

Houston County Agenda Request Form

Date Submitted: 11/15/2023

Person requesting appointment with County Board: John Pogleasa, Director Public Health & Human Services

Will you be doing a power point or video presentation: ☐ Yes ☒ NO

Issue:

Board Work Session Agenda request - Cannabis work group discussion. Review attached documents related to possible

Attachments/Documentation for the Board's Review:

Cannabis Law info #1, Cannabis Law info #2, Cannabis Ordinance handbook

Justification:

Action Requested:

For County Use Only

<u>Reviewed by:</u>	<input type="checkbox"/> County Auditor	<input type="checkbox"/> County Attorney	<input type="checkbox"/> Zoning/Environmental Service
	<input type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	<input type="checkbox"/> HR/Personnel
	<input type="checkbox"/> IS Director	<input type="checkbox"/> Other (indicate dept)	

Recommendation:

Decision:

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and schedule appointments as appropriate.

SAMPLE CANNABIS ORDINANCES

for MINNESOTA COUNTIES



Association of
Minnesota Counties

September 2023

CONTENTS

- Introduction 1**
- Potential County Actions 2**
- Personal Cultivation of Cannabis 3**
- Restricting Public Cannabis Use 5**
- Solid Waste for Home Grown Cannabis 8**
- Odor and Clean Indoor and Outdoor Air 12**
- Definitions 13**
- Glossary 15**
 - Cannabis Businesses Definitions 15
 - Hemp Businesses Definitions 18

INTRODUCTION

The 2023 cannabis legalization law allows Minnesota counties to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business or hemp business as long as the restrictions do not prohibit the establishment or operation of a cannabis or hemp business. Local governments in other legalization states have adopted and implemented differing regulations on cannabis businesses that Minnesota local governments may want to consider. This handbook was created to provide Minnesota counties with sample language of other municipal governments' cannabis regulation ordinances on public use, home cultivation, and odor control. The sample language is intended to give counties a starting point for discussions for how they want to regulate this new industry. The handbook will be added to as additional provisions of the legalization law become effective.

Adult-use cannabis laws in other states have delegated a varying level of local control over cannabis regulations. This handbook looks at local municipality ordinances in other states that have the most comprehensive ordinances regulating medical and adult-use cannabis. Some ordinances noted in this handbook may include provisions that are not permissible under Minnesota's law.

Sample definitions from the state law are included in this handbook. Note that the sample ordinances from other jurisdictions may have different definitions. The handbook also includes a glossary of terms referenced in the legalization law but are not included in the definition section of the law.

Currently, there is no portion of the law that prohibits public use. The only way to prohibit the public use of adult-use cannabis consumption is by passing an ordinance restricting the public use of cannabis in your county.

DISCLAIMER

This document has not been reviewed by attorneys. This document is not legal advice on what counties should do but contains examples of what counties have done in other states with legalized adult-use cannabis. Before your county moves forward with adult-use cannabis ordinances consult with your county attorney.

Before passing any cannabis related ordinances, counties may want to consult with their cities and towns to develop the best course of action for the community. If counties are considering restricting the number of cannabis retail stores by population communication is especially important.

POTENTIAL COUNTY ACTIONS

Counties may consider policies and practices as they prepare for cannabis legalization. Counties should consult their county attorney prior to pursuing any changes.

- Update human resource policies on employee drug testing and documentation of working while inebriated.
- Add training for law enforcement on road safety to identify inebriated driving and using the pilot roadside testing system.
- Develop policy for reviewing cannabis event license requests.
- Adopt local ordinances pertaining to:
 - Establishing a petty misdemeanor offense for public use of cannabis;
 - Regulating cannabis businesses water and energy use and solid waste and odor management;
 - Establishing a policy for odor from personal cannabis use and cannabis businesses;
 - Defining hours of operation for cannabis retail businesses and number of retail stores based on population; and
 - Regulating home growth of personal cannabis plants.
- Prepare for the record expungement process. The Bureau of Criminal Apprehension will identify individuals qualified for expungement. The bureau will inform arresting or citing law enforcement agency or prosecutorial office with records affected by the grant of expungement.
- Conduct a study, authorize a study, or hold a public meeting for the purpose of considering adoption of reasonable restrictions on the time, place, and manner of the operation of a cannabis business. Issuing a study or holding a public hearing allows local governments to adopt an interim ordinance to regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction or a portion thereof until January 1, 2025.
- Consider a meeting with other local jurisdictions within the county to discuss how they plan to implement the law. The cannabis law states that “a county may issue a registration in cases where a city or town has provided consent for the county to issue the registration for the jurisdiction.”
- Develop policy for awarding businesses licenses if the county plans to restrict the number based on population. Please note that future handbooks may include examples.

PERSONAL CULTIVATION OF CANNABIS

The [Minnesota cannabis legalization law](#) allows for the personal cultivation of cannabis plants. The Minnesota law allows for up to eight (8) cannabis plants, with no more than four (4) being mature, to be grown at a single residence. Local municipalities in other states have opted to adopt ordinances with specific provisions about home cultivation.

Below are a few examples of home cultivation ordinances that ensure the plants are safely locked away, not visible from the street, and will not infringe upon any neighbors' quality of living.

[Prowers County, Colorado](#)¹

The growing, cultivating, or processing of Marijuana shall not be perceptible from the exterior of the Primary Residence or Accessory Structure in which such activities occur, including, but not limited to:

1. Common visual observation.
2. Light pollution, glare, or brightness that disturbs the repose of another.
3. Undue vehicular or foot traffic, including unusually heavy parking in front of the Primary Residence or Accessory Structure.

