

**STATE OF MINNESOTA
LYON COUNTY BOARD OF COMMISSIONERS
NOTICE OF ADOPTION OF
ORDINANCE NO. 24 REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES**

Please Take Notice: The Lyon County Board of Commissioners, Held a public hearing on the proposed cannabis ordinance restricting use of cannabis in public places on September 5, 2023. After hearing public comment, Commissioner Andries moved and Commissioner Draper seconded a motion to adopt Ordinance No. 24. The motion was duly adopted on a unanimous roll call vote.

A full copy of the notice is printed below. Copies may also be obtained by contacting Loren Stomberg, Lyon County Administrator, 607 W. Main Street, Marshall, MN 56258, or by email to lorenstomberg@co.lyon.mn.us

COUNTY OF LYON
STATE OF
MINNESOTA

ORDINANCE No.: 24

**ORDINANCE REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC
PLACES**

THE LYON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS
AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT

This Ordinance is adopted by Lyon County (hereinafter “the County”) for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within the County.

Minnesota Session Law 2023, Chapter 63, effective in relevant part August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal subject to the requirements and restrictions of Minnesota Statutes.

Minnesota Session Law 2023, Chapter 63, Art. 4, section 19, codified as Minn. Stat. § 342.0263, subd. 5 authorizes the adoption of a local ordinance establishing a petty

misdemeanor offense for public use of cannabis.

The County intends to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis.

The County recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

- (a) **“Cannabis Flower”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 16, as amended from time to time.
- (b) **“Cannabis Products”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 20, as amended from time to time.
- (c) **“Hemp derived consumer products”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 37, as amended from time to time.
- (d) **“Lower-potency hemp edibles”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 50, as amended from time.
- (e) **Public place.** A “public place” means 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.
- (f) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”
- (g) **Exceptions to the definition of public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:
 - (1) a private residence, including the individual’s curtilage or yard.
 - (2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
 - (3) on the premises of an establishment or event licensed to permit on-site consumption.

(h) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

SECTION 3. PROHIBITED ACTS

Subd. 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 event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. *See Minnesota Session Law 2023, Chpt. 63, Art. 1, Sec. 9 codified as Minn. Stat. § 342.09, subd. 1(2) and 342.09, subd.1 (7)(iii) and Art. 4, Sec. 19 codified as Minn. Stat. § 152.0263, subd. 5.*

Subd. 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. *Minnesota Session Law 2023, Chpt. 63, Art. 1, Sec. 9 codified as Minn. Stat. §342.09, subd. 1 (7)(b)(9).*

SECTION 4. PENALTY

Subd. 1. Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

Subd. 2. An alleged violation or violation of this ordinance may be investigated by a peace officer as defined in Minn. Stat. 626.84, subd. 1. Any alleged violation or violation of this ordinance shall be prosecuted by the Office of the Lyon County Attorney.

SECTION 5. SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the Lyon County Board of Commissioners this _____ day of ____, 2023.

County Board Chair