



Olmsted County Code Of Ordinances

Chapter 2150

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

Olmsted County, Minnesota

Resolution No. 23 - 09; Adopted November 7, 2023; Revised August 6, 2024; Revised November 19, 2024; Revised April 1, 2025; Revised May 20, 2025.

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

THE COUNTY BOARD OF THE COUNTY OF OLMSTED ORDAINS:

Section 2151. PURPOSE AND INTENT.

- A. This Ordinance is adopted by Olmsted County for the purpose of protecting public health and safety by regulating and prohibiting the use of cannabis, cannabis derived and lower potency hemp edible products in public places and places of public accommodation within the County and by regulating cannabis businesses within the legal boundaries of Olmsted County.
- B. Minnesota Statutes § 342.09, which became effective in relevant part on 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. All future revisions to Chapter 342 of the Minnesota Statutes are hereby adopted by reference and made part of this Ordinance.
- C. Minnesota Statutes § 152.0263, Subd. 5, authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis.
- D. State legislation authorizes adoption of ordinances to regulate actual or potential threats to public health. See Minn. Stat. § 145A.05, Subd. 1.
- E. The County finds that overall, many Olmsted County residents use cannabis. According to the Community Health Needs Assessment, 9% of Olmsted County adults used cannabis in 2021. This makes it the second-most used drug in Olmsted County, behind prescription pain relievers.
- F. For a youth perspective, in 2022, 5% of 8th, 9th, and 11th graders in Olmsted County used cannabis, according to the Minnesota Student Survey. Looking specifically at 11th graders, 10% used cannabis at least one day a month compared to 2% statewide. Continued surveillance and policy development along with public health efforts will help youth and all Olmsted County residents stay informed and safe.
- G. The County finds that cannabis is one of the most used drugs in the United States. Cannabis use in young adults has been shown to cause adverse cognitive effects because brain development continues into young adulthood. Cannabis use has been associated with cannabis use disorder (CUD), significant driving impairment, and lower birth weights with use during pregnancy. Individuals who develop CUD are at an increased risk of developing substance use disorder (SUD). Adolescents and young adults are at highest risk of developing cannabis use disorder (CUD). Regulation of cannabis sales, products, packaging, labeling, marketing and access aims to prevent potential public health problems related to cannabis use. This includes discouraging violations of cannabis-related laws, and prohibiting the marketing, sale or distribution of cannabis and cannabis products to youth under 21 years of age.

- H. State legislation authorizes enforcement of local government ordinances which are more stringent than state law in protecting individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices, including in areas outside of restaurants and bars. See Minn. Stat. § 144.417, Subd. 4.
- I. 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, including unintended access and exposure of cannabis to the general public and youth of Olmsted County.
- J. 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.
- K. More information on cannabis use in Olmsted County can be found in the Community Health Needs Assessment and the Minnesota Student Survey.
- L. It is also the intent of the Olmsted County Board of Commissioners, in enacting this ordinance, to regulate the establishment, operations, and sales of lower-potency hemp edible retailers located in the County.

Section 2152. DEFINITIONS.

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. § 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance. 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.

2152.01. Adult-use cannabis flower.

“Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management (hereinafter the “Office”) or is substantially similar to a product approved by the Office. Adult-use cannabis flower does not include medical cannabis flower as defined in Minn. Stat. § 342.01, Subd. 54, hemp plant parts as defined in Minn. Stat. § 342.01, Subd. 42, or hemp-derived consumer products.

2152.02. 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 as defined in Minn. Stat. § 342.01, Subd. 52 or lower-potency hemp edibles.

2152.03. Cannabis cultivation.

“Cannabis Cultivation” means a cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plants to mature plants. These activities include, but are not limited to, harvesting cannabis flower from mature

plants, packaging and labeling immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transporting cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the “Office”.

2152.04. 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 as defined in Minn. Stat. § 342.01, Subd. 22, hemp plant parts, or hemp-derived consumer products.

2152.05. Cannabis product.

A. “Cannabis product” means any of the following:

1. cannabis concentrate as defined in Minn. Stat. § 342.01, Subd. 15;
2. a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants as defined in Minn. Stat. § 342.01, Subd. 19, or cannabis flower as defined in Minn. Stat. § 342.01, Subd. 16; or

B. any other product that contains cannabis concentrate.

2152.06. Cannabis Retail Business.

“Cannabis Retail Business” means a retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, a microbusiness with a retail operations endorsement, or a medical combination business operating a retail location. This excludes lower-potency hemp edible retailers. However, no person, cooperative, or business may hold a license to own or operate more than one cannabis retail business in any one city in the county or more than three retail businesses in the entire county.

2152.07. Cannabis Retailer.

“Cannabis Retailer” means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

2152.08. Daycare.

“Daycare” means a location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

2152.09. Hemp derived consumer products.

- A. “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
1. contains or consists of hemp plant parts; or
 2. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
- B. Hemp-derived consumer products does not include artificially derived cannabinoids as defined in Minn. Stat. § 342.01, Subd. 6, lower-potency hemp edibles, hemp-derived topical products as defined in Minn. Stat. § 342.01, Subd. 38, hemp fiber products as defined in Minn. Stat. § 342.01, Subd. 39, or hemp grain as defined in Minn. Stat. § 342.01, Subd. 40.

