

TO: Mayor and City Council  
FROM: David Chanski, City Administrator  
RE: Proposed Ordinance 2023-03 Cannabis Regulations  
DATE: September 5, 2023

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### **Background**

The City Council initially discussed regulations regarding the public use of cannabis on August 7. At that time, the Council directed staff to draft an ordinance for consideration on September 5.

The attached ordinance is a replica of the ordinance currently under consideration by the Crow Wing County Board. It regulates the use of cannabis in public places ,including “a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.”

There are two prohibited acts in the proposed ordinance:

1. 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, Minn. Stat. 152.0263, Subd. 5](#), or successor statute.
2. 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 Minn. Stat. 342.09, Subd. 1\(b\)\(9\)](#) or successor statute.

### **Council Action**

Consideration of Proposed Ordinance 2023-03 should proceed as follows:

1. Public hearing
2. Council deliberation
3. Action on proposed ordinance

As the County Board will not be considering their proposed ordinance until September 12, staff recommends that the City Council table formal action on Proposed Ordinance 2023-03 until October 2<sup>nd</sup>.