[La Plata County, Colorado](#)

Sec. 7-81 Use of Flammable gases and solvents in home marijuana cultivation.²

- I. Pursuant to C.R.S. § 9-7-113, as amended, the use of compressed, flammable gases, including but not limited to butane, propane, and hexane, or any other solvent to extract or enhance THC or any other cannabinoids is strictly banned.
- II. The use of carbon monoxide, carbon dioxide or any other gas to enhance the growth or cultivation of marijuana is strictly banned.

¹ <https://cms1files.revize.com/prowerscounty/Ordinance%20No.%202017-1%20%20%20Marijuana.pdf>

² <https://online.encodeplus.com/regs/la-plata-co/doc-viewer.aspx#secid-415>

Sonoma County, California³

Sec. 26-88-258. - Cannabis cultivation—Personal.

(a) Purpose. This section establishes development criteria and operating standards for personal cannabis cultivation for medical or adult use.

(b) Cultivation of cannabis for personal use shall be subject to the following standards and limitations as allowed in the base zone. These standards shall apply to all types of cannabis cultivation (indoor, outdoor, and mixed light) unless otherwise specified.

(1) Residency Requirement. Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.

(2) Maximum Personal Cultivation. Cultivation of cannabis for personal use is limited to no more than one hundred (100) square feet per residence, of which up to ... plants can be cultivated for adult use purposes.

(3) Outdoor Personal Cultivation. Cannabis plants shall not be located in front and side yard setback areas and shall not be visible from a public right of way. Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in the medium and high-density residential zones (R2 and R3).

(4) Indoor and Mixed-Light Personal Cultivation.

a. Indoor and mixed light personal cultivation must be contained within an enclosed accessory structure, greenhouse, or garage. Cultivation within a structure approved for residential use as set forth in Chapter 7 of the county code is prohibited, unless there is no other feasible alternative location.

b. Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.

(5) Personal Cultivation Structures. All structures used for cultivation shall comply with the following:

a. All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.

b. All structures associated with the cultivation shall not be located in the front yard setback area and shall adhere to the setbacks stated within the base zone. There shall be no exterior evidence of cannabis cultivation. Greenhouses shall be screened from the public right of way.

c. All structures used for cultivation shall have locking doors or gates to prevent free access. All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent odor, humidity, or mold.

d. The use of generators is prohibited, except as emergency back-up systems.

(6) All cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion and sediment control and management of fertilizers and pesticides.

a. Individuals are prohibited from cannabis manufacturing using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the Fire Marshall.

³<https://sonomacounty.ca.gov/Microsites/Permit%20Sonoma/Documents/Archive/Services%20Shared/Cannabis/Subservices/Legislation/Documents/Final-Cannabis-Ordinance-Personal-Use.pdf>

RESTRICTING PUBLIC CANNABIS USE

Under [Article 4, Section 19](#) of the cannabis legalization law, a local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. The definition of public place cannot include a private residence, including the yard, or private property not generally accessible by the public.

Counties may adopt an ordinance restricting and clarifying where individuals can use cannabis products in public. The cannabis legalization law prohibits cannabis use in any areas where smoking is prohibited and in motor vehicles.

[Sacramento County, California⁴](#)

6.87.030 Prohibition. The consumption of marijuana otherwise permitted under state law is hereby prohibited anywhere smoking tobacco is prohibited, including, but not limited to, on any public property, in any facility or space to which members of the public have access, within 1,000 feet of a school, day care center, or youth center while children are present at such a school, day care center, or youth center, except in or upon the grounds of a private residence and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present.

[Wright County, Minnesota⁵](#)

(A) No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19 codified as Minn. Stat. 152.0263, Subd. 5, or successor statute. (B) No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation Article 1, Sec. 9 codified as Minn. Stat. 342.09, Subd. 1 (b)(9) or successor statute.

[Park County, Colorado⁶](#)

The use, consumption, ingestion, or inhalation of medical marijuana or medical marijuana products on or within the premises of a medical marijuana establishment is prohibited.

⁴ <https://www.saccounty.gov/Business/Documents/Ordinance-CountyCodeAmendments.pdf>

⁵ https://www.co.wright.mn.us/AgendaCenter/ViewFile/Agenda/_08152023-1539

⁶ <https://www.parkco.us/DocumentCenter/View/2893/Medical-Marijuana-Ordinance-16-03?bidId=>

State of California⁷

HEALTH AND SAFETY CODE DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT

(1) Smoke or ingest cannabis or cannabis products in a public place, except in accordance with Section 26200 of the Business and Professions Code.

(2) Smoke cannabis or cannabis products in a location where smoking tobacco is prohibited.

(3) Smoke cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present at the school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of the school, day care center, or youth center while children are present.

(4) Possess an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

(5) Possess, smoke, or ingest cannabis or cannabis products in or upon the grounds of a school, day care center, or youth center while children are present.

(6) Manufacture concentrated cannabis using a volatile solvent, unless done in accordance with a license under Division 10 (commencing with Section 26000) of the Business and Professions Code.

(7) Smoke or ingest cannabis or cannabis products while driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

(8) Smoke or ingest cannabis or cannabis products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation that is operated in accordance with Section 26200 of the Business and Professions Code and while no persons under 21 years of age are present.

(b) For purposes of this section, the following definitions apply:

(1) "Day care center" has the same meaning as in Section 1596.76.

(2) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

(3) "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

(4) "Youth center" has the same meaning as in Section 11353.1.

⁷https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=10.&title=&part=&chapter=6.&article=2

State of Washington⁸

Opening package of or consuming cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates in view of general public or public place—
Penalty.

(1) It is unlawful to open a package containing cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates, or consume cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates, in view of the general public or in a public place.

(2) For the purposes of this section, "public place" has the same meaning as defined in RCW [66.04.010](#), but the exclusions in RCW [66.04.011](#) do not apply.