2152.10. Lower-potency hemp edible.

- A. A “lower-potency hemp edible” as defined in Minnesota Statutes § 342.01, Subd. 50 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 cannabitol, 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.

2152.11. Office of Cannabis Management.

“Office of Cannabis Management” means the Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

2152.12. Owner.

“Owner” means a direct or indirect equity interest in an applicant for a cannabis license, including in its shares or stock. A person shall be considered to be an “Owner” if the person is listed on the capitalization table submitted to OCM by cannabis retail business applicants.

2152.13. 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.

- A. “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.
 3. on the premises of an establishment or event licensed to permit on-site consumption.

2152.14. Preliminary License Approval.

“Preliminary License Approval” means OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. § 342.17.

2152.15. Public place.

A “public place” means any indoor area used by the general public or serving as a place of work including, but not limited to:

- A. arenas, auditoriums, bowling alleys, bingo halls, commercial establishments including licensed retail tobacco establishments, pool halls, public conveyances, restaurants and establishments licensed to sell alcoholic beverages under Chapter 340A of the Minnesota Statutes and their patios and decks.
- B. publicly owned property and outdoor areas of a public recreation center or public park or trail, including, but not limited to, a public playground, swimming pool or other recreational area, and gymnasiums. This specifically includes but is not limited to the County’s Graham Park and County Parks properties. See Section 3963 of the County Code of Ordinances -- Graham Parks Rules and Regulations, and Section 3917 of the County Code of Ordinances – County Parks Rules and Regulations, for additional details concerning cannabis use restrictions on those properties.

- C. hospitals, nursing homes, offices and other commercial establishments, retail stores, and common areas of rental apartment buildings.
- D. public transit, taxis, limousines, and other for-hire vehicles used to transport the public during hours of operation.
- E. educational institutions including all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls:
 - 1. Public School. As defined by Minnesota Statutes § 120A.20, any schools supported in whole or in part by state funds are public schools.
 - 2. Charter School. Any school licensed by the Minnesota Department of Education as a charter school.
 - 3. Nonpublic Schools. Any nonpublic school, person, or other institution that is accredited by an accrediting agency, required to meet the reporting requirements under Minnesota Statutes § 120A.24, or recognized by the Commissioner of the Minnesota Department of Education.
 - 4. Post Secondary Educational Facilities. Any colleges, universities and technical schools.
- F. This also applies to the following outdoor spaces: Public streets or sidewalks.

2152.16. Residential Treatment Facility.

“Residential Treatment Facility” means a place where “residential treatment” is provided as set forth in Minnesota Statutes § 245.462, Subd. 23.

2152.17. Retail Registration.

“Retail Registration” means an approved registration issued by the County to a state licensed cannabis retail business.

2152.18. 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.

2152.19. State License.

“State License” means an approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

2152.20. Temporary Cannabis Event.

“Temporary cannabis event” means a gathering where cannabis products are displayed and sold on a temporary basis. It requires a permit from the County, includes security plans, has controlled access, includes a cannabis waste management plan, and a cannabis products transportation plan, restricts the vendors who can sell cannabis and restricts when and where cannabis product sales may occur, and places limits on onsite consumption of cannabis products as required by Minnesota Statutes § 342.40.

Section 2153. AUTHORITY AND JURISDICTION.

2153.01. Authority.

The County Board of Commissioners is authorized to adopt this Ordinance by Minnesota Statutes §§ 144.417, Subd. 4(a), 145A.04, 145A.05, 152.0263, Subd. 5, Chapter 342, and Chapter 375, and any other applicable state law, as may be adopted or amended from time to time.

2153.02. Jurisdiction.

The registration requirements of this ordinance in Sections 2158.01, 2158.02, and 2158.03 govern the regulation of lower-potency hemp edible retailers in the unincorporated areas of Olmsted County and in any city or township located in Olmsted County that does not register and regulate retail sales cannabis, cannabis derived and lower-potency hemp edible products. All other sections and provisions of this ordinance apply throughout Olmsted County unless otherwise specified.

2153.03. Preemption.

Nothing in this Ordinance shall prevent cities and townships within Olmsted County from adopting stricter regulations to protect people from public health and public safety harms of retail sale of cannabis, cannabis derived and lower-potency hemp edible products which shall supersede and preempt this ordinance within those jurisdictions.

Section 2154. PROHIBITED USE ACTS.

- A. No person shall use cannabis flower, cannabis products, 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 Minn. Stat. § 342.09, Subd. 1(a)(2) and § 342.09, Subd.1 (a)(7)(i),(ii),(iii), and Minn. Stat. § 152.0263, Subd. 5.
- B. 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 Minn. Stat. § 342.09, Subd. 1(b)(9).

Section 2155. CANNABIS RETAILER REGISTRATION LOTTERY

- A. Lottery if Applicants Exceed 14.

Before the County issues registrations to cannabis retailers pursuant to Section 2156 below, the County will determine whether or not more than fourteen (14) cannabis retailers registration applications have been received. If the County has received more than fourteen (14) cannabis retailer registration applications prior to commencement on legalized cannabis sales in the County, the County shall conduct a lottery to determine which applicants shall receive one of the fourteen (14) cannabis retailer registration applications.

