#### When can seed labelers begin selling marijuana seed?

Labelers and retailers may begin selling seed August 1, 2023.

#### Who can label marijuana seed for sale in Minnesota?

Any person or company labeling seed for sale must have a permit. Permits will be issued starting July 1, 2023, by the Minnesota Department of Agriculture. Labelers selling seed for home use should apply for a Type B permit and pay a fee of \$75. This is an annual permit, and fees are based on sales in the prior year. This permit will need to be renewed every year. You can find a permit application [here](#).

Permits for commercial sales will be available in 2025.

## What are the responsibilities for marijuana labelers in Minnesota?

Labelers must do the following:

- Obtain a permit to label seed for sale.
- Test every lot of seed labeled for purity, noxious weeds, germination, and label seed based on these results.
- Maintain a [complete set of records](#) for every lot of seed labeled and sold that includes:
  - A copy of a grower's declaration or similar document that identifies the variety used in that lot and the origin where the seed was produced.
  - A copy of the label for that lot.
  - A copy of the test results for that lot.
  - Copies of the invoices for the purchase and/or sale of each lot.
  - A file sample that is representative of the lot.

## How does marijuana seed need to be labeled for sale?

Just like any seed sold for home use, marijuana seed packets will require the following information on the label:

- Kind (The kind must be identified as marijuana)
- Variety
- Lot number
- Net weight
- Packed for or sell by date
- Labeler's name and address

The labeler must test seed to make sure that it meets the minimum requirements for purity and germination as well as for contaminants, including other crop, weed seed, inert matter, and noxious weed seeds. You can find more details about these minimum requirements on the [MDA's website](#).

If the labeler makes any claims about THC or any other cannabinoid concentration on the package, then the labeler must also test the parent plants used to produce the seed for THC or specific cannabinoids and maintain a Certificate of Analysis as part of the testing record.

Seed should only be sold for adult-use to people over the age of 21. We recommend that labelers add language to the packet as follows: "Seed may only be sold to people at least 21 years old."

The adult-use cannabis law defines cannabis seed as any seed from the genus *Cannabis* that has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis. This definition equates cannabis with marijuana as defined in Minnesota Controlled Substances Law. Any cannabis seed labeled for sale in Minnesota will be identified as marijuana. This approach to labeling will ensure that it is consistent with seed labeling in other states where marijuana is legal. It will also limit confusion if marijuana seed should become legal for sale at the federal level.

## Will The MDA inspect marijuana seed sold in Minnesota?

The MDA's Seed Regulatory Program will inspect seed for sale and sold in Minnesota as part of their routine surveillance of seed in the state. Inspections include label review, records audits, and sampling and testing of seed lots.

The MDA will also conduct investigations if a consumer complaint is received.

## FAQ for selling marijuana seed:

### Who can sell marijuana seed in Minnesota and what are their responsibilities?

Any retailer can sell marijuana if regulations are followed:

- Retailers selling seed are not required to have a permit.
- Retailers should offer seed for sale that is completely labeled as required.
- Retailers may only offer seed that is labeled for sale within the year that the seed is packed for (e.g. Packed for 2023) or prior to the sell by date (e.g. Sell By 12/23). These labeled dates ensure that a seed lot was tested within a 12-month period when sold.
- Retailers should only offer marijuana seed for home-use to people 21 years or older.
- Retailers are required to keep records of seed purchases and sales.

### When can I start selling marijuana seed in Minnesota?

Labelers and retailers may begin selling seed August 1, 2023.

### Where can I obtain seed for my retail operation?

Retailers should obtain seed from companies that have a permit to label seed for sale in Minnesota.

### Who can I sell marijuana seed too?

Marijuana seed may only be sold to people over the age of 21 ([Minnesota Session Laws Chapter 63 Section 9](#)).

## FAQ for purchasing marijuana seed:

### Who can purchase marijuana seed?

Marijuana seed may only be sold to people over the age of 21 ([Minnesota Session Laws Chapter 63 Section 9](#)).

### When can I buy marijuana seed?

Labelers and retailers may begin selling marijuana seed August 1, 2023.

### Is there a limit to the amount of marijuana seed I can purchase?

People 21 and older can grow up to eight cannabis plants, with no more than four being mature at one time ([Minnesota Session Laws Chapter 63 Section 9](#)). There is no limit on the amount of seed an individual can purchase. Seed must be packaged and labeled for sale in containers of 1 lb or less.

### What can consumers look for when buying seed?

- Purchase seed that is completely labeled. See other recommendations on the MDA's website for [consumer protection](#).
- The labeler should have a seed permit. You can check permit status on the [MDA's licensing website](#). Search for seed permits.
- Consumers may make a complaint regarding seed purchased on the [MDA's webpage](#).

## Contact us

Seed Regulatory Program

Email: [seed.mda@state.mn.us](mailto:seed.mda@state.mn.us)

Phone: 651-201-6309

Website: [www.mda.state.mn.us/seed](http://www.mda.state.mn.us/seed)

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.