



Murray County Board of Commissioners  
2848 Broadway Ave.  
PO Box 57  
Slayton, MN 56172

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER - SLAYTON, MINNESOTA

August 15, 2023

County of Murray Minnesota

ORDINANCE No.: 2023-01

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

THE MURRAY COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

**SECTION 1. PURPOSE AND INTENT**

This Ordinance is adopted by the Murray County Commissioners for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within Murray County.

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. Under that bill, the adult use, possession and personal growing of cannabis will become legal August 1, 2023.

State legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. *See* State Legislation, Art. 4, Sec. 19 (Minn. Stat. § 152.0263, subd. 5, or successor statute).

The County 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.

Murray 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 Murray County.

**SECTION 2. 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 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 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;



Murray County Board of Commissioners  
2848 Broadway Ave.  
PO Box 57  
Slayton, MN 56172

(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 3. PROHIBITED ACTS

**Subd. 1.** 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 event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. *See State Legislation, Art. 1, Sec. 9 (Minn. Stat. § 342.09, subd. 1(2) or successor statute); see also State Legislation, Art. 1, Sec. 9 (Minn. Stat. § 342.09, subd.1 (7)(iii) or successor statute); and State Legislation, Art. 4, Sec. 19 (Minn. Stat. § 152.0263, subd. 5, or successor statute).*

**Subd. 2.** 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 State Legislation, Art. 1, Sec. 9 Minn. Stat. § 342.09, subd. 1 (7)(b)(9) or successor statute.*

### SECTION 4. PENALTY

**Subd. 1. Criminal Penalty.** A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Violations of this ordinance shall be prosecuted by the County Attorney. 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 immediately from and after its passage and publication as required by law.

ADOPTED by the Murray County Commissioners this 15<sup>th</sup> day of August, 2023.

  
Molly Malone, Murray County Board Chair

Attest:   
Carolyn McDonald, County Administrator

Dated August 15, 2023