B. Lottery Notice.

The County shall post notice on its website indicating that cannabis retailer registration applications shall be accepted for a ten (10) business day period.

C. Lottery Application Requirements.

A registration applicant shall submit an application to the County on forms provided by the County and posted on the County website. As part of the application, all applicants shall submit to the County, without limitation:

1. For all persons listed as “Owners”, a copy of a form of identification issued by the government of the United States, the government of any state within the United States, or the government of a United States Territory. Such identification shall not be expired and shall include name, address, and date of birth.
2. For all Owners, evidence of successful completion of criminal background checks required by OCM.
3. Proof of submission to the OCM, for all Owners, of an application for a cannabis retailers license. The Applicant must also submit to the County copies of such cannabis retailer license application(s) and all supporting documentation submitted to OCM which demonstrate compliance with the standards set forth in Minn. Stat. § 342.14.
4. If the Applicant is a business entity, information regarding the entity, including without limitation:
 - a. The name and address of the entity;
 - b. Identification of all Owners of the entity;
 - c. Certificate of good standing from the Minnesota Secretary of State;
 - d. An organizational chart;
5. If a corporation, copies of the Articles of Incorporation, Shareholders Agreement, and Bylaws;
6. If a limited liability company, copies of the Articles of Organization, and Operating Agreement; and

7. Other business entity documentation as may be requested by the County.
8. A copy of any deed, lease, letter of intent, or other contract reflecting the right, or the right conditioned on OCM license and County registration approval, of the Applicant to operate a cannabis retailer business at a location permitted by the local planning and zoning authority with jurisdiction.
9. If the property of the proposed cannabis retailer is located on a property governed by an Owner's Association, or a Planned Unit Development, the Applicant shall provide proof that the proposed cannabis retailer business use complies with all applicable covenants and required approvals thereunder. If the Applicant cannot provide documentation satisfying this section at the time of submission of an application, the applicant must submit a written plan for securing a right to possess and operate a cannabis retailer business at a permitted location by the date when the business is authorized to open.

D. Lottery Fees.

Along with the application, all applicants must submit a lottery fee to the County to cover costs associated with processing, investigating and administering the lottery process. The lottery fee shall be established by the County Board by resolution.

E. Common Control Prohibition.

1. No Person or Entity may apply on behalf of another Person or Entity. Multiple submissions by the same Person or Entity for the same business location, or applications by multiple entities with substantially the same ownership, are prohibited and will be rejected.
2. Applicants may not transfer an application to a third party at any time during any stage of the application process.
3. To ensure compliance with the prohibitions of this section, the registrant shall not transfer its registration or alter its ownership or ownership structure as it pertains to Owners or change its name or trade name.
4. The County may waive this requirement if good cause is shown, and if such waiver will neither undermine the purpose of this section, nor negatively impact the health, safety or welfare of the County.

F. Completeness Review.

The County shall review applications for completeness as they are received. The County shall have up to twenty (20) business days to complete its review of each application. If an application is found to be incomplete, the County shall notify the Applicant in writing, via email and U.S. mail, of the application's deficiencies, and the Applicant shall have ten (10) business days from the date of the deficiency notice to remedy the deficiency(ies). If the Applicant fails to remedy the deficiency(ies) within the specified period, the County

shall deny the application and notify the Applicant of the denial. A denial of an application by the County at the completeness review stage under this section is appealable to a county hearing officer pursuant to the procedures set forth in Section 2161.05 of this Ordinance and Section 4006.1 of the County Administrative Enforcement and Appeals Procedure Ordinance.

At the end of the completeness review period under this Section, including the appeals process thereunder, if any, the County Public Health Department, shall submit to the County Board all applications determined to be complete. At its next regular public meeting, the County Board shall review each complete application to determine qualification, pursuant to this Subsection, for entry into the lottery. The County Board shall make such determinations and the County shall notify each Applicant, in writing, no later than thirty (30) days from such public hearing.

G. Lottery Selection.

Upon final determination by the Board of all applications that qualify for entry into the lottery ("Lottery Applicant(s)"), the County shall conduct two random lotteries at a public meeting, to select which applicants shall receive one of the 14 initial cannabis retailer business registrations. One of the lotteries will be for microbusinesses and the second lottery shall be for cannabis retailers and mezzobusinesses. The County shall review the data provided by OCM concerning the types of license applications received statewide and sort them into three groups: microbusinesses with a retail endorsement, mezzobusinesses with a retail endorsement, and cannabis retailers. Based on the percentage of each type received statewide relative to the entire number received for cannabis business retailers, this data suggests the following distribution of registrations: 62% were microbusinesses, 24% were cannabis retailers and 14% were mezzobusinesses. Based on that application distribution, the County will assign the fourteen (14) registration slots in the lottery. This equates to eight (8) registration slots for microbusinesses, four (4) registration slots for cannabis retailers and two (2) registration slots for mezzobusinesses. In the event there is an insufficient number of applications received for any business type, then the open registration slots shall be filled by a random drawing of all previously unselected applicants from all business types.

The County may choose to have County staff conduct the lottery or contract with an outside business to conduct the lottery on the County's behalf.

Approved applicants will be entered in the random lottery drawing, which will be conducted during regular business hours. The County will announce the location, date, and time at least two weeks before conducting the lottery drawing. The lottery drawing details will be emailed to approved applicants and persons who have self-registered to receive cannabis lottery updates. The information will be posted on the County's website.

