



*Protecting, Maintaining and Improving the Health of All Minnesotans*

January 19, 2024

Mohibullah Zahed  
Anna Tobacco & Smoke Shop  
1008 Gateway Drive  
Chaska, MN 55318

Dear Mohibullah Zahed:

Subject: Correction Order

Enclosed is a correction order (order) issued to Anna Tobacco & Smoke Shop for violation of Minnesota Statute 151.72 **Sale of Certain Cannabinoid Products**.

This order contains requirements to correct violation(s).

If you have any questions, please contact MDH inspector, Ryan Johnson, at [Ryan.Johnson2@state.mn.us](mailto:Ryan.Johnson2@state.mn.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher D. Elvrum'.

Christopher D. Elvrum, Assistant Director  
Office of Medical Cannabis  
PO Box 64975  
St. Paul, MN 55164-0975

Enclosure: Correction order

This page intentionally left blank

# Correction order

Anna Tobacco & Smoke Shop  
1008 Gateway Drive  
Chaska, MN 55318

## 1. Authority

1. The Minnesota Department of Health has the authority under Minnesota Statutes, section 151.72, subdivision 6(d), to enforce the requirements of section 151.72 regarding the sale of certain cannabinoid products according to Minnesota Statutes, sections 144.989 to 144.993.
2. The Minnesota Department of Health (MDH) has the authority under Minnesota Statutes, sections 144.989 to 144.993 to inspect, order corrections, and assess administrative penalties up to \$10,000 for violation of statutes, rules, orders, stipulation agreements, settlements, compliance agreements, registrations, or any laws enacted to protect public health.
3. The Minnesota Department of Health has the authority under Minnesota Laws 2023, chapter 63, article 7, section 4, to embargo products being sold in violation of statutes or rules, in addition to any other applicable penalties in law.

## 2. Findings of fact

On December 22, 2023, an MDH inspector conducted a routine inspection of Anna Tobacco & Smoke Shop, an establishment selling hemp-derived cannabinoid products, known as “Regulated Party” henceforth. At the time of the inspection, MDH staff observed the violation(s) described below. The evidence cited may not be exhaustive of all inventory within the establishment. MDH expects the Regulated Party to assess all saleable inventory and ensure all products are compliant.

**Citation:** Minnesota Statutes, section 151.72, subdivision 5b (a).

**Finding:** The Regulated Party did not complete the required registration on or before October 1, 2023. The registration was completed during the inspection.

**Citation:** Minnesota Statutes, section 151.72, subdivision 6 (a) (6).

**Finding:** The Regulated Party offered for sale products extracted from hemp containing more than 0.3% of any tetrahydrocannabinol, which is prohibited. Example includes Zkittles THC-P/D-8 Badder 1 gram shatter. Products were removed from the shelves during the inspection.

**Citation:** Minnesota Statutes, section 151.72, subdivision 3 (c) (2).

**Finding:** The Regulated Party offered for sale products containing substances extracted from hemp which are intended to affect the structure or function of the bodies of humans or other animals. Examples include Baked in MN HHC Live Resin vapes contain >99% HHC. Products were removed from the shelves during the inspection. Other examples include Chapo vapes contain PHC; TreeTop Hemp Co vape contains HHC. Products were removed from the shelves during the inspection.

**Citation:** Minnesota Statutes, section 151.72, subdivisions 5a (f) and 6 (a) (6).

**Finding:** The Regulated Party offered for sale edible cannabinoid products that had servings containing tetrahydrocannabinol in excess of the five milligram per serving limit. Examples include Urb Yummies Delta 8/9 gummies contain 100 mg THC per serving; ELFTHC gummies contain 55 mg THC per serving; Mello Live Resin gummies contain 250 mg THC per serving. Products were voluntarily destroyed during the inspection.

**Citation:** Minnesota Statutes, section 151.72, subdivisions 5a (f) and 6 (a) (6).

**Finding:** The Regulated Party offered for sale edible cannabinoid products, not intended to be consumed as beverages, in packages containing tetrahydrocannabinol in excess of the 50 milligram per package limit. Examples include Urb Yummies gummies contain 3000 mg total THC per container; ELFTHC gummies contain 1000 mg total THC per container; Urb chocolate bar contains 120 mg total THC per bar; and Mellow Live Resin gummies contain 2500 mg total THC per package. Products were voluntarily destroyed during the inspection.

**Citation:** Minnesota Statutes, section 151.72, subdivision 5a (c).

**Finding:** The Regulated Party offered edible cannabinoid products for sale which are modeled after a brand of products primarily consumed by or marketed to children, which is prohibited. Examples include ELFT THC "Sour Squirters" edibles are similar to Fruit Gushers, a product consumed by and marketed to children. Products were voluntarily destroyed during the inspection.

**Citation:** Minnesota Statutes, section 151.72, subdivision 5a (d).

**Finding:** The Regulated Party offered for sale edible cannabinoid products intended for more than single use or multiple servings, which did not indicate each serving by scoring, wrapping,

January 19, 2024

or other indicators designating the individual serving size that appear on the edible cannabinoid product. Example includes Minny Grown THC tincture. The servings are not marked on the product. Products were removed from the shelves during the inspection.

### **3. Corrective actions required**

The Regulated Party must correct the violation(s) listed in section 2. The Regulated Party must immediately cease the sale of the non-compliant product(s) listed in section 2 or take actions to correct the deficiencies, if possible. Products for which deficiencies cannot be corrected must be destroyed, disposed, returned, or otherwise removed from the premises by February 3, 2024.

### **4. Failure to comply**

Failure to comply with this order may result in additional enforcement action by MDH, including an administrative penalty of up to \$10,000 and/or referral to law enforcement for potential criminal violations.

### **5. Right to reconsideration**

A request to reconsider this order must:

- Be in writing,
- Be delivered to MDH within seven calendar days after receiving this order,
- Specify which parts of the order are believed to be in error,
- Explain why they are in error; and
- Provide documentation to support your request.

The reconsideration process is more thoroughly described in Minnesota Statutes, Section 144.99, subdivision 3.

Direct all written correspondence to: Ryan Johnson, Office of Medical Cannabis, Minnesota Department of Health, PO Box 64975, St. Paul, MN 55164-0975.

Ordered by,

Christopher D. Elvrum, Assistant Director

Office of Medical Cannabis

PO Box 64975

St. Paul, MN 55164-0975