

**City of Ramsey
Agenda
City Council Work Session
Tuesday, April 11, 2023**

**5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW**

Remote Attendance available at www.cityoframsey.com/meetings.
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Topics for Discussion

1. Receive Update on Proposed Solar Project on Closed MPCA Landfill Site
2. Adult-Use Cannabis Sales Moratorium Discussion
3. Zoning Code Update
4. Discuss Polling Locations

3. Topics for Future Discussion

1. Review Future Topics/Calendar

4. Mayor/Council/Staff Input

5. Adjournment*

***Note: the City Council may motion to recess this Work Session meeting and reconvene after the regular City Council meeting if items on the agenda are not completed.**

Meeting Date: 04/11/2023

Information

Title:

Receive Update on Proposed Solar Project on Closed MPCA Landfill Site

Purpose/Background:

The purpose of this case is to provide an update to the City Council on proposed solar project on the MPCA closed landfill site.

The City has been involved in this proposed project since 2019. The City hosted a workshop in 2019 to discuss the closed landfill program and the solar initiative "Brightfield" (see attached workshop agenda). In 2020 a feasibility report was completed looking at solar farms on closed landfill sites. Ramsey was identified for high consideration based on the criteria. Legislation was passed in 2021 that provided for the MPCA land to have the outstanding bonds on the site paid which opens up the ability to construct a solar panel array onsite. As of today, there are no approved plans for the layout and magnitude of the project, but it is anticipated to be worked on this year. The city completed a project which ultimately redeveloped closed landfill property south of Sunwood Drive into industrial development. Because of the past success and the progress made by Connexus on the remaining closed landfill property, staff believes there may be an opportunity from these efforts to see additional industrial development. The 2023 Legislative Priorities recognizes this opportunity and identifies that staff will continue efforts to encourage economic development opportunities in that area. Staff has put together a very preliminary map identifying a potential location of the Solar project and some potential industrial land north of Sunwood Drive.

Connexus Energy, the local energy provider, is a partner in this proposed project. Brian Burandt, VP Power Supply and Business Development from Connexus Energy, will attend the meeting and provide a project update and answer questions.

Timeframe:

15-30 minutes

Funding Source:

TBD. No City Funding is anticipated

Responsible Party(ies):

Sean Sullivan, Economic Development Manager
Brian Hagen, City Administrator

Outcome:

Provide City Council an update on proposed solar project on Closed MPCA Ramsey Landfill.

Attachments

Site Location Map
Solar Area / Future Industrial Map
Closed Land Fill Workshop - Hosted by Ramsey
Closed Landfills Report - Solar

Form Review

Inbox

Sean Sullivan (Originator)