H. Lottery Process.

1. Each applicant wishing to participate in the lottery must first confirm their business address and name on a preprinted card.

2. The cards will then be folded, sealed with a sticker and placed into an acrylic drum or other similar device by staff of the business hired or County staff designated to conduct the lottery. If a business representative of an applicant cannot be in attendance, the staff conducting the lottery will complete this part of the process on their behalf.
3. All cards shall then be tumbled and staff of the business hired or County staff designated to conduct the lottery shall draw each card at random from the drum. As each card is selected, a unique number must be assigned for each application. After all the cards were drawn, the corresponding numbered balls will be placed in a wire cage used to operate bingo games or other similar device.
4. A different member of the staff of the business hired or a different member of County staff that has remained outside the lottery room during the assignment of numbers, shall then enter the room without having prior knowledge of which business received which number. That staff member shall proceed to spin the wire cage containing all the numbered balls. As each numbered ball drops into the chute, the number shall be read aloud. After each respective lottery, a list of all the selected applicants will be posted on the County's website. The County shall then proceed to issue registrations for the applicants selected in the lottery.
5. Applicants are not required to be present at the selection but must have submitted the required lottery application fee in order to participate in the lottery.
6. Following such selection, and at the same public meeting, the County shall also conduct a random lottery to select alternate applicants in the event one of the primary lottery winners is unable to open a cannabis retailer operation within six (6) months of selection. Since there will be three (3) categories of cannabis retailer registration types, the County shall select three (3) alternate applicants for each of the cannabis retailer registration types. These alternates shall remain valid for a period of eighteen (18) months once selected. The County shall assign all unselected alternate applicants a preference number corresponding to the order in which they were selected using the same procedure as for the primary lottery. In the event no alternates remain available at the time when alternates are requested, then the County will hold a new lottery and follow the same process outlined above.

The County may adopt administrative rules and regulations specifying the policies and procedures for conducting the lottery.

Section 2156. REGISTRATION OF CANNABIS BUSINESSES.

A. Consent to Registering of Cannabis Businesses.

1. No individual or entity may operate a state-licensed cannabis retail business within Olmsted County without first registering with the County.

2. Any state-licensed cannabis retail business that sells to a customer or patient without a valid retail registration shall incur a civil penalty of \$2,000 for each violation.
3. Notwithstanding the foregoing provisions, the State shall not issue a license and the County shall not issue a registration to any cannabis business to operate in Indian country, as defined in United States Code, Title 18, Section 1151, of a Minnesota Tribal government that owns land within Olmsted County without the consent of the Tribal government.

B. Compliance Checks Prior to Retail Registration.

1. Prior to issuance of a cannabis retail business registration, the County shall conduct a preliminary compliance check to ensure compliance with local ordinances.
2. Pursuant to Minn. Stat. § 342.13, within 30 days of receiving a copy of a state license application from OCM, the County shall certify on a form provided by OCM whether a proposed cannabis retail business complies with the zoning ordinances of the zoning authority where the business will be located and, if applicable, whether the proposed business complies with the state fire code and building code.

C. Registration & Application Procedure

1. Fees. The County shall not charge an application fee. A registration fee, as established in the County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for. All fees listed in this section shall be specified on the County's Fee Schedule.
2. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. § 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
3. Any renewal retail registration fee imposed by the County shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. § 342.11, whichever is less.
4. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

D. Application Submittal.

1. The County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. § 342.22.
 - a. An applicant for a retail registration shall fill out an application form, as

provided by the County. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. The address and parcel ID(s) for the property which the retail registration is sought;
 - iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. § 342.13.
 - v. Other information requested by the County on the registration application form. This shall include but is not limited to, providing a cannabis retailer waste management plan as required by the Olmsted County Solid Waste Management Ordinance, Chapter 3500 of the Olmsted County Code of Ordinances.
- b. The applicant shall include with the form:
- i. the registration fee as required in Section 2155, C1;
 - ii. a copy of a valid state license or written notice of OCM license pre-approval;
- c. Once an application is considered complete, the County Public Health Director or their designee shall inform the applicant as such, process the registration fees, and forward the application to the County Board of Commissioners for approval or denial.
- d. The registration fee shall be non-refundable once processed.

E. Application Approval

1. A state-licensed cannabis retail business registration application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2157.
2. A state-licensed cannabis retail business registration application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
3. A state-licensed cannabis retail business registration application that meets the requirements of this ordinance shall be approved.
4. Applicants that are approved and that are authorized to receive a cannabis business retail registration must open a new cannabis retailer business within six (6) months from the date of approval. Applicants who are unable to open a new cannabis retailer business within six (6) months may apply to Olmsted County Public Health for an extension of up to three (3) additional months where the failure

to open in a timely manner is due to unforeseen circumstances beyond their control.

F. Hours of Operation.

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, and cannabis products, between the hours of 10:00 a.m. and 9:00 p.m. seven days a week.

G. Annual Compliance Checks.

1. The County shall complete at minimum one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. § 342.22 Subd. 4(b) and Minn. Stat. § 342.24 and this Chapter.
2. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the County. Any failures under this section must be reported to the Office of Cannabis Management.

