

An Ordinance for the Regulation of the Use and Sale of Cannabis and Cannabis Derived Products in Hubbard County, Minnesota

Hubbard County Ordinance No. 46

The Hubbard County Board of Commissioners, of Hubbard County, Minnesota, does hereby ordain:

SECTION 1: PURPOSE AND INTENT

This Ordinance is adopted by the Board of Commissioners of Hubbard County for the purpose of protecting public health and safety by regulating the use of Cannabis and cannabis derived products in public places and places of public accommodation within Hubbard 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, effective in relevant part August 1, 2023, authorizes the adoption of a local ordinance reasonably restricting the time, place, and manner of the sale of cannabis and cannabis products.

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.

Hubbard County (hereinafter “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

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult use cannabis - means the harvested flower, bud, leaves, or stems of a cannabis plant containing tetrahydrocannabinol. Cannabis does not include cannabis seeds, industrial hemp, or hemp derived consumer products.

Adult use cannabis products – includes but is not limited to edible cannabinoid products and means any of the following:

- a. Cannabis concentrate
- b. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol extract or derived from the cannabis plant.
- c. Any product that contains cannabis concentrate; or
- d. A product infused with artificially derived cannabinoids.

Adult use cannabis products – does not include the cannabis flower or plant, artificially derived cannabinoids, or hemp derived consumer products.

Cannabis – means the harvested flower, bud, leaves, or stems of a cannabis plant containing tetrahydrocannabinol. Cannabis does not include cannabis seeds, hemp plant parts, or hemp derived consumer products.

Hemp derived consumer products – means a product intended for human or animal consumption, does not contain cannabis or cannabis concentrate, and contains or consists of hemp plant parts or contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients. Hemp derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp derived topical products, hemp fiber products, or hemp grain.

Lower-potency hemp edible – means any product that meets all the following conditions:

- a. Is intended to be eaten or consumed as a beverage by humans;
- b. Contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
- c. Is not a drug;
- d. 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 identified amounts;
- e. Does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- f. Does not contain artificially derived cannabinoids other than delta-9 tetrahydrocannabinol;
- g. Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- h. Is a type of product approved for sale by the Minnesota Office of Cannabis Management 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.

Smoking – means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis, 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.

Minor – means a person under the age of 21.

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.

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.

Exceptions to public place or place of public accommodation – A “public place” or a “place of public accommodation” does not include the following:

- a. A private residence, including the individual’s curtilage or yard;
- b. A private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis or cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- c. An establishment or event licensed to permit the on-site consumption.

Incorporation of Minnesota Statute Section 152.01; Minnesota Statute Section 151.01, and Minnesota Statute Section 342.01 - the terms used in this ordinance as otherwise defined in Minnesota Chapters 152, 151, and 342, as they may be amended from time to time, are incorporated herein by reference.

SECTION 3. SALE

Subd. 1. The sale of cannabis or cannabis products in the County otherwise approved by the Minnesota Office of Cannabis Management shall be between 8:00 a.m. and 10:00 p.m. Monday through Saturday and on Sunday between 11:00 a.m. and 6:00 p.m. Any violation of this subdivision is punishable under Section 5 of this ordinance.

Subd. 2. No retail establishment selling cannabis and/or cannabis products shall be permitted within 500 feet of a church or 500 feet of a school, licensed day care facility, or public park. Any violation of this subdivision is punishable under Section 5 of this ordinance.

SECTION 4. PROHIBITED USE

Subd. 1. No person shall use cannabis, 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.

Subd. 2. No person shall vaporize or smoke cannabis, 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. 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 Hubbard County Attorney.

SECTION 6. 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 7. 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 Hubbard County Board of Commissioners this 19 day of Sept., 2023.

BOARD OF COUNTY COMMISSIONERS

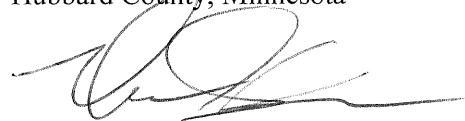
Hubbard County, Minnesota

ATTEST:



Jeff Cadwell, Administrator

BY:



Tom Krueger, Chairperson of the Board



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HUBBARD COUNTY, MINNESOTA
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HUBBARD COUNTY RECORDER
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