Brian Hagen

Form Started By: Sean Sullivan

Final Approval Date: 04/06/2023

Reviewed By

Sean Sullivan

Brian Hagen

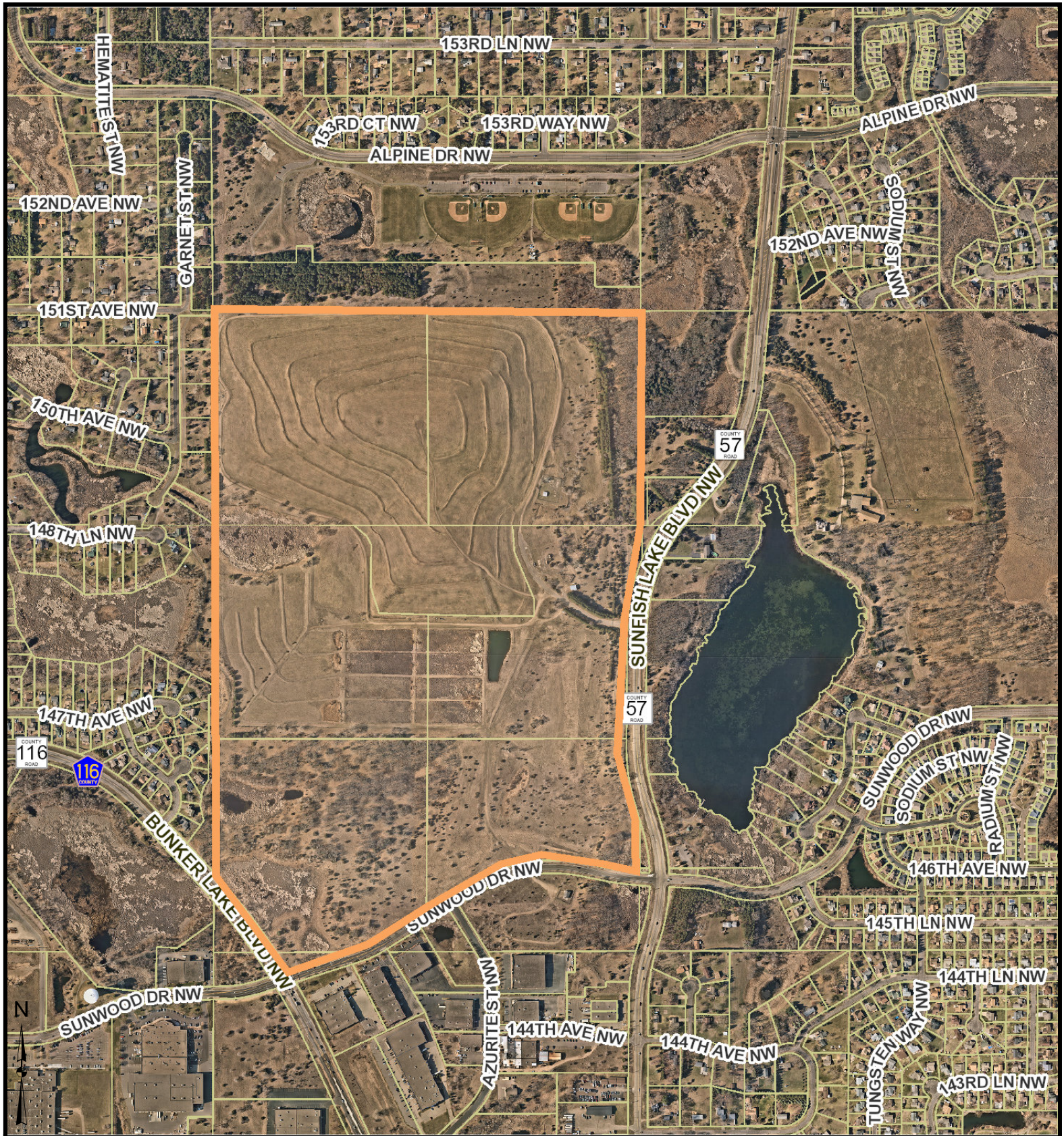
Date

04/06/2023 12:02 PM

04/06/2023 01:09 PM

Started On: 04/06/2023 11:22 AM

MPCA CLOSED LANDFILL SITE



Parcel Information:

Approx. Acres:
Commissioner:

Owner Information:

Plat:

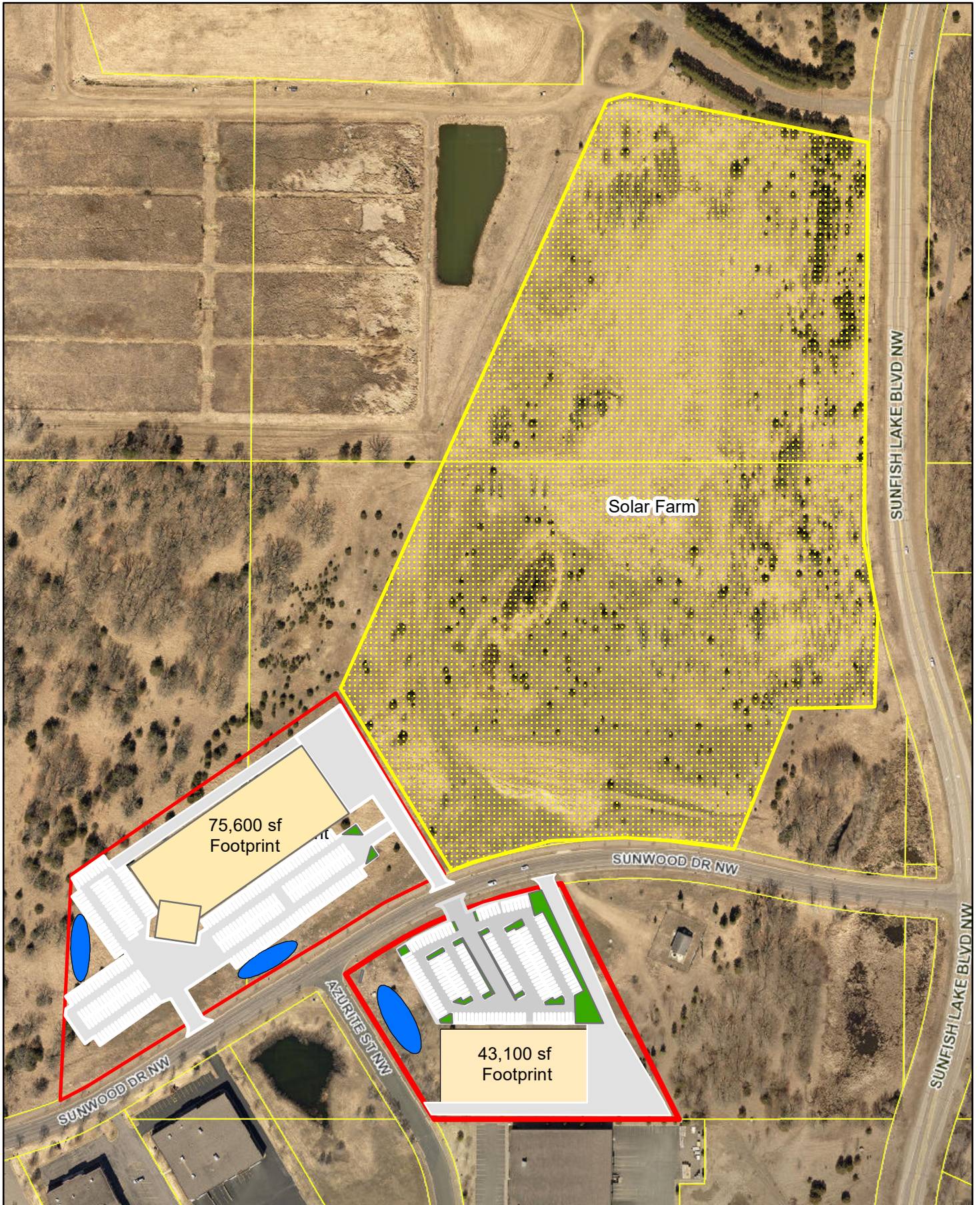


Sean Sullivan

1:9,600

Date: 4/6/2023

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



1 inch = 255 feet

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Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, Municipal Group LLC cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. Municipal Group LLC makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.

CDFA Brownfields Technical Assistance Program & City of Ramsey Anoka-Ramsey Closed Landfill

DAY 1 AGENDA

July 17, 2019. 8:15am – 4:30pm.

Ramsey Municipal Plaza (7550 Sunwood Dr NW, Ramsey, MN 55303)

8:15am. Registration. Ramsey Municipal Plaza. Register, coffee and light snacks, find seating.

8:30am. Workshop Kickoff. Ramsey Municipal Plaza. Introductions, meet the team, review agenda, and frame the purpose of the site visit and stake-holder meetings later in the day. **Lead:** Cameran Bailey, Met Council, MN Brightfields Initiative; City of Ramsey

9:30am. Site Visit. Anoka-Ramsey Closed Landfill (14787 Sunfish Lake Blvd NW, Ramsey, MN 55303). Travel to site, get overview of site characteristics, history, current status, and any future plans for closed landfill from MPCA. Walking Q&A of site. **Lead:** Mark Umholtz, MN Pollution Control Agency, Closed Landfill Program

11:30am. Lunch. Patronize an establishment nearby to Ramsey Administrative Office.

Return to Ramsey Municipal Plaza by 1pm

12:30pm. Stakeholder Focus 1: Localized Natural Environment Goal. Integrate the most innovative pollinator, vegetation, soil, and stormwater pollution prevention BMP's. **Facilitator:** Cameran Bailey

- Key Stakeholders: MN Department of Natural Resources, MN Board of Water & Soil Resources, MN Pollution Control Agency, University of MN, MN Brownfields, City of Ramsey Officials

1:45pm. Stakeholder Focus 2: LMI-Household/Societal Goal. Develop the project to utilize a portion of the financial revenues of the project to assist energy-burdened homes in the City of Ramsey. **Facilitator:** Cameran Bailey

- Key Stakeholders: Connexus Energy, Anoka County Community Action Program, Anoka County Housing & Redevelopment Authority, City of Ramsey Officials, City of Ramsey - Anoka Area Chamber of Commerce, Rural Renewable Energy Alliance, Neighborhood Associations, MN Department of Commerce

3:00pm. Stakeholder Focus 3: Development Goal. Identify the most feasible development scenario(s) for this landfill to become the first true "Brightfield" in the state of Minnesota, and to be developed in a manner that informs replicability for the other 113 sites in the state. **Facilitator:** Cameran Bailey

- Key Stakeholders: Rural Renewable Energy Alliance, MN Brightfields Initiative, MN Pollution Control Agency, MN Brownfields, City of Ramsey Officials

4:15pm. Closing Remarks. Discuss how workshop from today will inform plans for Day 2.