⁸ <https://app.leg.wa.gov/rcw/default.aspx?cite=69.50.445>

SOLID WASTE FOR HOME GROWN CANNABIS

Under [Article 1, Section 8](#) of the cannabis legalization law, a cannabis business must comply with all applicable federal, state, and local laws related to water standards, energy use, solid waste, and odor.

Another common concern over the legalization of adult use cannabis is proper disposal of cannabis waste so that it is rendered unusable. Rendering cannabis waste unusable ensures that the waste will not end up in the illicit market or be accessible to minors. These example ordinances specifically refer to cannabis waste from businesses, however, counties may consider similar language to include home grown cannabis plants. Denver has published a [best practice guide](#) on the waste management and diversion of cannabis products. The state of Montana has also developed a [Cannabis Waste Guidance](#) document.

[Park County, Colorado](#)⁹

Disposal of marijuana byproducts. The disposal of marijuana, marijuana products, byproducts and paraphilia shall be done in accordance with plans and procedures approved in advance by the local licensing authority.

[Humboldt County, California](#)¹⁰

55.1.8.15 No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers, streams and bays as a result of indoor residential cultivation of medical marijuana; and

55.1.8.16 The indoor residential cultivation of medical marijuana shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of medical marijuana; and

⁹ <https://www.parkco.us/DocumentCenter/View/2893/Medical-Marijuana-Ordinance-16-03?bidId=>

¹⁰ <https://humboldt.county.codes/Code/314-55>

11.37.080- Waste Management Plan.

- A. Any person proposing to apply for a public health permit for a cannabis facility or apply as a new owner of an existing cannabis facility shall submit a Waste Management Plan along with the submission of a public health permit application or plans to the Department.
- B. A Waste Management Plan shall address the storing, handling, disposing, and reusing of all waste by-products and shall characterize the volume and types of waste generated for all commercial cannabis activities in compliance with the best management practices and State law and regulations.
- C. A cannabis facility shall not sell or otherwise transfer title of cannabis waste, except as permitted by State law and regulation.
- D. All cannabis and cannabis products that a cannabis facility intends to render into cannabis waste, whether voluntarily or directed by the Department shall be held on the premises in quarantine for a minimum of 72 hours. The cannabis facility operator shall affix to each batch the required document(s) with batch information and weight. At no time during the quarantine period may the cannabis or cannabis products be handled, moved, or rendered into cannabis waste. The quarantined cannabis and cannabis products are subject to inspection by the Department.
- E. All garbage and refuse on the cannabis facility premises shall be stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity that prevents complete closure of the lid. All garbage and refuse on the premises, whether mixed with rubbish or other material or not, shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with State law and regulation, and local law. All waste generated from commercial cannabis operations must be properly stored and secured, whether in the control of the cannabis facility operator or not, in order to prevent access to the public.
- F. The cannabis facility shall render cannabis and cannabis product into cannabis waste before removing the cannabis waste from the premises. The rendering process shall be recorded on video. The resulting cannabis waste shall be placed in the cannabis facility's refuse bin or transferred to a waste disposal facility approved by the State. All cannabis waste shall be rendered unusable and unrecognizable by mixing, grinding, and incorporating the cannabis waste with a non-consumable material or by incorporating any nonhazardous compostable material so that the resulting mixture is at least 50 percent non-cannabis waste by volume. The cannabis waste shall be tracked by one batch at a time and the cannabis facility shall not comingle different batches into cannabis waste.
- G. After a cannabis facility operator renders the cannabis and cannabis product into cannabis waste, the cannabis facility operator shall do one of the following with the cannabis waste:
 - Dispose of the cannabis waste at a manned and fully permitted solid waste landfill.
 - Deposit the cannabis waste at a manned and fully permitted compostable materials handling facility or operation.
 - Deposit the cannabis waste at a manned and fully permitted in-vessel digestion facility or operation.

¹¹https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances/379113?nodeId=TIT11HESA_DIV1HECO_CH11.37CAFA

- H. The cannabis facility operator shall use the track-and-trace database and onsite documents to ensure the cannabis waste materials are identified, weighed, and tracked while on the cannabis facility premises and when disposed of or deposited. The cannabis facility operator shall enter the date and time that the cannabis product was rendered into cannabis waste and the weight of the resulting cannabis waste into the track-and-trace database.
- I. All cannabis facility operators shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or deposition of cannabis waste. The cannabis facility operator shall obtain a record from the solid waste facility or operation evidencing the acceptance of the cannabis waste material at the facility or operation. The record must contain the name and address of the operation or facility, the date, the volume or weight of the cannabis waste accepted, and the name and signature of the person in charge of the facility or operator who accepts the cannabis waste. Once the cannabis waste is accepted by the solid waste facility, the cannabis facility operator shall input the date and time of the disposal or deposition of the cannabis waste at a solid waste facility into the track-and-trace database. These documents are records subject to inspection by the Department.
- J. All commercial cannabis operations that utilize and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations, including but not limited to, hazardous waste generator, underground storage tank, above ground storage tanks, and hazardous materials handling requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Los Angeles County and Emergency Services Department or Agricultural Commissioner.

State of Michigan¹²

Michigan has established solid waste regulations that require leaves, stalks, flower, stems, seeds, roots, and soils generated from cannabis cultivation to be properly disposed. The [Michigan Marijuana Regulatory Agency](#) (MRA) requires marijuana products to be mixed with an equal volume of paper waste, cardboard waste, food waste, soil, fermented organic matter or other compost activators, or other wastes approved by the MRA.

¹² <https://www.michigan.gov/-/media/Project/Websites/egle/Documents/Multi-Division/Marijuana/Marijuana-Processing-Waste-Guidance.pdf?rev=cc818fd8119841c1ae81fb33eda055bd>

ODOR AND CLEAN INDOOR AND OUTDOOR AIR

A primary concern for counties and cities with cannabis legalization in other states is odor control and clean indoor and outdoor air. Counties in other states have passed ordinances outlining odor and air quality control to ensure clean air for the community. Minnesota statute states that a cannabis business must comply with all federal, state, and local laws pertaining to water standards, energy use, solid waste, and odor¹³. Before passing ordinances restricting odor and air quality counties should consult with their county attorney.

