

TOWN OF ATHENS
ISANTI COUNTY, MN.

ORDINANCE NO. 2024 -- 07

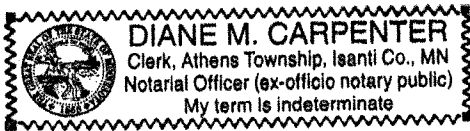
ORDINANCE AMENDING CHAPTER 11 PARK REGULATIONS, AND ADDING SECTION 11-86, REGULATING THE USE OF TOBACCO PRODUCTS OF ANY FORM, CANNABIS AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES


THE TOWN BOARD OF ATHENS ORDAINS:

Section 1: Pursuant to authority granted by Minnesota Statutes, 462.357, The Town of Athens hereby adopts the addition to Chapter 11, adding Section 11-86 of the Town Code as shown in Exhibit A.

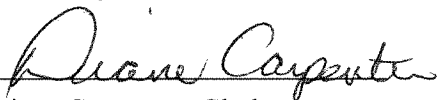
Section 2: This Ordinance shall be in full force upon passage and publication.

Adopted this 9th day of December 2024.





Dave Henderson, Chair



Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom	<input checked="" type="checkbox"/>			
Heinen	<input checked="" type="checkbox"/>			
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

EXHIBIT A – ADDITION OF SECTION 11-86

**TOWN OF
ATHENS ISANTI
COUNTY, MN.**

ORDINANCE NO. 2024 -- 07

**ORDINANCE AMENDING CHAPTER 11 PARK REGULATIONS, AND ADDING
SECTION 11-86, REGULATING THE USE OF TOBACCO PRODUCTS OF ANY FORM,
CANNABIS AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES**

SECTION 1. PURPOSE, INTENT AND STATUTORY AUTHORITY

(A) Statement of Purpose and Intent.

This Ordinance is adopted by the Athens Town Board for the purpose of protecting public health and safety by regulating the use of Tobacco products of any form, and Cannabis and cannabis derived products in public places and places of public accommodation within Athens Township.

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 became legal on August 1, 2023.

State legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

Athens Township recognizes the risks that unintended access and use of tobacco products of any form, and cannabis products and exposure to tobacco products and cannabis and its effects present to the health, welfare, and safety of youth and the general public in Athens Township.

State legislation authorizes adoption of ordinances to regulate actual or potential threats to public health. See Minn. Stat. 145A.05, subds. 1 and 7. The Township wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public and public health by the public use of tobacco products of any form, and cannabis.

(B) Statutory Authority.

This Ordinance is enacted pursuant to 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to "State Legislation"]; State Legislation Article 1, Sec. 1 Minn. Stat. 342.01; State Legislation Article 1, Sec. 9 Minn. Stat. 342.09 Subd. 1(b) or successor statute; State Legislation Sec. 9 Minn. Stat. 342.09, Subd. 1 (b)(9) or successor statute; State Legislation Minn. Stat. 342.09 Subd. 1 (a)(7) or successor statute; and State Legislation Article 4, Sec. 19 Minn. Stat. 152.0263, Subd. 5, or successor statute; and Minn. Stat. 145A.05.

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 State Statute or is substantially similar to a product approved by State Statute. 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 State Statute or is substantially similar to a product approved by State Statute. 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 plant. "Cannabis plant" means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.
- (E) Cannabis product. "Cannabis product" means 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.
- (F) Hemp derived consumer products.
 - (1) "Hemp derived consumer products" means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
 - (i) contains or consists of hemp plant parts; or
 - (ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
 - (2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.
- (G) Lower-potency hemp edible. A "lower-potency hemp edible" 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 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 State Statute 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.

(H) Public place. A "public place," means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

(I) 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."

(J) Exceptions to public place or place of public accommodation. "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;
or

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

(K) **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.

(L) **Tobacco product.** means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means electronic delivery devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and substances used in electronic delivery devices, whether or not they contain nicotine. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act

SECTION 3. JURISDICTION

This Ordinance shall be applicable within the legal boundaries of Athens Township.

SECTION 4. PROHIBITED ACTS

{A} 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 an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19 codified as Minn. Stat. 152.0263, Subd. 5, or successor statute.

{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 State Legislation Article I, Sec. 9 codified as Minn. Stat.

342.09, Subd. 1 (p)(9) or successor statute.

SECTION 5. PENALTY

(A) Criminal Penalty. A violation of this ordinance chapter shall be a petty misdemeanor having a fine payable up to \$300. Nothing in this ordinance prohibits the County from seeking prosecution for an alleged violation.

SECTION 6. 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 7. EFFECTIVE DATE

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