H. Location Change.

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2155 if it seeks to move to a new location still within the legal boundaries of Olmsted County.

I. Renewal of Registration.

The County shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the County. The application for renewal of a retail registration shall include but is not limited to the items required under Section 2156 for an initial registration application. A cannabis retail registration issued under this ordinance shall not be transferred. In the event a cannabis retailer ceases operations before the registration period expires, the retailer may not transfer the registration to another cannabis retailer within the County. The County shall conduct a lottery in accordance with the process set forth above in Section 2155 to select a new cannabis retailer to receive that vacated registration slot.

J. Renewal Fees.

The County may charge a renewal fee for the registration starting at the second renewal, as established in the County's fee schedule.

K. Registration Violations.

No cannabis microbusiness, cannabis mezzobusiness, cannabis retailer or lower potency hemp edible retailer may make any sale to a customer without a valid retail registration with the County and a valid license with any applicable endorsement from OCM.

Section 2157. LIMITS ON CANNABIS BUSINESSES IN THE COUNTY.

The County intends to register cannabis businesses in the County pursuant to Minnesota Statutes § 342.22. The number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, cannabis microbusinesses with a retail operations endorsement shall be limited to one registration for every 12,500 residents in the County pursuant to Minnesota Statutes § 342.13. However, medical cannabis combination businesses and cannabis businesses with a medical cannabis retail endorsement shall not be subject to this restriction. Medical cannabis combination businesses and cannabis businesses with a medical cannabis retail endorsement must still register with the County.

As of July 2024, the population of the County is estimated at approximately 168,000 residents based on information provided by the Minnesota State Demographer's Office which means there will initially be a total of fourteen (14) cannabis business registrations available countywide. The cities and townships in the County shall notify the County by October 1, 2024, whether they intend to claim any or all of those registrations for their jurisdictions. Priority to claim these fourteen (14) registrations shall be given in the order the requests are received by the County. If any of the fourteen (14) registrations are not claimed by cities or townships in the County by October 1, 2024, those remaining registrations will be allocated to the County. If the County has at least one active registration for every 12,500 residents, a city or township in the County is not obligated to register a new cannabis business. Nothing in this Ordinance prohibits a city or township from allowing licensed cannabis retailers in excess of the fourteen (14) cannabis business registrations initially established in this Ordinance. No municipal cannabis store established by any city in the county and licensed by OCM shall be subject to this cannabis business registration limit.

Section 2158. TEMPORARY CANNABIS EVENTS.

A. Permit Required for Temporary Cannabis Events.

A permit is required to be issued and approved by the County prior to holding a Temporary Cannabis Event. A permit will only be issued for a temporary cannabis event if the applicant currently holds a valid cannabis event organizer license issued by the State of Minnesota pursuant to Minnesota Statutes § 342.39. A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days.

B. Registration & Application Procedure

A registration fee, as established in the County's Fee Schedule, shall be charged to applicants for Temporary Cannabis Events.

C. Application Submittal & Review.

The County shall require an application for Temporary Cannabis Events.

- a. An applicant shall fill out an application form, as provided by the County. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. The type and number of any other cannabis business license held by the applicant;
 - iv. The address and location where the temporary cannabis event will take place;
 - v. The name of the temporary cannabis event;
 - vi. A diagram of the physical layout of the temporary cannabis event showing where the event will take place on the grounds, all entrances and exits that will be used by participants during the event, all cannabis consumption areas, all cannabis retail areas where cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products will be sold, the location where cannabis waste will be stored, and any location where cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products will be stored during the event;
 - vii. A list of the name, number, and type of cannabis businesses and hemp businesses that will sell cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products at the event, which may be supplemented or amended within 72 hours of the time at which the cannabis event begins;
 - viii. The dates and hours during which the cannabis event will take place;
 - ix. Copy of event organizer's certificate of commercial general liability insurance with coverage limits established by County policy.
 - x. Plan for Transportation of Cannabis Products* - All transportation of cannabis products intended for display or sale and all such items used for display or not sold during the temporary cannabis event must be transported to and from the event by a licensed cannabis transporter.
 - xi. Plan for Cannabis Product Waste Disposal - A cannabis event organizer shall ensure that all used, unused, and waste cannabis products, that are not removed by an event attendee, cannabis business, or hemp business are disposed of in a manner approved by the Olmsted County

Environmental Resources Department and the Minnesota Office of Cannabis Management.

- xii. Other information requested by the County on the Temporary Cannabis Event application form.
- b. The applicant shall include with the form:
 - i. The application fee as required by the County's Fee Schedule.
 - ii. A copy of the OCM temporary cannabis event license application, submitted pursuant to Minnesota Statutes § 342.39 Subd. 2.
- c. The application shall be submitted to Director of Olmsted County Public Health, or their designee for review. If the County determines that a submitted application is incomplete, it shall return the application to the applicant with the notice of deficiencies.
- d. Once an application is considered complete, the County shall inform the applicant as such, process the application fees, and forward the application to County staff and to the Olmsted County Board of Commissioners for approval or denial.
- e. The application fee shall be non-refundable once processed.
- f. The permittees for a Temporary Cannabis Event shall meet the following standards during the event:
 - i. Enclosed Area – Permittees shall provide a secure enclosure around the property where the event is being held and restrict access to the property to ensure persons under the age of 21 are not allowed to enter.
 - ii. Checking Identification and Wristband Use – For every cannabis product sale, permittees shall check identification of all event attendees entering the property where the event is to be held to verify they are age 21 or older. Permittees shall issue wristbands to identify persons who are 21 and older that have been admitted to the event.
 - iii. Signage – Permittee shall place signage at all entry points to the event and at each location where cannabis retailers are selling cannabis products indicating that sales of cannabis products to persons under the age of 21 is prohibited.
 - iv. Product Storage in Secure Container – Permittees shall store all cannabis products for sale at a cannabis event in a secure, locked, monitored container that is not accessible to the public.
 - v. Limit Servings – Permittees shall limit the number of cannabis product servings to one per person per purchase (when an event attendee

