

ORDINANCE CREATING MANKATO CITY CODE SECTION 9.20 ESTABLISHING A PROHIBITION ON THE POSSESSION, USE AND DISTRIBUTION OF EDIBLE CANNABINOID PRODUCTS BY UNDERAGE PERSONS IN PUBLIC PLACES LOCATED IN THE CITY OF MANKATO

WHEREAS, Possession or distribution of edible cannabinoid products by persons under the age of 18 years may be harmful to those persons or to other underage persons in receipt of those products and constitutes a potential threat to public health from injuries related to or resulting from consumption, including impairment from consumption or related traffic collisions; and

WHEREAS, consumption of edible cannabinoid products could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user; and

WHEREAS, State law regarding edible cannabinoid products places restrictions on the labeling and packaging of product containing nonintoxicating cannabinoids, prohibits the sale of these cannabinoids to persons under the age of 21, and regulates the allowable amount of tetrahydrocannabinol in the product; and

WHEREAS, State law does not, however, address either the use of edible cannabinoid products by any person nor the amount of edible cannabinoid products any person consumes, regardless of their age; and

WHEREAS, State law also does not address the sharing or distribution of edible cannabinoid products by any person with others, regardless of their age; thus, as a result, the amount of edible cannabinoid products a person consumes is within that person's discretion; and

WHEREAS, as a result, possession or distribution of edible cannabinoid products occurring on public property by persons under the age of 18 should be prevented as much as possible; and

WHEREAS, a deterrent effect will be established by holding a person under the age of 18 years criminally responsible for possessing or distributing edible cannabinoid products on public property.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Mankato that Mankato City Code Section 9.20 be and hereby is established as follows:

Sec. 9.20. Edible Cannabinoids and Underage Persons.

Subd. 1. Purpose. The purpose of this section is to discourage and reduce underage possession and distribution of edible cannabinoid products on public property and provide the City authority to address such underage possession, consumption, or distribution on public property.

Subd. 2. Definitions. For purposes of this section, the following terms have the meanings given:

A. "Cannabinoid Product" means products derived from Cannabinoids which are a group of substances found in the Cannabis plant, the most common of which include tetrahydrocannabinol (THC).

B. "Custodian" means any person who is under a legal obligation to provide care and support for an underage person.

C. "Distribute" means to sell or furnish, regardless of whether consideration is given in return.

D. "Edible Cannabinoid Product" means any product that is intended to be either eaten, or consumed as a beverage, by humans, and which contains a cannabinoid product in combination with other consumable ingredients.

E. "Family members" means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

F. "Parent" means a person having the following relationship to an underage person:

1. a natural parent, adoptive parent, or step-parent;
2. a legal guardian; or
3. a person to whom legal custody has been given by order of a court.

G. "Person" means an individual, partnership, co-partnership, corporation, or an association of one or more individuals. "Person" does not include a city, county, or state agency.

H. "Public Property" and "public place" means any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard, or open space adjacent thereto and any lake or stream.

I. "Underage person" means an individual under 18 years of age.

Subd. 3. Prohibited Acts.

A. It is unlawful for an underage person to possess or consume an edible cannabinoid product on public property or distribute an edible cannabinoid product to another underaged person on public property. This subdivision 2(1) does not apply to the conduct of an underage person that is physically accompanied by his, her, or their custodian or parent or an adult authorized by the custodian or parent. If contacted, the custodian or parent should be able to say specifically who they authorized their child to be with.

B. It is unlawful for any person to distribute an edible cannabinoid product, by any manner or means and in any form, to any underage person who is not a family member or who is not physically accompanied by a parent, custodian or adult authorized by the parent or custodian.

C. Penalty. Violation of any provisions of this subdivision shall be a petty misdemeanor punishable under Minn. Stat. 609.03.

D. Severability. If any portion of this subdivision is held invalid, the remaining provisions shall be considered severable and shall be given effect to the maximum extent possible.

Subd. 4. Exceptions.

A. This section shall not be interpreted to prohibit a bona fide, legally protected religious observance.

This Ordinance shall, in accordance with the provisions of Section 2.14 and 5.06 of the Mankato City Charter, become effective thirty (30) days after publication of notice of its adoption.

Adopted this _____ day of _____, 2022.

Najwa Massad, Mayor

Attest: _____
Renae Kopischke, City Clerk, MMC