Sonoma County, California¹⁴

Air Quality and Odor. All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

Prowers County, Colorado¹⁵

Smell or Odor. The smell or odor of Marijuana growing, cultivating, or processing at a Primary Residence and Accessory Structure shall not be detectable by a person with a normal sense of smell from any adjoining lot, parcel, tract, public right-of-way, or building unit.

Marijuana shall not be grown, cultivated, or processed within the common areas of a multi-family or attached residential development.

Placer County, California¹⁶

The outdoor cultivation of cannabis shall not adversely affect the health or safety of the occupants of the parcel or any other property by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, mold, or other impacts, and shall not constitute a hazard due to use or storage of materials, products or wastes

¹³<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/#:~:text=Sec.%208.%20%5B342.08%5D%20ESTABLISHMENT%20OF%20ENVIRONMENTAL%20STANDARDS.>

¹⁴<https://sonomacounty.ca.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/CAO/Documents/Projects/Cannabis/2018%20Final%20Cannabis%20Ordinance%20with%20Attachments%20ORD%206245.pdf>

¹⁵ <https://cms1files.revize.com/prowerscounty/Ordinance%20No.%202017-1%20%20%20Marijuana.pdf>

¹⁶ https://library.qcode.us/lib/placer_county_ca/pub/county_code/item/chapter_8-article_8_10-8_10_040

DEFINITIONS

Definitions are important when outlining regulations for the cannabis and hemp industry. These are just a few example definitions that have been pulled from the cannabis legalization law. Counties may want to expand their definition list when writing a cannabis ordinance.

Adult-use cannabis flower. “Adult-use cannabis flower” means cannabis flower that is approved for sale by the office.

Adult-use cannabis product. “Adult-use cannabis product” means a cannabis product that is approved for sale by the office or is substantially similar or is substantially similar to a product approved by the office. Adult-use cannabis product included edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

Cannabis business. “Cannabis business” means any of the following licensed (full definitions can be located in the glossary):

1. Cannabis microbusiness
2. Cannabis mezzo business
3. Cannabis cultivator
4. Cannabis manufacturer
5. Cannabis retailer
6. Cannabis wholesaler
7. Cannabis transporter
8. Cannabis testing facility
9. Cannabis event organizer
10. Cannabis delivery service
11. Medical cannabis cultivator
12. Medical cannabis processor
13. Medical cannabis retailer
14. Medical cannabis combination business

Cannabis flower. “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

Cannabis plant. “Cannabis plant” means all parts of the plant of the genus *Cannabis* that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

Cannabis product. “Cannabis product” means any of the following:

1. Cannabis concentrate
 2. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower or
 3. Any other products that contain cannabis concentrate
- Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp derived topical products.

Edible cannabis product. “Edible cannabis product” means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other than an artificially derived cannabinoid in combination with food ingredients; is not a drug, and is a type of product approved for sale by the office, or is substantially similar to a product approved by the office including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include lower-potency hemp edibles.

Hemp business. “Hemp business” means either of the following licensed under this chapter:

1. Lower-potency hemp edible manufacturer
2. Lower-potency hemp edible retailer

Hemp business does not include a person or entity licensed under chapter 18K to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes.

Hemp-derived consumer product. “Hemp-derived consumer product” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

1. Contains or consists of hemp plant parts; or
2. Contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

Hemp-derived consumer product does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

Lower-potency hemp edible. “Lower-potency hemp edible” means any product that:

1. Is intended to be eaten or consumed as a beverage by humans;
2. Contains hemp concentrate or an artificially derived cannabinoid, in a combination with food ingredients;
3. Is not a drug;
4. Consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
5. Does not contain more than a combined total 0.5 milligrams of all other cannabinoids per serving;
6. Does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
7. Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
8. Is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

Medical cannabis business. “Medical cannabis business” means an entity licensed under this chapter to engage in one or more of the following:

1. The cultivation of cannabis plants for medical cannabis flower;
2. The manufacture of medical cannabinoid products; and
3. The retail sale of medical cannabis flower and medical cannabinoid products.

GLOSSARY

The glossary section includes terms that are referenced in the cannabis legalization law but are not included in the definitions section of the law. These terms relate to cannabis and hemp businesses and are important to clarify when structuring ordinances.

Cannabis Businesses Definitions

Cannabis microbusiness. Under Article 1, Section 28, a cannabis microbusiness may grow cannabis plants, make cannabis concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products for public consumption, purchase hemp or hemp concentrate parts, package and label cannabis and hemp products, and sell cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp products, and hemp-derived consumer products.

A cannabis microbusiness that cultivates cannabis at an indoor facility may cultivate up to 5,000 square feet of plant canopy. A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate up to one-half acre of mature, flowering plants unless the office increases that limit. A cannabis microbusiness with the appropriate endorsement may operate one retail location.

A cannabis microbusiness may permit on-site consumption of edible cannabis products and lower-potency hemp edibles on a portion of its premises. Cannabis microbusiness must ensure that the display and consumption of any edible product or lower-potency hemp edible is not visible from outside the licensed premises of the business.

Cannabis mezzo business. Under Article 1, Section 29, a cannabis mezzo business may grow cannabis from seed or immature plant for cannabis products or medical cannabis flower, make cannabis and hemp concentrate, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption, process medical cannabinoid products, sell immature cannabis plants and seedlings, and purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from another cannabis business.

A cannabis mezzo business that cultivates cannabis at an indoor facility may cultivate up to 15,000 square feet of plant canopy. A cannabis mezzo business that cultivates cannabis at an outdoor location may cultivate up to one acre of mature, flowering plants unless the office increases the limit.

