



Olmsted County Code Of Ordinances

Chapter 2150

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

Olmsted County, Minnesota

Resolution No. 23 - 09; Adopted November 7, 2023;

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**OLMSTED COUNTY ORDINANCE
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CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES**

THE COUNTY BOARD OF THE COUNTY OF OLMSTED ORDAINS:

Section 2151. PURPOSE AND INTENT.

This Ordinance is adopted by Olmsted County for the purpose of protecting public health and safety by regulating and 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, which became effective in relevant part on 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, Article 4, Section 19, which has been codified as Minn. Stat. Sec. 152.0263, Subd. 5, authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis.

State legislation authorizes adoption of ordinances to regulate actual or potential threats to public health. See Minn. Stat. 145A.05, subd. 1.

State legislation 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, including in areas outside of restaurants and bars. See Minn. Stat. 144.417, subd. 4.

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, including unintended access and exposure of cannabis to the general public and youth of Olmsted County.

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 2152. 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.

2152.01. Adult-use cannabis flower.

“Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management (hereinafter the “Office”) or is substantially

similar to a product approved by the Office. Adult-use cannabis flower does not include medical cannabis flower as defined in Minn. Stat. Sec. 342.01, Subd. 54, hemp plant parts as defined in Minn. Stat. Sec. 342.01, Subd. 42, or hemp-derived consumer products.

2152.02. 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 as defined in Minn. Stat. Sec. 342.01, Subd. 52 or lower-potency hemp edibles.

2152.03. 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 as defined in Minn. Stat. Sec. 342.01, Subd. 22, hemp plant parts, or hemp-derived consumer products.

2152.04. Cannabis product.

- A. “Cannabis product” means any of the following:
 - 1. cannabis concentrate as defined in Minn. Stat. Sec. 342.01, Subd. 15;
 - 2. a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants as defined in Minn. Stat. Sec. 342.01, Subd. 19, or cannabis flower as defined in Minn. Stat. Sec. 342.01, Subd. 16; or
- B. any other product that contains cannabis concentrate.

2152.05. Hemp derived consumer products.

- A. “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
 - 1. contains or consists of hemp plant parts; or
 - 2. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
- B. Hemp-derived consumer products does not include artificially derived cannabinoids as defined in Minn. Stat. Sec. 342.01, Subd. 6, lower-potency hemp edibles, hemp-derived topical products as defined in Minn. Stat. Sec. 342.01, Subd. 38, hemp fiber products as defined in Minn. Stat. Sec. 342.01, Subd. 39, or hemp grain as defined in Minn. Stat. Sec. 342.01, Subd. 40.

2152.06. Lower-potency hemp edible.

- A. 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 cannabiniol, 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.

2152.07. Public place.

A “public place” means any indoor area used by the general public or serving as a place of work including, but not limited to:

- A. arenas, auditoriums, bowling alleys, bingo halls, commercial establishments including licensed retail tobacco establishments, pool halls, public conveyances, restaurants and establishments licensed to sell alcoholic beverages under Chapter 340A of the Minnesota Statutes and their patios and decks.
- B. publicly owned property and outdoor areas of a public recreation center or public park, including, but not limited to, a public playground, swimming pool or other recreational area. This specifically includes but is not limited to the County’s Graham Park and County Parks properties. See Section 3963 of the County Code of Ordinances -- Graham Parks Rules and Regulations, and Section 3917 of the County Code of Ordinances – County Parks Rules and Regulations, for additional details concerning cannabis use restrictions on those properties.

- C. hospitals, offices and other commercial establishments, retail stores, and common areas of rental apartment buildings.
- D. taxis, limousines, and other for-hire vehicles used to transport the public during hours of operation.
- E. educational institutions including all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls:
 - 1. Public School. As defined by Minnesota Statutes Section 120A.20, any schools supported in whole or in part by state funds are public schools.
 - 2. Charter School. Any school licensed by the Minnesota Department of Education as a charter school.
 - 3. Nonpublic Schools. Any nonpublic school, person, or other institution that is accredited by an accrediting agency, recognized according to Minnesota Statutes Section 123B.445, or recognized by the Commissioner of the Minnesota Department of Education.
 - 4. Post Secondary Educational Facilities. Any colleges, universities and technical schools.

2152.08. Place of public accommodation.

- A. “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.
- B. “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.
 - 3. on the premises of an establishment or event licensed to permit on-site consumption.

2152.09. 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 2153. JURISDICTION.

This Ordinance shall be applicable within the legal boundaries of Olmsted County with the exception of cities of the first class and 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 said city or township ordinances shall supersede and preempt this ordinance within those jurisdictions.

Section 2154. PROHIBITED ACTS.

- A. No person shall use cannabis flower, cannabis products, 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 2023 Minn. Sess. Law Chpt. 63, Art. 1, Sec. 9, codified as Minn. Stat. Sec. 342.09, Subd. 1(a)(2) and Sec. 342.09, Subd.1 (a)(7)(i),(ii),(iii), and Art. 4, Sec. 19 codified as Minn. Stat. Sec. 152.0263, Subd. 5.
- B. 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 2023 Minn. Sess. Laws Chpt. 63, Art.1, Sec. 9 codified as Minn. Stat. Sec. 342.09, Subd. 1(b)(9).

Section 2155. PENALTY.

2155.01. Criminal Penalty.

A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to Three Hundred Dollars (\$300) and/or community work service. 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.

2155.02. Violation.

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

Section 2156. LIMITS ON CANNABIS BUSINESSES IN THE COUNTY.

The County intends to register cannabis businesses in the County pursuant to Minnesota Statutes Section 342.22. The number of licensed cannabis retailers, cannabis

mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement shall be limited to one registration for every 12,500 residents in the County pursuant to Minnesota Statutes Section 342.13. As of July 2024, the population of the County is estimated at approximately 168,000 residents based on information provided by the Minnesota State Demographer's Office which means there will initially be a total of fourteen (14) cannabis business registrations available countywide. The cities and townships in the County shall notify the County by October 1, 2024, whether they intend to claim any or all of those registrations for their jurisdictions. Priority to claim these fourteen (14) registrations shall be given in the order the requests are received by the County. If any of the fourteen (14) registrations are not claimed by cities or townships in the County by October 1, 2024, those remaining registrations will be allocated to the County. If the County has at least one active registration for every 12,500 residents, a city or township in the County is not obligated to register a new cannabis business. Nothing in this Ordinance prohibits a city or township from allowing licensed cannabis retailers in excess of the fourteen (14) cannabis business registrations initially established in this Ordinance.

Section 2157. 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 2158. EFFECTIVE DATE.

This ordinance shall be in full force and effect, following publication of a summary of the ordinance, on March 1, 2025, or at such earlier date as the state cannabis law authorizes for early cannabis license issuance for social equity applicants.

ADOPTED by the Olmsted County Board of Commissioners this 6th day of August 2024.

COUNTY OF OLMSTED

/s/ Sheila Kiscaden
Sheila Kiscaden, Chair of the
County Board of Commissioners

Attest: /s/ Lisa Morris-Helmstetler
Lisa Morris-Helmstetler
Deputy Clerk of the County Board

Adopted November 7, 2023
Revised August 6, 2024

END OF CHAPTER 2150