produces an ID, that person receives one serving of cannabis beverage or edible). Permittees shall also not sell more cannabis products to event attendees than they are legally permitted to possess under state law.

- vi. No Smoking or Vaping Cannabis Products – Permittees shall not permit event attendees to smoke or vape cannabis products within the property where the event is taking place.
- vii. No Sales to Obviously Impaired Event Attendees - Permittees shall not sell cannabis products to any event attendees appearing obviously impaired.
- viii. Offer Food and Non-alcoholic Beverages – Permittees shall offer food and non-alcoholic beverages to event attendees. Permittees shall not permit consumption of alcoholic beverages at temporary cannabis events. Event attendees may consume lower potency hemp edibles products at the event.
- ix. Cannabis Service Hours - Permittees shall stop cannabis product service at least one hour before closing.
- x. No Price Discounting on Cannabis – Permittees shall not offer cannabis product promotions.
- xi. Cannabis Awareness Training - Permittees shall require training for all cannabis event servers and managers and training for event coordinators.
- xii. Restrict Age of Servers – Permittees shall restrict servers and security to individuals 21 years of age and older.
- xiii. Hire Security – Permittees shall hire Minnesota licensed peace officers to monitor cannabis consumption and provide event security. The Olmsted County Sheriff's Office shall review event applications and establish security staffing requirements consistent with other large public events in the County.
- xiv. Manager/Booth Leader On Duty at All Times – Permittees shall require a manager or booth leader to be stationed at each cannabis booth at all times.
- xv. No Using Cannabis Products on the Job – Permittees shall forbid their servers/staff from having cannabis products in their systems while working.
- xvi. Provide Copies of Event Policies to all Staff/Volunteers/Security – Permittees shall provide event staff with a copy of the County's temporary cannabis event policies before serving cannabis. Permittees shall establish enforcement procedures for all policies.
- xvii. Incident Report Form – Permittees shall require event staff to record all reports of personal injury, property damage, or other incidents where law

enforcement is asked to respond and investigate at the event in an incident report form.

- xviii. Regular Pre-shift Staff Meetings – Permittee shall hold regular pre-shift staff meetings to discuss rules and ways to prevent and handle problem situations.
- g. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- h. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The County may deny an application for a temporary event permit if it finds that the proposed event may place public health or safety at risk. The County shall notify the applicant of the standards not met and the basis for denial.
- i. Temporary cannabis events shall only be held between the hours of 10:00 a.m. to 9:00 p.m. on the days authorized by the temporary cannabis event permit. The Sheriff, in consultation with Olmsted County Public Health staff, shall have authority to terminate an event prior to closing hours in the event a serious and imminent threat to public health or safety exists.

Section 2159. LOWER POTENCY HEMP EDIBLE PRODUCT OVERSIGHT.

2159.01. Lower Potency Hemp Edible Product Registration.

- A. **License Required.** No person shall sell or offer to sell any lower-potency hemp edible product without first having obtained a license or retail endorsement to do so from the Office of Cannabis Management.
- B. **Registration required.** No person shall sell or offer to sell any lower-potency hemp edible product without first being granted a registration by Olmsted County. Operating a retail establishment without a valid lower potency hemp edible product retail registration is a violation of this Ordinance and of Minn. Stat. § 342.22, Subd. 5(e) and is subject to a civil penalty of up to \$2,000 per violation.
- C. **Application.** An application for a registration to sell lower-potency hemp edible products must be made on a form provided by Olmsted County. The application must contain the full name of the applicant and any true party of interest, the applicant's and true parties' residential and business addresses and telephone numbers, the name of the business for which the registration is sought, and any additional information the County deems necessary. Upon receipt of a completed application, the County will review the application within 30 calendar days. If an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.
- D. **Action.** The County shall review the application for conformance with this Ordinance and all applicable state and local laws and rules, including but not limited to

compliance with applicable local zoning code, building code, and fire code. The County may approve or deny the application for a registration, or it may delay action for a reasonable period to complete any investigation of the application or the applicant deemed necessary. If the County approves the application, the County will issue the registration to the applicant. If the County denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.