Cannabis cultivator. Under Article 1, Section 30, a cannabis cultivator can grow cannabis plants within the approved amount of space from seed to immature plant to mature plant, harvest cannabis flower, package and label immature cannabis plants and seedlings and cannabis flower, and transport cannabis flower to cannabis manufacturers.

Cannabis manufacturer. Under Article 1, Section 31, a cannabis manufacturer may purchase cannabis flower, cannabis products hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, purchase hemp plants and hemp concentrates, make cannabis hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products, and sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses.

Cannabis retailer. Under Article 1, Section 31, a cannabis retailer may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp products, from cannabis businesses, and sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers.

Cannabis wholesaler. Under Article 1, Section 33, a cannabis wholesaler may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, and purchase hemp plant parts and hemp concentrates. Cannabis wholesalers may sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, and cannabis retailers, sell lower-potency hemp edibles to lower-potency-hemp edible retailers, and import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids.

Cannabis transporter. Under Article 1, Section 35, a cannabis transporter may transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis processors, medical cannabis retailers, and medical cannabis combination businesses and perform other actions approved by the office.

Cannabis testing facility. Under Article 1, Section 37, a cannabis testing facility may obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers.

Cannabis event organizer. Under Article 1, Section 39, a cannabis event organizer may organize a temporary cannabis event lasting no more than four days. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issue by a local unit of government before holding a cannabis event. If approved by the local unit of government, a cannabis event may designate an area for consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items.

Cannabis delivery service. Under Article 1, Section 41, a cannabis delivery service may purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzo businesses with a retail endorsement, cannabis retailers, medical cannabis retailers, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions approved by the office.

Prior to completing a delivery, a cannabis delivery service must verify that the customer is at least 21 years of age or is enrolled in the registry program. The office shall establish limits on the amount of cannabis and hemp products that a cannabis delivery service may transport. Cannabis and hemp must be stored in a locked, sage, and secure storage compartment that is part of the cannabis delivery vehicle.

Medical cannabis cultivator. Under Article 1, Section 49, a medical cannabis cultivator may grow cannabis plants within the approved amount of space (60,000 square feet of plant canopy) from seed or immature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to medical cannabis processors and medical cannabis retailers, transport medical cannabis flower to a medical cannabis processor located on the same premises, and perform other actions approved by the office.

A medical cannabis cultivator must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

Medical cannabis processor. Under Article 1, Section 50, a medical cannabis processor may purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from medical cannabis cultivators and other medical cannabis processors, purchase hemp plant parts from industrial hemp growers, make cannabis and hemp concentrate from medical cannabis flower, manufacture medical cannabinoid products, package and label medical cannabinoid products for sale to other medical cannabis processors and to medical cannabis retailers.

A medical cannabis processor must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

Medical cannabis retailer. Under Article 1, Section 51, medical cannabis retailers may purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

Medical cannabis combination business. Under Article 1, Section 52, a medical cannabis combination business may grow cannabis plants from seed to immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant, make cannabis concentrate, make cannabis and hemp concentrate, manufacture artificially derived cannabinoids, manufacture medical cannabinoid products, package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered caregivers, and parents, legal guardians, and spouses of an enrolled patient.

Hemp Businesses Definitions

Lower-potency hemp edible manufacturer. Under Article 1, Section 45, a lower-potency hemp edible manufacturer may purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids from cannabis microbusiness, cannabis mezzo businesses, cannabis manufacturers, cannabis wholesalers, and lower-potency edible hemp edible manufacturers. Lower-potency hemp edible manufacturers may also purchase hemp parts and hemp concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture lower-potency hemp edibles for public consumption, package and label lower potency hemp edibles, and sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses.

Lower-potency hemp edible retailer. Under Article 1, Section 46, a lower-potency hemp edible retailer may only sell lower-potency hemp edibles to individuals who are at least 21 years of age. A lower-potency hemp edible retailer may sell lower-potency hemp edibles that are obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzo business, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer, and meet all applicable packaging and labeling requirements.

Key Dates of Interest

- **May 30**, Gov. Walz signs adult-use cannabis bill (23rd state in the nation to legalize adult-use cannabis)
- **May 31**, MDH assumes regulatory authority over hemp-derived cannabinoid products
- **July 1**, cannabis tax on retail sales starts (includes lower-potency hemp products)
- **Aug. 1**, full decriminalization (legal adult-use cannabis possession, consumption, & home grow)
- **Sept. 2023**, posted first key leadership positions
- **Fall 2023**, Cannabis Advisory Council members named
- **Fall 2023**, launch of rulemaking for adult-use cannabis and lower-potency hemp products
- **Fall 2023**, registration of businesses that sell hemp-derived cannabinoid products
- **2024**, rulemaking continues; hiring continues; testing and final preparation for licensing system launch; education and outreach for prospective business applicants
- **Early 2025**, license applications anticipated for adult-use cannabis and lower-potency hemp product businesses
- **First quarter 2025**, first retail dispensary sales anticipated (outside of tribal nations)

Office of Cannabis Management: Early Implementation (cont.)

