

ORDINANCE NO. 2023-12
AN ORDINANCE AMENDING CHAPTER 24
OF THE EDINA CITY CODE CONCERNING THE USE OF
CANNABIS AND HEMP PRODUCTS IN PUBLIC

THE CITY COUNCIL OF EDINA ORDAINS:

SECTION 1. Chapter 24, Article VII. of the Edina City Code is amended to include the following;

Sec. 24-260. Cannabis and Hemp Public Use Prohibition.

(a) Definitions

The definitions in Minn. Stat. § 342.01 apply to this section. In this section:

CANNABIS FLOWER: 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.

CANNABIS PRODUCT: Any of the following: (1) cannabis concentrate; (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or (3) any other product that contains cannabis concentrate. Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabis products.

CERTAIN CANNABINOID PRODUCTS: Any product legalized under Minn. Stat. §151.72.

LOWER-POTENCY HEMP EDIBLE: 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 cannabidiol, 25 milligrams of cannabigerol, 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 of Cannabis Management or is substantially similar to a product approved by that Office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

HEMP-DERIVED CONSUMER PRODUCT: 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.

PUBLIC PLACE: Property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include:

1. a person's dwelling house or premises, including the person'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.

(b) Prohibited Activity

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or certain cannabinoid products in a public place.

(c) Penalty

Violation of this section shall be a petty misdemeanor punishable to the maximum extent authorized in Minn. Stat. § 412.231 and Minn. Stat. § 609.0332.

SECTION 2. This ordinance shall be effective immediately upon its passage and publication.

First Reading: August 2, 2023

Second Reading: August 15, 2023

Published:

ADOPTED this 15 day of August, 2023, by the City Council of the City of Edina, Minnesota.

ATTEST:

Sharon Allison, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on: August 24, 2023

Send two affidavits of publication

Bill to Edina City Clerk