- E. **Term.** All registrations issued are valid for one calendar year from the date of issue.
- F. **suspension.** Any registration issued may be suspended following the procedures set forth in Section 2155K of this ordinance.
- G. **Transfers.** All registrations issued are valid only on the premises for which the registration was issued and only for the person to whom the registration was issued. The transfer of any registration to another location or person is prohibited.
- H. **Display.** All registrations must be posted and displayed at all times at the registered retail establishment in plain view of the general public.
- I. **Renewals.** The renewal of a registration issued under this ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days before the expiration of the current registration.
- J. **Issuance is a Privilege and Not a Right.** The issuance of a registration is a privilege and does not entitle the registration holder to an automatic renewal of the registration.
- K. **Fees.** No registration will be issued under this ordinance until the appropriate registration fees are paid in full. The fees will be established in the Olmsted County Public Health – Environmental Health Fee Schedule pursuant to Minn. Stat. § 342.22, Subd. 2, as may be amended from time to time.
- L. **Basis for Denial of Registration**

An initial application for registration or a renewal of registration with Olmsted County will be denied if:

- (1) the applicant is under 21 years of age;
- (2) the applicant does not have a valid retail license, preapproved license, or retail endorsement from the Office of Cannabis Management;
- (3) the applicant fails to provide any of the information required on the licensing application or provides false or misleading information;
- (4) the applicant is prohibited by state, or local law, ordinance, or other regulation from holding a registration; or,

- (5) the applicant fails a pre-application inspection by the county as provided under Minn. Stat. § 342.22, Subd. 3(b) as amended from time to time.

If a registration is mistakenly issued or renewed to any person, it will be revoked upon the discovery of ineligibility for registration under this ordinance or state or other local law, ordinance, or other regulation.

2159.02. Lower Potency Hemp Edible Product Prohibited Sales and Other Restrictions.

A. Manner of Sales Restrictions.

1. **Sales Display Restrictions.** In addition to the prohibitions and restrictions set forth under Minn. Stat. § 342.46, Subd. 7, no registered lower-potency hemp edible retailer shall sell or offer to sell any lower-potency hemp edible product by means of any type of vending machine.
2. **Advertising restrictions.** Registered retail establishments must follow all advertisement restrictions pursuant to Minn. Stat. § 342.64, as amended from time to time.
3. **Product Packaging and Labeling.** Products must comply with the packaging and labeling requirements under Minn. Stat. §§ 342.62 and 342.63 as may be amended from time to time. This means:
 - (a) **Products that are attractive to underage persons.** No person shall sell or offer for sale any lower-potency hemp edibles or beverages that are appealing to individuals under 21 years of age as described in Minn. Stat. § 342.62.
 - (b) **Single Serving Requirement.** No lower-potency hemp edible product may be sold that does not indicate a single serving by scoring or use of another indicator that appears on the product. If it is not possible to include a single serving by scoring or use of another indicator that appears on the product, the lower-potency hemp edible may not be packaged in a manner that includes more than a single serving in each container.
 - (c) **Potency Limits.** Lower-potency hemp edible retailers shall sell or offer for sale lower-potency hemp edible products that comply with potency limits in accordance with Minn. Stat. § 342.46, Subd. 6, as amended from time to time.
 - (d) **General Sales Restrictions.** No lower-potency hemp edible beverage or product may be sold by any other means, to any other person, or in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.
4. **Age Sales Restrictions.** No person shall sell any lower-potency hemp edible product to any person under the age of 21. Before any sale of lower-potency hemp edibles, the registered retail establishment must verify by means of government-

issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age.

5. On-site consumption restrictions.

(a) No registered lower-potency hemp edible retailer may allow on-site consumption of lower-potency hemp edible products on the premises unless the following restrictions are met:

(i) Lower potency hemp edible products must have been purchased at that establishment.

(ii) All consumers must be age 21 or older.

(iii) Retailers shall not sell products to obviously impaired consumers.

(b) Smoking of tobacco and cannabis products is prohibited within the indoor area of any registered retail establishment.

2159.03. Compliance Checks and Inspections.

A. Business Inspection Access.

All registered retailer establishments must be open to inspection by authorized Olmsted County officials or their designees during regular business hours.

B. Compliance Check Requirements.

1. In accordance with Minn. Stat. § 342.22, Subd. 4, the County will conduct compliance checks of every retail establishment with a retail registration for lower potency hemp edible products issued by Olmsted County. The checks will assess compliance with age verification requirements and all provisions of this ordinance.
2. From time to time, but at least once per year, the County must conduct compliance checks to ensure compliance with all provisions of this ordinance.
3. In accordance with state law, the County will conduct at least one annual compliance check that involve participation of a person at least 17 years of age, but under the age of 21 to enter the registered retail establishment to attempt to purchase lower-potency hemp edible products under the supervision of a law enforcement officer or an employee of the county. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check.

C. Owner Responsibility.

All registered lower-potency hemp edible retailers are responsible for the actions of their employees regarding the sale, offer to sell, and furnishing of lower-potency hemp edible products on the licensed and registered premises. The sale, offer to sell, or furnishing of

any lower-potency hemp edible product by an employee will be considered an act of the registrant.

D. Defense to Violation.

It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

Section 2160. ENFORCEMENT.

The Director of Olmsted County Public Health Services (Director) and the Olmsted County Sheriff (Sheriff) shall be jointly responsible for the administration and enforcement of this ordinance. The Director of Olmsted County Public Health Services (Director) and the Olmsted County Sheriff (Sheriff) shall be jointly responsible for the administration and enforcement of this ordinance.

Section 2161. INVESTIGATIONS, VIOLATIONS, PENALTIES, AND APPEALS.

