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ORDINANCE #900

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BOARD of COMMISSIONERS
RICE COUNTY, MINNESOTA

ORDINANCE #900
REGULATING THE USE OF CANNABIS FLOWER,
CANNABIS PRODUCTS, LOWER-POTENCY HEMP EDIBLES, OR
HEMP-DERIVED CONSUMER PRODUCTS IN A PUBLIC PLACE

The County Board of Rice County Hereby Ordains:

CHAPTER 900

900.01 Statutory Authorization

This Ordinance is adopted pursuant to the authorization contained in Minn. Stat. §152.0263, Subd.5, or successor statutes. This statute allows local units of government to regulate the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

900.02 Purpose and Intent

This Ordinance is adopted by the Rice County Board of Commissioners for the purpose and intent of protecting the public health and safety of residents and visitors of Rice County by regulating the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

900.03 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. *Cannabis flower*. “Cannabis flower” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 16, as amended from time to time.
- B. *Cannabis product*. “Cannabis product” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 20, as amended from time to time.
- C. *Hemp-derived consumer product*. “Hemp-derived consumer product” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 37, as amended from time to time.
- D. *Lower-potency hemp edible*. “Lower-potency hemp edible” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 50, as amended from time to time.

- E. *Public place*. “Public place” shall mean any indoor or outdoor area used by the general public, including, but not limited to, buildings, structures, lands, fairgrounds, parks, trails, streets or sidewalks. A “public place” does not include the following:
1. a private residence, including the individual’s curtilage or yard;
 2. private property not generally accessible by the public, unless the person 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.
- F. *Smoking*. “Smoking” shall mean the act of inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from cannabis flower, cannabis products, lower-potency hemp edibles, 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.

900.04 Jurisdiction

This Ordinance shall be applicable within the legal boundaries of Rice County. This Ordinance shall govern a public place owned by Rice County within a city or town regardless of any local government adopted ordinance, which shall otherwise preempt and supersede this Ordinance within the respective jurisdiction.

900.05 Prohibition

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by smoking in a public place owned by Rice County.

900.06 Penalty

A violation of this Ordinance shall be a petty misdemeanor. Nothing in this Ordinance prohibits Rice County from seeking prosecution for an alleged violation.

900.07 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.

900.08 Effective Date

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Dated this 25th day of June, 2024

RICE COUNTY BOARD OF COMMISSIONERS


Galen Malecha, Chairperson

ATTEST:



Sara Folsted, County Administrator