

**COUNTY OF REDWOOD
STATE OF MINNESOTA**

ORDINANCE No. 2024-02

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

THE REDWOOD COUNTY COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE, INTENT, AND STATUTORY AUTHORITY

1.1 Statement of Purpose and Intent.

This Ordinance is adopted by the Redwood County Commissioners for the purpose of protecting public health and safety in accordance with its statutory obligations by regulating the use of Cannabis and Cannabis Derived Products in public places and places of public accommodation within Redwood County.

1.2 Statutory Authority.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 the Minnesota Legislature passed the adult-use cannabis bill, hereinafter “Session Law.” As of August 1, 2023, the Session Law legalized adult use, possession, and personal growth of cannabis under certain parameters.

The Session Law authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See Session Law, Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

The Local Public Health Act, Minn. Stat. 145A.01 through 145A.17, requires the governing body of a county to provide community health services. To further this obligation, Minn. Stat. 145A.05, subd. 1 authorizes adoption of ordinances to regulate actual or potential threats to public health.

Minn. Stat. 144.417, subd. 4 authorizes enforcement of local government ordinances which are more stringent than state law in protecting individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices.

This Ordinance is enacted pursuant to and incorporates the following: Session Law; Session Law, Article 1, Sec. 1 Minn. Stat. 342.01; Session Law, Article 1, Sec. 9 Minn. Stat. 342.09 Subd. 1(b) or successor statute; Session Law, Article 4, Sec. 19 Minn. Stat. 152.0263, Subd. 5, or successor statute; Minn. Stat. 145A; and Minn. Stat. 144.417, subd. 4, or successor statute.

SECTION 2. DEFINITIONS

For purposes of this ordinance, the terms in this section have the meanings given them.

2.1 Adult-use cannabis flower. “Adult-use cannabis flower” means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office.

Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

2.2 Adult-use cannabis products. “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

2.3 Artificially derived cannabinoid. “Artificially derived cannabinoid” means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products.

2.4 Cannabinoid. “Cannabinoid” means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

2.5 Cannabis concentrate. “Cannabis concentrate” means:

- (1) the extracts and resins of a cannabis plant or cannabis flower;
- (2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or
- (3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.
- (4) Cannabis concentrate does not include hemp concentrate, artificially derived cannabinoid, or hemp-derived consumer products.

2.6 Cannabis flower. “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

2.7 Cannabis plant. “Cannabis plant” means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

2.8 Cannabis product. “Cannabis product” means any of the following:

- (1) cannabis concentrate;

(2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or

(3) any other product that contains cannabis concentrate.

(4) Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

2.9 Cannabis seed. “Cannabis seed” means the viable seed of the plant of the genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed does not include hemp seed.

2.10 Division of Medical Cannabis. “Division of Medical Cannabis” means a division housed in the Office of Cannabis Management that operates the medical cannabis program.

2.11 Edible cannabis product. “Edible cannabis product” means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other than an artificially derived cannabinoid in combination with food ingredients; is not a drug; and is a type of product approved for sale by the office, or is substantially similar to a product approved by the office including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include lower-potency hemp edibles.

2.12 Hemp concentrate. “Hemp concentrate” means:

(1) the extracts and resins of a hemp plant or hemp plant parts;

(2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase the presence of targeted cannabinoids; or

(3) a product that is produced by refining extracts or resins of a hemp plant or hemp plant parts and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

(4) Hemp concentrate does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

2.13 Hemp derived consumer products.

(1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

(i) contains or consists of hemp plant parts; or

(ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

2.14 Hemp-derived topical product. “Hemp-derived topical product” means a product intended for human or animal consumption that contains hemp concentrate, is intended for application externally to a part of the body of a human or animal, and does not contain cannabis flower or cannabis concentrate.

2.15 Hemp fiber product. “Hemp fiber product” means an intermediate or finished product made from the fiber of hemp plant parts that is not intended for human or animal consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles, bedding, insulation, construction materials, compost materials, and industrial materials.

2.16 Hemp grain. “Hemp grain” means the harvested seeds of the hemp plant intended for consumption as a food or part of a food product. Hemp grain includes oils pressed or extracted from harvested hemp seeds.

2.17 Hemp plant. “Hemp plant” means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

2.18 Hemp plant parts. “Hemp plant parts” means any part of the harvested hemp plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp seed.

2.19 Hemp seed. “Hemp seed” means the viable seed of the plant of the genus Cannabis that is intended to be planted and is reasonably expected to grow into a hemp plant. Hemp seed does not include cannabis seed or hemp grain.

