



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore/Sharon Hanson
Meeting Date:	Monday, July 31, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Emergency Ordinance Prohibiting the Use of Cannabis in Public Places
Background Information:	<p>The Minnesota State Legislature passed bill H.F. 100, signed into law by Minnesota Governor Tim Walz on May 30, 2023, legalizing the possession, use, transportation, and cultivation of cannabis and cannabis products in the State of Minnesota, effective August 1, 2023. The new law, amongst other things, allows a person of 21 years of age or older to: (1) use, possess, or transport cannabis paraphernalia; (2) possess 2 ounces or less of cannabis flower in a public place; (3) possess 2 pounds or less of cannabis flower in a person’s residence; (4) possess or transport 8 grams or less of adult-use cannabis concentrate; (5) possess or transport edible products infused with a total of 800 milligrams or less of tetrahydrocannabinol; and (6) cultivate up to 8 cannabis plants, of which four or fewer may be mature, flowering plants provided they are in an enclosed, locked space that is not open to public view and H.F. 100 is silent on whether cannabis can be used or smoked in public places other than public places governed by the Minnesota Clean Indoor Air Act (MICA).</p> <p>Per Section 3.09 and 3.11 of the Marshall City Charter, the City Council of the City of Marshall may pass an emergency ordinance for the immediate preservation of the public peace, health, morals, safety, or welfare. The Legislature recognized concerns raised about the exposure of Cannabis use to youth and adopted Minn. Stat. § 342.13 to allow cities to regulate the distance of Cannabis retailers from an attraction within a public park that is regularly used by minors, including a playground or athletic field. The rapid introduction of newly legalized adult-use cannabis products presents a significant potential threat to the public health, safety, and welfare of the residents of Marshall, and particularly to youth.</p> <p>The city has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to cannabis and related products and to the marketing of these products and improve compliance among cannabis users with laws prohibiting the use of such products in public places</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To approve Ordinance 23-019 an emergency ordinance prohibiting the use of cannabis and cannabis products in public places.