2161.01. Investigations.

An alleged violation or violation of this ordinance may be investigated by Olmsted County Public Health staff, OCM staff or by a peace officer as defined in Minn. Stat. § 626.84, Subd. 1.

2161.02. Violations.

- A. It shall be unlawful to violate any of the provisions of this Ordinance. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this Ordinance. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- B. The County Attorney may prosecute any alleged criminal violation of this ordinance. The County Attorney may pursue any civil remedies against violators authorized by this ordinance.

2161.03. Criminal Penalties.

- A. A violation of Section 2154 - Prohibited Use of Cannabis in Public Places of this ordinance shall be a petty misdemeanor punishable by a fine of up to Three Hundred Dollars (\$300) and/or community work service.
- B. Any violation of any of the other provisions of this ordinance or failure to comply with any of those requirements constitutes a misdemeanor criminal offense and is punishable as defined by law.
- C. 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.

2161.04. Civil Penalties.

A. Suspension of Registration for Cannabis and Lower Potency Hemp Edible Product Retailers.

1. When Suspension is Warranted.

The County may suspend a cannabis or lower potency hemp edible retailer's business registration pursuant to authority in Minn. Stat. § 342.22, Subd. 5 if it violates any of the provisions of this Ordinance or cannabis or lower potency hemp edible requirements found in other County ordinances such as the County Zoning Ordinance or the County's Solid Waste Management Ordinance or poses an immediate threat to the health or safety of the public. An immediate threat to health or safety of the public may include, but is not limited to, making sales to persons under 21 years of age. The County shall immediately notify the cannabis retail business in writing of the grounds for the suspension.

2. Notification to OCM.

The County shall immediately notify the OCM in writing of the grounds for the suspension. OCM will provide the County and cannabis or lower potency hemp edible business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days. OCM may order reinstatement of the retail registration or take any action described in Minn. Stat. § 342.19 or 342.21

3. Suspension Details.

a. Suspension Length.

The suspension of a cannabis or lower potency hemp edible retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period.

b. Monetary Penalties.

Subject to Minn. Stat. § 342.22, Subd. 5(e), Olmsted County may impose a civil penalty, as specified in Olmsted County's Fee Schedule, for registration violations, not to exceed \$2,000.

c. Sales to Persons Under the Age of 21.

The registration suspension requirements for illegal sales to persons under the age of 21 are set forth in the table included below.

Type of Violation	Appearance			
	1 st	2 nd within 36 months	3 rd within 36 months	4 th and subsequent
Sale to a person under twenty-	\$300.00 fine	\$600.00 fine	\$1,000.00 fine and 7-	\$1,000 fine and 30-day suspension

one (21) years of age			day suspension	
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d. Sales and Product Display Restrictions.

The business may not make sales to customers if its registration is suspended. The County may also order the retailer to remove all cannabis and lower potency hemp edible products from the point-of-sale area, keeping them out of public view and access (on or off the premises), during the entire suspension period.

e. Reinstatement from Suspension.

The County may reinstate a registration if it determines that the violations have been corrected. The County shall reinstate a registration if OCM determines that the violation(s) have been corrected.

- B. Referrals to OCM for Enforcement Action. If violations of this Ordinance are observed by County or OCM staff or by a peace officer and those violations are also violations of Chapter 342 of the Minnesota Statutes or the Minnesota Rules adopted pursuant to that Chapter, the County may refer the results of its investigation to OCM and request that OCM issue the offender an administrative order to correct the violations and impose a monetary penalty of up to \$10,000 per violation as authorized by Minn. Stat. § 342.19.
- C. Civil Legal Remedies. If violations of this Ordinance by an offender are “injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property”, amounting to a public nuisance, the County may pursue a nuisance action against the offender in court seeking injunctive relief and the greater of the County’s actual damages or a civil penalty of \$250, whichever is greater, pursuant to Minn. Stat. § 342.82.

2161.05. Appeal of Cannabis and Lower Potency Hemp Edible Business Registration Decisions.

- A. Decisions made by the County Director of Public Health Services denying an application for a cannabis or lower potency hemp edible retailer initial or renewal registration pursuant to this Ordinance, may be appealed as provided in the Olmsted County Administrative Enforcement and Appeals Procedure Ordinance found at Chapter 4000 of the Olmsted County Code of Ordinances.
- B. Decisions made by the County Director of Public Services to suspend a registration followed by a referral to OCM where OCM ratifies a county suspension may only be appealed by following administrative appeal procedures established by OCM pursuant to Minn. Stat. § 342.21.

Section 2162. 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 2163. EFFECTIVE DATE.

The revisions to Section 2155 to create a cannabis retailer registration lottery to determine which retailer applicants shall receive one of the fourteen (14) authorized registration slots shall be in full force and effect on June 1, 2025, after its passage and publication as required by law.

ADOPTED by the Olmsted County Board of Commissioners this 20th day of May 2025.

COUNTY OF OLMSTED

Mark Thein, Chair of the County Board
of Commissioners

Attest: _____
Clara Sifuentes
Deputy Clerk of the County Board

Adopted November 7, 2023
Revised August 6, 2024
Revised November 19, 2024
Revised April 1, 2025
Revised May 20, 2025

END OF CHAPTER 2150