

Opportunities for Local Regulation

Local units of government are permitted to enact regulations on the time, place and manner of cannabis businesses and usage. The statutory authority and related potential public health benefits for these restrictions are listed below.

RESTRICTING PUBLIC USE

Minnesota Statutes section 152.0263, subd. 5 (2023): A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower potency hemp edibles, or hemp derived consumer products in a public place.¹

Minnesota Statutes section 342.40, subd. 8(e) (2024): A statutory or home rule charter city or county may enact and enforce measures to protect individuals from secondhand smoke or involuntary exposure to aerosol or vapor from electronic delivery devices.²

Potential public health benefits from these restrictions include reduction in youth exposure and access to cannabis, normalization of use of cannabis, exposure to second-hand smoke and involuntary exposure, public intoxication and impaired driving.

LIMITATIONS ON HOURS OF OPERATION

Minnesota Statutes section 342.27, subd. 7(b) (2023): In addition to the statutorily-restricted hours of operation set forth in *Minn. Stat. §342.27, subd. 7(a)*, a local unit of government can impose additional restrictions on the hours of operation of cannabis businesses to include any period between 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days of Monday through Saturday.

Potential public health benefits from the hours of operation restrictions include reduction in youth exposure and access to cannabis, normalization of use, public intoxication, impaired driving and combined consumption with alcohol.

RESTRICTIONS ON CANNABIS BUSINESS LOCATIONS

Minnesota Statutes section 342.13(c) (2024): A local unit of government may prohibit the operation of a cannabis business within 1,000 feet of a school or 500 feet of a daycare, residential treatment facility, or any attraction within a public park that is regularly used by minors, including a playground or athletic field.

Additional resources around adult-use cannabis regulations and ordinances:

Minnesota Office of Cannabis Management www.mn.gov/ocm *A Guide for Local Minnesota Governments on Adult-Use Cannabis*

League of Minnesota Cities www.lmc.org

Association of Minnesota Counties www.mncounties.org *Cannabis Planning & Zoning for Minnesota Counties*

Public Health Law Center www.publichealthlawcenter.org

¹ A public place has limitations as set forth in subparagraphs (1)-(3).

² These restrictions refer to the restrictions on tobacco smoking or vaping in the Minnesota Clean Air Act as set forth in Minnesota Statutes sections 144.413-144.414 (2023).

Questions related to **public health** implications for local cannabis regulations? Contact St. Louis County Public Health www.stlouiscountymn.gov/publichealth.

Questions related to opportunities for local regulation of cannabis businesses? Contact Assistant St. Louis County Attorneys Kristen Swanson swansonk@stloiuscountymn.gov or James Nephew nephewj@stlouiscountymn.gov or call (218) 726-2323.