

TO: Mayor and City Council  
FROM: David Chanski, City Administrator  
RE: Discussion on Cannabis Regulations  
DATE: August 7, 2023

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Cannabis was legalized in Minnesota for recreational use including possession and growing effective August 1. However, the brand new Minnesota Office of Cannabis Management (OCM) is not expected to be up and running until early 2024, and the OCM is not expected to begin issuing licenses for the retail sale of cannabis until early 2025.

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 possession 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.