



# 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/>.

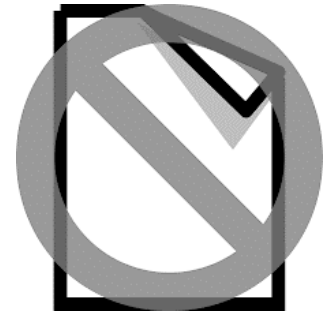
- **If you are not a U.S. citizen**, get legal advice before having or using marijuana. It could affect your immigration case! If you are applying for immigration status, or think you might apply in the future, read the last section of this fact sheet.

### **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. If you had a misdemeanor cannabis conviction, your record may already be expunged. Cannabis convictions that qualified for automatic expungement were expunged from the BCA's Criminal History System in May 2024.

The BCA will review records again in 2026. They will look for and expunge any records that were still in the court process when the 2024 expungements happened. Under the law, the BCA does not have to notify you about the expungement. That means that if you have a minor cannabis conviction, you don't get notified when it gets expunged. You can check if your court record was expunged at [Minnesota Court Records Online](#).

Not every cannabis conviction is eligible for automatic expungement. The Cannabis Expungement Board is reviewing felonies and some misdemeanor and gross misdemeanor cases that are not eligible for automatic expungement. These cases need a more in depth review process. It will take several years to complete. You can check the BCA's progress on their Expungements page.

If you have a cannabis conviction on your record that is causing you problems, you may want to file a petition for expungement instead of waiting for the review process. You can find information and forms for filing a petition for expungement here: [Criminal Expungement](#).

### 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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