- Create cross-agency implementation teams
 - Communications, Engagement and Outreach
 - Rulemaking
 - Licensing System Design
 - Operations (Finance, Human Resources, Facilities, and IT)
 - Temporary Regulations
- Begin creating job descriptions to fill up to 150 positions to staff agency
- Launch rulemaking process
- Procurement, permanent office location, interagency agreements
- Prepare for applications and licensing upon completion of rulemaking

10/18/2023

Office of Cannabis Management: Early Implementation

- Minnesota Department of Agriculture serving as incubator agency to stand up the Office of Cannabis Management (OCM)
- Interim Leader and Director search
- Posted key leadership positions
 - General Counsel, Gov. Relations, Finance, HR, Communications, Social Equity, Tribal Liaison
- Cannabis Advisory Council
 - Governor's Office of Boards and Commissions leading vetting, screening and notification for 51-member council
 - Governor Walz to name members Fall 2023
 - First meeting to be held before the end of the year

10/18/2023

Personal Possession (21+) & Home Grow

Full decriminalization on Aug. 1

- 2 ounces of flower in public
- 2 pounds of flower in person's private residence
- 8 grams of cannabis concentrate
- Edible products with total of up to 800 mg THC
- Home grow: 8 plants total, no more than 4 mature
- Paraphernalia allowed

10/18/2023

Local Registration

- § 342.22 – Retailers; Local Registration and Enforcement.
 - Before making retail sales, cannabis businesses must register with local gov.
 - City may give county authority to issue registrations
 - Subd. 2 – fee schedule.
 - Annual Compliance checks: local gov shall conduct compliance checks
 - Age verification systems
 - Operations
 - Limits on cannabis products being sold
 - Unannounced age verification checks (with specific requirements)
 - May suspend license for up to 30 days and notify OCM
 - OCM can issue longer suspension or order re-instatement

Local Government, Con't

- (i) - Local gov business limitations – may limit licensed retailers, micro, and mezzobusinesses with retail endorsement to (1) registration per 12,500 residents.
- (j) – If county has one registration for every 12,500 residents, city or town within the county not obligated to register any (but may!).

Local Government, Con't.

- (f) – Local gov must certify on OCM form that business applicant complies with local ordinances (and fire and building codes) before OCM issues license.
- (g) – OCM must contact local gov about applicants and allow 30 days for comment on license application; zoning violations, concerns, “public information about business” may be shared.
- (h) – OCM must adopt expedited complaint process for local gov.
 - Must provide initial response within 7 days
 - Necessary inspections within 30 days
 - Immediate threat to public health or safety for certain license types (e.g. cultivator, wholesaler)—response in 1 day.
- Local gov may enforce local ordinance on its own

Local Government

• § 342.13 – Local Control

- (a) – Cannot prohibit personal possession, transportation, or use as allowed under new law.*
- (b) – Except per 342.22, local gov. cannot prohibit establishment of licensed canna-businesses.
- (c) – May adopt reasonable time, place, and manner restrictions on canna-businesses, including: within 1,000 feet of school or 500 feet of day care, residential treatment facility, or an attraction in public park regularly used by minors (playground, athletic field).
- (d) - OCM will work with local governments to establish templates for ordinances, local registration and compliance checks required in 342.22
- (e) – Interim ordinance OK if local gov is conducting a study; can prohibit throughout jurisdiction if conducting a study and public hearing is held before ordinance adoption and ordinance expires 1/1/2025.

Municipal or County Cannabis Store

- Minn. Stat. § 342.32, subd. 5:
"A city or county may establish, own, and operate a municipal cannabis store subject to the restrictions of this chapter."
- Law is otherwise silent.

Local Gov – Prohibitions on Use

- **§ 342.09 – Cannabis products may not be used:**
 - By those under 21
 - In a motor vehicle
 - Where smoking, etc. is prohibited under § 144.414 (Minnesota Clean Air Act)
 - On public or charter school grounds or facilities
 - In state correctional facilities
 - Where smoke/vapor would be inhaled by a minor
- **In violation of local ordinance established pursuant to § 152.0263, subd. 5**
 - Local gov may adopt ordinance establishing petty misdemeanor offense for person using cannabis or cannabis product in a public place

Until OCM Rules are Approved

- Regulation of low potency edibles resides with Minnesota Department of Health.
- Operation of other cannabis businesses without a license is against the law.

OCM Rulemaking Timeline

- OCM Rulemaking Process and Estimated Timeline:
 1. Drafting of Rules: Fall 2023 – Fall 2024
 2. Outreach and Collaboration: Beginning Fall 2023
 - Ongoing conversations with stakeholders and general public throughout drafting process
 - Inform and consult with public and experts; solicit feedback to improve finished rules
 3. Coordination with Minnesota Revisor of Statutes: Summer and Fall 2024
 4. Notice of Intent to Adopt Publication: Late 2024
 5. Public written comment period: may submit comments for 30 days following NOI publication
 6. Approval by ALL: within 14 days after submission by OCM
 7. Publication of Notice of Adoption (rules become effective): Spring 2025
 8. Governor has option to veto

Effect of Rulemaking on Licensing

- **Rules must be approved before licenses can be issued**
 - Need ALL approval of application forms and procedures
 - Public health and consumer safety concerns
 - Inspection and regulatory enforcement criteria development
- **No licenses can be issued before criteria are approved and in force.**

Rulemaking 101

What is Administrative Rulemaking?

- Legislature directs a state agency to develop rules (aka regulations) deemed necessary to implement a law; “gap fillers.”
- Administrative Procedure Act (APA) outlines formal process agency must follow:
 - Notice requirements to public and to stakeholders
 - Opportunity for public comment (and possibly public hearing)
 - Review by Administrative Law Judge
- Once approved by ALL, rules have effect of law

'Necessary to Implement'

- Examples of the “gaps” that require rulemaking:

[§342.44] HEMP BUSINESS LICENSES; APPLICATIONS AND ISSUANCE.

Subdivision 1. **Application; contents.** (b) The office, by rule, shall establish forms and procedures for the processing of hemp licenses issued under this chapter.

[§342.07] AGRICULTURAL AND FOOD SAFETY PRACTICES; RULEMAKING.

Subdivision 1. **Plant propagation standards.** In consultation with the commissioner of agriculture, the office by rule must establish certification, testing, and labeling requirements for the methods used to grow new cannabis plants or hemp plants, including but not limited to growth from seed, clone, cutting, or tissue culture.