2.20 Lower-potency hemp edible. A “lower-potency hemp edible” means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;

- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

2.21 Medical cannabis business. “Medical cannabis business” means an entity licensed by the Office to engage in one or more of the following:

- (1) the cultivation of cannabis plants for medical cannabis flower;
- (2) the manufacture of medical cannabinoid products; and
- (3) the retail sale of medical cannabis flower and medical cannabinoid products.

2.22 Medical cannabis flower. “Medical cannabis flower” means cannabis flower provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does not include adult-use cannabis flower.

2.23 Medical cannabinoid product. “Medical cannabinoid product” means a product that:

- (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with cannabinoids, including but not limited to artificially derived cannabinoids;
- (2) is provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical condition.
- (3) A medical cannabinoid product must be in the form of:
 - (1) liquid, including but not limited to oil;
 - (2) pill;
 - (3) liquid or oil for use with a vaporized delivery method;
 - (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;
 - (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and sublingual tablets;
 - (6) edible products in the form of gummies and chews;
 - (7) topical formulation; or
 - (8) any allowable form or delivery method approved by the office.

(4) Medical cannabinoid product does not include adult-use cannabis products or hemp-derived consumer products.

2.24 Medical cannabis flower. “Medical cannabis flower” means cannabis flower provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does not include adult-use cannabis flower.

2.25 Medical cannabis paraphernalia. “Medical cannabis paraphernalia” means a delivery device, related supply, or educational material used by a patient enrolled in the registry program to administer medical cannabis and medical cannabinoid products.

2.26 Office. “Office” means the Office of Cannabis Management.

2.27 Patient. “Patient” means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met all other requirements for patients under this chapter to participate in the registry program.

2.28 Public place. A “public place” means a public park or trail, public recreation area, public street or sidewalk, any publicly owned property, and any enclosed area used by the general public, including but not limited to theaters; restaurants; bars; food establishments and their outdoor curtilage; 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.

2.29 Place of public accommodation. “Place of public accommodation” means a business, any form of public transportation, or any refreshment, entertainment, or recreation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

2.30 Exceptions to public place or place of public accommodation. Public Place and Place of Public Accommodation do 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. the premises of an establishment or event licensed to permit on-site consumption.

2.31 Qualifying medical condition. “Qualifying medical condition” means a diagnosis of any of the following conditions:

- (1) Alzheimer's disease;

- (2) autism spectrum disorder that meets the requirements of the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;
- (3) cancer, if the underlying condition or treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting;
- (4) chronic motor or vocal tic disorder;
- (5) chronic pain;
- (6) glaucoma;
- (7) human immunodeficiency virus or acquired immune deficiency syndrome;
- (8) intractable pain as defined in Minn. Stat. 152.125, subdivision 1, paragraph (c);
- (9) obstructive sleep apnea;
- (10) post-traumatic stress disorder;
- (11) Tourette's syndrome;
- (12) amyotrophic lateral sclerosis;
- (13) seizures, including those characteristic of epilepsy;
- (14) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (15) inflammatory bowel disease, including Crohn's disease;
- (16) irritable bowel syndrome;
- (17) obsessive-compulsive disorder;
- (18) sickle cell disease;
- (19) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting; or
- (20) any other medical condition or its treatment approved by the office.

2.32 Registered designated caregiver. "Registered designated caregiver" means an individual who:

- (1) is at least 18 years old;
- (2) is not disqualified for a criminal offense according to rules adopted pursuant to Minn. Stat. 342.15, subdivision 2;
- (3) has been approved by the Division of Medical Cannabis to assist a patient with obtaining medical cannabis flower and medical cannabinoid products from a cannabis retailer or medical cannabis retailer and with administering medical cannabis flower and medical cannabinoid products; and
- (4) is authorized by the Division of Medical Cannabis to assist a patient with the use of medical cannabis flower and medical cannabinoid products.

2.33 Registry or registry program. "Registry" or "registry program" means the patient registry established under this chapter listing patients authorized to obtain medical cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from cannabis retailers and

medical cannabis retailers and administer medical cannabis flower and medical cannabinoid products.

2.34 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. JURISDICTION

This Ordinance shall be applicable within the legal boundaries of the County with the exception of those cities or townships that have adopted their own ordinance establishing standards for public use of cannabis within their jurisdiction. It is the intention of this Ordinance that a properly enacted city or township ordinance shall supersede and preempt this ordinance within its jurisdiction.

SECTION 4. 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 an exception as stated in Section 2.30 of this Ordinance applies.

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.

SECTION 5. 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.

SECTION 6. SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions 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 Redwood County Board of Commissioners this 5th day of March, 2024.


James Salfer, Redwood County Board Chair

Attest: Wm