

TO: Mayor and City Council
FROM: David Chanski, City Administrator
RE: Proposed Ordinance 2023-03 Cannabis Regulations
DATE: October 2, 2023



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 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.

The City Council conducted the statutorily required public hearing on this proposed ordinance during the City Council meeting on September 5th. At that time, the City Council tabled action on the ordinance until the Crow Wing County Board considered their own ordinance, which contained the same language, on September 12. Upon consideration, the Crow Wing County Board adopted their ordinance unanimously.

As Ordinance 2023-03 does not differ from the ordinance adopted by Crow Wing County, staff recommends that it be adopted.

Council Action

Staff recommends that the City Council adopted Ordinance 2023-03, an ordinance regulating the use of cannabis and cannabis derived products in public spaces.