



POPE COUNTY MINNESOTA

POPE COUNTY ORDINANCE No. 202402

REGULATING THE USE OF CANNABIS AND CANNABIS-DERIVED PRODUCTS IN PUBLIC PLACES AND PROHIBITING THE USE OF CANNABIS AND CANNABIS-DERIVED PRODUCTS BY THOSE UNDER THE AGE OF 21

WHEREAS, the Pope County Board of Commissioners seeks to protect public health and safety by regulating the use of cannabis and cannabis-derived products in public places and places of public accommodation within Pope County; and,

WHEREAS, by enacting 2023 Session Law, Chapter 63, H. F. No. 100 (hereinafter referred to “State Legislation”), the Minnesota Legislature passed the adult-use cannabis bill, whereby the adult use, possession, and personal growing of cannabis became legal in Minnesota as of August 1, 2023; and,

WHEREAS, state legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis (see State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute); and,

WHEREAS, Pope County, through its Board of Commissioners, wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis; and,

WHEREAS, Pope County (hereinafter “the County”) recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth in Pope County; and,

WHEREAS, the Pope County Board of Commissioners wishes to enact an ordinance pursuant to 2023 Session Law, Chapter 63, H. F. No. 100, establishing a petty misdemeanor offense for public use of cannabis (See Art. 4, Sec. 19 ((Minn. Stat. § 152.0263, subd. 5, or successor statute))).

NOW, THEREFORE, the Pope County Board of Commissioners does hereby ordain:

AN ORDINANCE REGULATING THE USE OF CANNABIS AND CANNABIS-DERIVED PRODUCTS IN PUBLIC PLACES AND PROHIBITING THE USE OF CANNABIS AND CANNABIS-DERIVED PRODUCTS BY THOSE UNDER THE AGE OF 21

SECTION 1. 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) Adult-use cannabis flower. “Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management 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.

(b) Adult-use cannabis products. “Adult-use cannabis products” means a cannabis product that is approved for sale by the Minnesota Office of Cannabis Management 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.

(c) 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.

(d) 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.

(e) Hemp derived consumer products. “Hemp derived consumer products” means:

- (1) a product intended for human or animal consumption, which does not contain cannabis flower or cannabis concentrate, and:
 - (A) contains or consists of hemp plant parts; or
 - (B) 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.

(f) 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.

(g) 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.

(h) 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.”

(i) Exceptions to 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.

(j) 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 2. JURISDICTION

This Ordinance shall be applicable within the legal boundaries of Pope 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.

SECTION 3. PROHIBITED ACTS

(a) Use in Public Places Prohibited. 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.

(b) Certain Use Prohibited in Presence of Minor. 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.

(c) Use Prohibited by Those Under 21 Years of Age. No person under 21 years of age shall use, possess, or transport cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, unless used by means other than by smoking or by a vaporized delivery method, possession, or transportation of medical cannabis flower or medical cannabinoid products by a patient; a registered designated caregiver; or a parent, legal guardian, or spouse of a patient.

SECTION 4. PENALTY

(a) Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor as defined by Minn. Stat. § 609.02, Subd. 4a or successor statute, and having a maximum penalty at the time of this Ordinance’s adoption of an imposed fine not to exceed \$300.

(b) Prosecution of Violations. Nothing in this ordinance prohibits the County from seeking prosecution for an alleged violation.

SECTION 5. 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 from and after its passage and publication as required by law.

ADOPTED by the Pope County Board of Commissioners this 2nd day of April, 2024.

Paul Gerde, County Board Chair

ATTEST:

Kersten Kappmeyer, County Administrator
Pope County, Minnesota

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