[§342.08] ESTABLISHMENT OF ENVIRONMENTAL STANDARDS

Subdivision 1. **Water standards.** In consultation with the commissioner of the Pollution Control Agency, the office by rule must establish appropriate water standards for cannabis businesses.

WHO'S IN CHARGE?

- **Office of Cannabis Management** will be established
 - Commissioner of Agriculture will establish the Office
 - Until the Office is fully established:
 - MDH will continue to operate the Office of Medical Cannabis
 - MDH will take over responsibility for regulating the currently legal lower-potency edibles from the Board of Pharmacy
- **Local Control**
 - Opportunities for local governments to institute regulations, but limited (cannot prohibit cannabis business outright)



Minnesota Office of Cannabis Management

Minnesota is the first state in the nation to regulate cannabis for medical and adult use. Learn more about the legislation.



For Adult Consumers

Find out about rules on possession and how much cannabis can be grown at a person's home.



For People Interested in Starting a Business

Get details about the types of licenses that will be available.



Rulemaking Overview

Get an overview of the rulemaking process.

[Adult Consumers](#)

[Starting a Business](#)

[Rulemaking](#)

LOCAL CONTROL AND PREEMPTION

ART. 1 § 13

Allowed:



- May prohibit cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction in public park used by minors
- May adopt ordinance to limit retailers to 1 per 12,500 residents
- May further limit retail hours of operation beyond statutory minimum.
- Approve/reject cannabis events, or on-site consumption at cannabis events (Art. 1 § 40)

Not allowed:



- Cannot prohibit possession, transport, or use within jurisdiction
- May not prohibit establishment or operation of cannabis business (except as allowed under § 342.22)
- Allowable time restrictions are specified (§ 342.24, subd. 7)

WHERE CAN/CAN'T PEOPLE USE CANNABIS? ART. 1 § 9 (CODIFIED AT § 342.09 SUBD. 1)

Use allowed



- Private residence including curtilage or yard
- On private property not generally accessible to the public (but owner can restrict)
- On premises of licensed establishment or licensed event

Use not allowed



- In a motor vehicle
- Public and charter schools
- Correctional facilities
- If smoke/aerosol/vapor, then cannot be used where smoking is prohibited by MN Clean Indoor Air Act
- In any location where smoke/vapor “could be inhaled by a minor.”

WHAT PRODUCTS ARE, AND WILL BE, LEGAL? FOR SALE/USE/POSSESSION/MANUFACTURE

Previously legal:

- Medical cannabis
- Certain non-intoxicating hemp products
- Hemp-derived THC edibles (will be called “lower-potency hemp edible”)

Legal Aug. 1 for use/possession:

- Adult-use cannabis concentrate
- Adult-use cannabis flower
- Adult-use cannabis product
- Artificially derived cannabinoid
- Cannabis paraphernalia
- Cannabis seed
- Edible cannabis products

HEMP-DERIVED EDIBLE CANNABINOID PRODUCTS LEGAL AS OF JULY 1, 2022



Photo: www.groupon.com/deals/68-m-p-cbd-gummies-from-happy-hemp-250mg-3000mg

- MDH in charge of oversight until March 1, 2025, then OCM.
- Sellers of hemp-derived edible cannabinoid products must register with MDH by October 1, 2023.
- “Edible Cannabinoid Product” = any product intended to be eaten or consumed as a beverage, contains a cannabinoid in combination with food ingredients, and is not a drug
- Includes products containing CBD

WHEN: IMPORTANT DATES

August 1, 2023	Adult-use & possession legal; home cultivation permitted; registration with MDH opens for hemp-derived cannabinoid edibles
October 1, 2023	Retailers selling hemp-derived cannabinoid edibles <u>must</u> be registered with MDH
July 1, 2024	\$10M in additional appropriations for local public health and tribal public health departments
December 26, 2024	Dept of Revenue must pay cities and counties revenue owed in the first year, and the same date annually thereafter. Revenue generated comes from the 10% gross receipts tax on cannabis retail sales, based on the number of retailers within the local jurisdiction.

WHEN: IMPORTANT DATES

Anticipated Quarter 1, 2025	Sales of adult-use recreational cannabis begins (sovereign Tribal nations permitted to sell earlier)
January 1, 2025	Interim ordinances prohibiting cannabis businesses expire.
March 1, 2025	Medical Cannabis Program regulatory authority transfers from MDH to OCM.
	Interim regulations for hemp-derived THC edibles expires; regulatory authority transfers from MDH to OCM.
	Smoking/vaping adult-use recreational cannabis flower prohibited in "multifamily housing buildings" (allows for smoking/vaping of medical cannabis).

WHERE CAN I FIND MORE INFORMATION?

- League of Minnesota Cities [website](#)
- Association of Minnesota Counties [website](#)
- Office of Cannabis Management website: <https://cannabis.state.mn.us/>
- MDH site re: Lower-Potency Hemp Edible Products
<https://www.health.state.mn.us/people/cannabis/edibles/index.html>
- [2023 Session Law Chapter 63](#)
- Fiscal summary may be found here:
<https://assets.senate.mn/fiscalpol/tracking/2023/Adult-Use-Cannabis-Conference-Agreement.pdf>

Cannabis Munis



- Local governments may establish, own, and operate a municipal cannabis store.
- Unique provision in Minnesota not explicitly permitted in other states.
- Need additional clarity from state and federal government before proceeding.

State Rulemaking



Association of
Minnesota Counties

- Rulemaking deadline July 1, 2025
- Process begins Fall 2023; update sign up available soon
- Process will cover rules on wide range of subjects. From public health perspective we're interested in:
 - Packaging
 - Labeling
 - Potency

County Government & Chapter 63



Association of
Minnesota Counties

- Local governments may adopt an ordinance prohibiting public use.
- Local governments can utilize land and zoning policies; state must ensure compliance with these policies before approving a license.
- Local governments can establish a retail registration system and limit retail licenses to 1 per 12,500 residents.
- \$10 million/year in local public health resources for education and outreach efforts.
- Model ordinance collaboration with the OCM.

