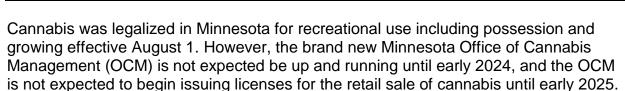
TO: Mayor and City Council

FROM: David Chanski, City Administrator

RE: Discussion on Cannabis Regulations

DATE: August 7, 2023



While the new law allows for the use of cannabis, cannabis is still prohibited:

- Where prohibited by the clean air act.
- While operating motor vehicles.
- Public or charter schools and school buses.
- State correctional facilities.
- In a location where the smoke or vapor may be inhaled by a minor.
- On federal property.
- If under 21 years old.

With the legalization of cannabis, there are some immediate steps the City Council should consider taking.

- 1) The City does not have an ordinance against the use of cannabis in public spaces. While "public space" can have a broad range of definitions, staff recommends enacting an ordinance that prohibits the procession of open containers and use of all forms of cannabis (edibles, smoke, vapor, etc.) on all public properties (including in public buildings), roads, and right-of-ways.
- 2) Even though it is not anticipated that the Office of Cannabis Management will begin licensing retailers until 2025, the OCM does have the authority to begin licensing retailers at whatever time they determine. As such, staff recommends implementing an interim ordinance placing a moratorium on the licensure and retail sale of cannabis in the City of Breezy Point through December 31, 2024.
- 3) Finally, while the law prohibits the use of cannabis by persons under the age of 21, there is no penalty in the law for such use. Therefore, staff recommends



implementing an ordinance that prohibits the use of cannabis by persons under the age of 21. The violation of such an ordinance would be considered a petty misdemeanor.

All three of these recommended actions require an amendment to the City Code.

Council Action

Staff recommends that the City Council direct staff to draft the appropriate ordinance amendments to:

- restrict the use of cannabis by persons under the age of 21
- place a moratorium on the licensure and retail sale of cannabis within the City of Breezy Point through December 31, 2024
- prohibit the use of cannabis on all public properties, roads, and right-of-ways

Such amendments will be considered by the City Council and receive a public hearing during the regular City Council meeting on Tuesday, September 5, 2023.