

SCOTT COUNTY ORDINANCE NO. 34

PUBLIC USE OF CANNABIS AND HEMP PRODUCTS

AN ORDINANCE REGULATING THE USE OF CANNABIS AND HEMP PRODUCTS

IN PUBLIC PLACES

The County Board of Commissioners of the County of Scott does hereby ordain:

1.0 TITLE AND AUTHORITY

This ordinance shall be known, cited, and referred to as the Scott County Public Use of Cannabis and Hemp Products Ordinance and shall be referred to herein as the “Ordinance,” and is adopted pursuant to Minn. Stat. §152.0263, Subd. 5, as it may be amended from time to time, or its successor statutes.

2.0 DEFINITIONS

2.1 For the purposes of this Ordinance, the definitions included in Minnesota Statutes section 342.01, as may be amended from time to time, shall apply. To the extent the definitions expressly stated within this Ordinance conflict with the definitions included in Minnesota Statutes section 342.01, the definitions within this Ordinance shall control.

2.2 “Public Place.” For the purposes of this Ordinance, the term “Public Place” shall mean (a) any and all properties and places within the County of Scott owned, leased, or controlled by the County of Scott, and (b) any and all private properties and places that are made open to, accessible to, or available for use by the public. The term “Public Place” shall include but shall not be limited to any public street, avenue, boulevard, right of way, road, alley, sidewalk, park trail, parking lot, beach, building, vehicle, and public or private event. Provided, however, that the term “Public Place” shall not include the following:

2.2.1 A private residence, including the person’s curtilage or yard;

2.2.2 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 by the owner of the property; or

2.2.3 The premises of an establishment or event licensed to permit on-site consumption of Cannabis Flower, Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products.

2.3 “Cannabis Flower.” For the purposes of this Ordinance, the term “Cannabis Flower” shall mean the harvested flower, bud, leaves, and stems of a cannabis plant. The term “Cannabis Flower” shall include adult-use cannabis flower and medical cannabis flower. The term “Cannabis Flower” shall not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

2.4 “Cannabis Products.” For the purposes of this Ordinance, the term “Cannabis Products” shall mean any of the following: (a) cannabis concentrate; (b) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or (c) any other product that contains cannabis concentrate. The term “Cannabis Products” shall include adult-use and medical use cannabis products, including but not limited to edible cannabis products.

2.5 “Lower-Potency Hemp Edible.” For the purposes of this Ordinance, the term “Lower-Potency Hemp Edible” shall mean any product that (a) is intended to be eaten or otherwise consumed as a beverage by humans; (b) contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients; (c) is not a drug; (d) 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; (e) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving; (f) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol; (g) does not contain a cannabinoid derived from cannabis plants or Cannabis Flower; and (h) 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, or baked goods.

2.6 “Hemp-Derived Consumer Products.” For the purposes of this Ordinance, the term “Hemp-Derived Consumer Products” shall mean any product intended for human or animal consumption that does not contain Cannabis Flower or cannabis concentrate, and (a) contains or consists of hemp plant parts, or (b) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

3.0 PROHIBITED ACTIVITY

No person shall use Cannabis Flower, Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products in a Public Place.

4.0 PENALTY

Violation of this Ordinance shall be a petty misdemeanor as defined by Minnesota law, and upon conviction thereof, the violator shall be subject to a fine as set forth in Minnesota Statutes, plus the costs of prosecution.

5.0 CONTINUED VIOLATIONS

Each violation shall constitute a separate offense, and every day in which a violation continues shall constitute a separate offense.

6.0 SEVERABILITY

If any section or subsection of this Ordinance is adjudged unlawful, invalid, or unconstitutional by a court of competent jurisdiction, that finding shall not invalidate or otherwise affect the validity and enforceability of other sections or subsections of this Ordinance.

7.0 REMEDIES CUMULATIVE

No remedy set forth in this Ordinance is intended to be exclusive, but each such remedy is cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay in the exercise of any remedy for violation of this Ordinance shall later impair or wave any such right or power of the County.

8.0 EFFECTIVE DATE

This Ordinance shall be effective immediately upon the sooner of the date of its publication or upon the date of publication of a summary of this Ordinance.

Adopted this 3rd day of October, 2023, by the Scott County Board of
Commissioners

SCOTT COUNTY

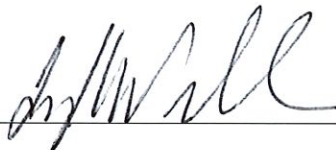
By 

Tom Wolf, Chair

Scott County Board of Commissioners

Date: 10-17, 2023

Attest:

By 

Lezlie Vermillion

Scott County Administrator

Date: 10/10, 2023