County Government Organization

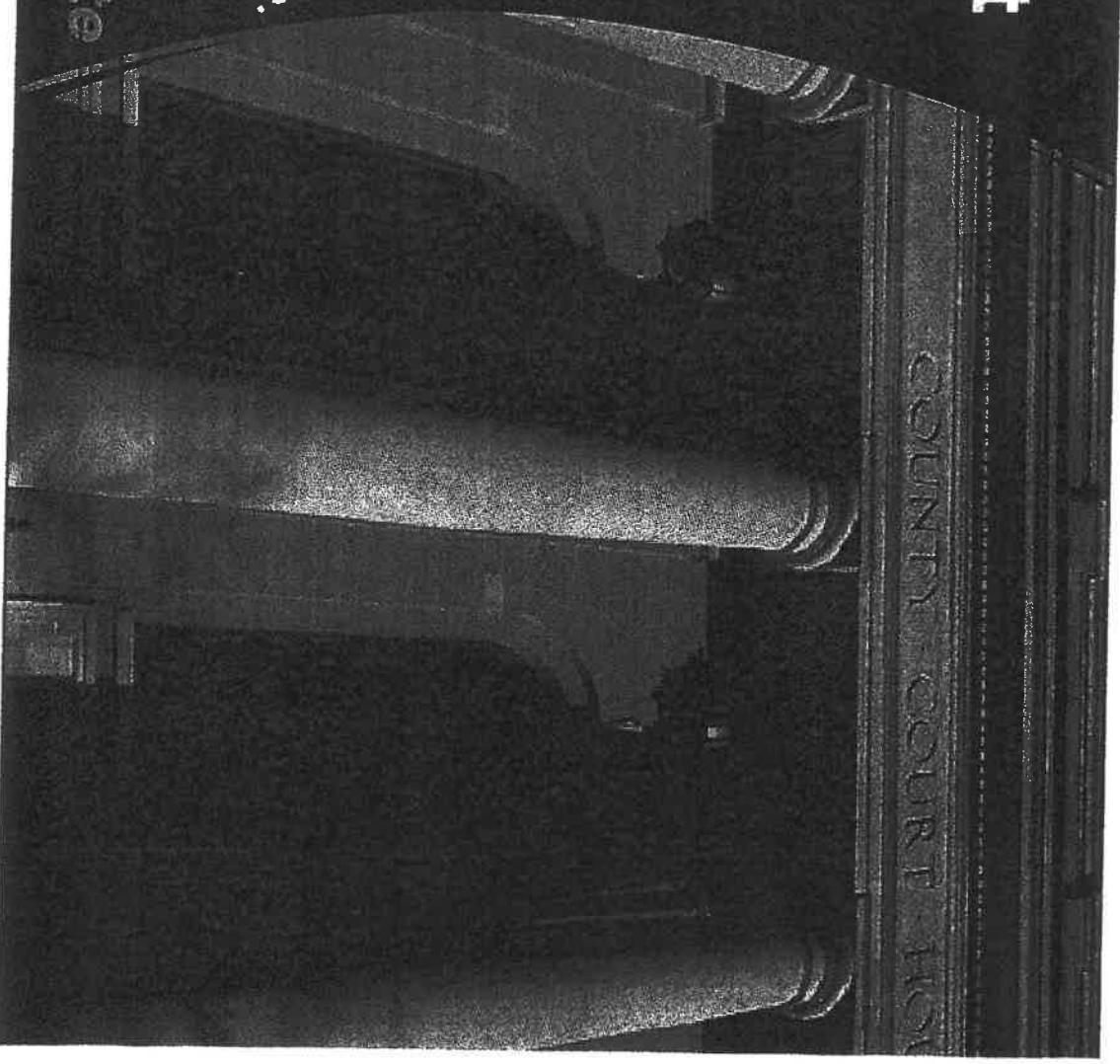
- **Coolley Doctrine**

Counties can do anything not prohibited by state/federal government.

- **Dillon Rule**

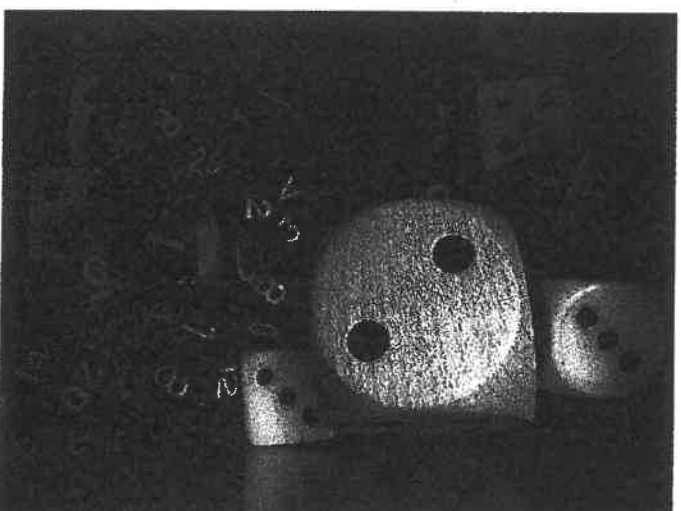
Counties can only do things expressly granted by the state.

Minnesota is a Dillon Rule state



License limits?

- Cities can limit number of retail licenses.
- Cities need to discuss if they want to limit the number.
- Amount of state funding depends on number of licenses in jurisdiction.



Zoning

- Begin thinking about where to allow cannabis businesses.
- Retailers
- Manufacturers
- Growers
- What types of restrictions?
 - CUP
 - Allowed Use

