



Can I get my marijuana convictions erased?

New Marijuana Laws in MN

What is the new marijuana law about?

It's called the Adult-Use Cannabis Act. Cannabis is another name for marijuana. Adults 21 and older can carry and travel in Minnesota with:

- 2 ounces of cannabis flower,
- 8 grams of concentrate and
- 800 milligrams worth of THC-containing edible products like gummies and seltzers.



You can have up to 2 pounds of cannabis flower at home.

But be careful! Even with this new law, you can still get in trouble for having or using marijuana:

- Under the state law, you **can't** use marijuana:
 - on public school grounds
 - where smoking is not allowed
 - in places where smoke or vapor could be inhaled by a minor, or
 - when you are driving
- It's still illegal under federal law to bring marijuana **across state lines**. You can't bring it in from another state or out of Minnesota to another state or country.
- It's still illegal to have or use marijuana in **federally subsidized housing**. For more information about public housing rules, see our booklet, [*A Guide to Public Housing in Minnesota*](#).
- Some **local governments** have laws that you can't use marijuana in public. Check with your city to find out what the local rules are.
- You can still get in trouble for **having or using marijuana at your job**. But unless you work in certain types of jobs, you can't get in trouble with your job for having or using marijuana when you are not working. Those are jobs like driving a truck or school bus or caring for children or medical patients.

See more information on Minnesota's Office of Cannabis Management website at <https://mn.gov/ocm/>.

- **If you are not a U.S. citizen**, get legal advice before having or using marijuana. It could affect your immigration case! If you are applying for immigration status, or think you might apply in the future, read the last section of this fact sheet.

Is it true I can get my marijuana convictions taken off my record?

Part of the newly passed law is that minor marijuana convictions will be expunged. The law requires automatic expungement of some records in the Bureau of Criminal Apprehension's (BCA) criminal history database.

Also, a special Cannabis Expungement Board is set up to review felony cannabis cases. They review on a case-by-case basis. They look at possible expungement or changing a felony charge to a lesser one - like a misdemeanor.

To learn more about what is in criminal records, where they are, and how to see them, see our fact sheet, [Criminal Records](#).



What is an expungement?

Expungement is a process that seals records. It can be things like convictions, arrests, and other records. An expunged record is NOT destroyed. The police, FBI, immigration officers, and other public officials can still see sealed court files for certain reasons.

When you apply for certain jobs or work licenses some agencies can still see your expunged records. These are agencies like criminal justice agencies, the Department of Human Services (DHS) and the Department of Health.

If you are having a hard time getting a job or getting approved for an occupational license, talk to a lawyer about getting a court order. The court order tells DHS and the Department of Health to seal your records. To find a lawyer, call your local legal services at [1-877-696-6529](tel:1-877-696-6529) or look for other help at <https://www.lawhelpmn.org/providers-and-clinics>.

How does the automatic expungement law work?

Criminal history records have a notice that cannabis-related offenses may be eligible for expungement under the new Adult-Use Cannabis law. The specifics on how it works, and the exact wording are still being figured out.

The Court and the BCA are working on expunging eligible cases. About 66,000 low-level cannabis-related records in the BCA's Criminal History System (CHS) are eligible for automatic expungement. There are also 230,000 records for gross misdemeanor or felony cases that the Cannabis Expungement Board is reviewing. Offenses stay on the defendant's record until the BCA finishes technical updates on the CHS.

Under the law, the BCA has to notify the law enforcement agencies and prosecutor's offices. BUT they do not have to notify the defendant about the expungement. That means that if you have a minor marijuana conviction, you don't get notified when it gets expunged.

The court plans to add information about this process to the [Minnesota Judicial Branch website](#). You can check the BCA's progress on the technical updates on their [Expungements page](#).

How do I get an expungement?

The law says that the BCA has to look for records that qualify for automatic expungement. There is also a form called [Request for Automatic Expungement of a Cannabis Offense](#). You can file this with the court if you think your case qualifies for automatic expungement under the new law. There isn't much information about the new process or if it helps to file the form or just wait for the expungement to happen as part of the automatic process. Only use the form if you are sure your case qualifies for automatic expungement under this law. If you are not sure if your case qualifies, talk to a lawyer.

What if I'm not a U.S. Citizen?

If you're not a U.S. citizen and you are applying for status or think you might apply in the future, you still need to tell immigration about your marijuana convictions. You should get copies of your criminal records.

1. **Ask the BCA for copies of your criminal history right now** if you think you were charged or convicted of a marijuana offense. After the courts tell the BCA to expunge cannabis records, it may be harder to get the records you need to send to immigration.



To find out how to get copies of your criminal record see our fact sheet, [Criminal Records](#).

2. **Get your court records from the Minnesota Court Records Online (MCRO) system now** if you think you were charged or convicted of a marijuana offense. Certain low-level marijuana offenses may be harder to access in the future, but they could be important for an immigration case. <https://www.mncourts.gov/Access-Case-Records/MCRO.aspx>
3. **Even if your cannabis case is expunged**, immigration can still see that you were charged or convicted of a cannabis crime. When you are filling out immigration forms, be honest about any charges or convictions, even if they have been expunged.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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