- **Leading:** CDFA and Cameran Bailey

4:30pm. Day Concludes.

CDFA Brownfields Technical Assistance Program & City of Ramsey Anoka-Ramsey Closed Landfill

DAY 2 AGENDA

July 18, 2019. 8:15am – 11:30am.

Ramsey Municipal Plaza (7550 Sunwood Dr NW, Ramsey, MN 55303)

-
- 8:15am. Registration. Ramsey Municipal Plaza.** Register, coffee and light snacks, find seating.
-
- 8:30am. Team-Work Group Time. Ramsey Municipal Plaza.** Intentional workshopping and creative thinking to address issues, priorities, opportunities, and barriers raised in Day 1 focus groups. **Lead:** CDFA and Advisors.
- Key Stakeholders: Rural Renewable Energy Alliance, MN Brightfields, MN Pollution Control Agency, City of Ramsey Officials, Connexus Energy, MNSEIA, State Agencies
-
- 10:30am. Key Stakeholders Download. Ramsey Municipal Plaza.** Final questions CDFA's advisors may have and for CDFA to give group a rough outline of their report and what it will look like based on the discussion from the past couple of days. **Lead:** CDFA and Advisors.
-
- 11:30am. Closing Remarks, CDFA Site Visit Concludes.**
-

Confirmed Representatives from CDFA & Advisors:

Cayla Matsumoto

Brownfields Program Manager
Council of Development Finance Agencies

James Metz

Brownfields Program Coordinator
Council of Development Finance Agencies

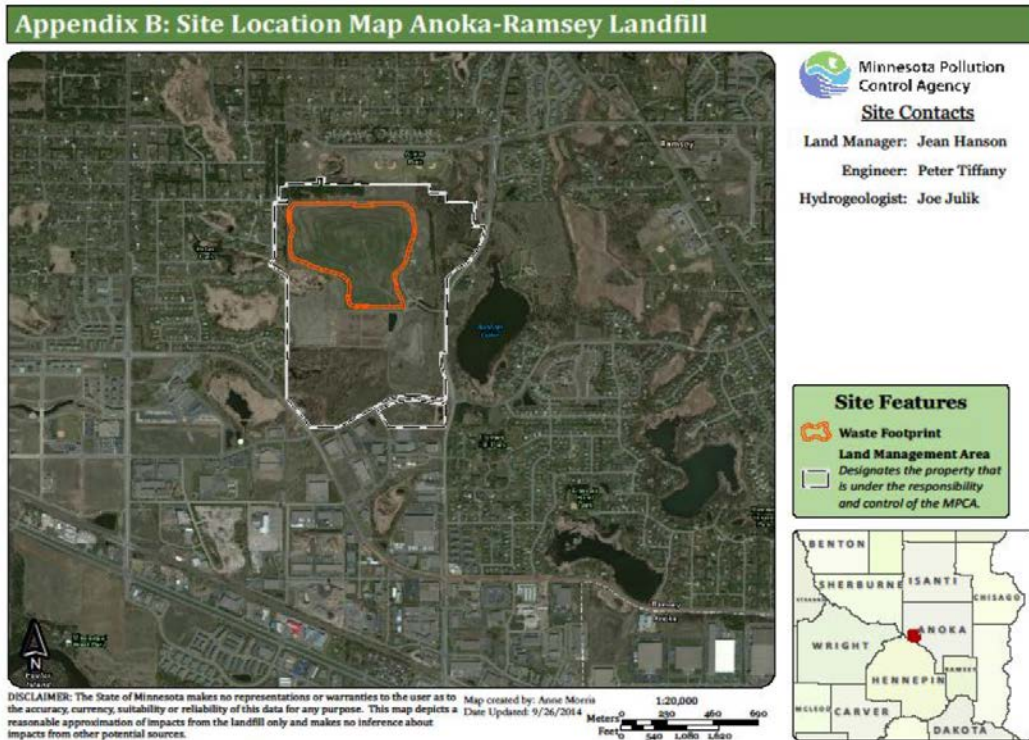
Charlie Howland

Partner, Environmental Practice Head
Curtis, Mallet-Prevost, Colt & Mosle LLP

List of Attending Organizations

- MN Dept. of Natural Resources
- MN Board of Water & Soil Resources
- MN Pollution Control Agency
- MN Department of Commerce
- MN Management & Budget Office
- University of Minnesota
- Minnesota Brownfields
- City of Ramsey
- Connexus Cooperatively
- Anoka County Community Action Program
- Anoka County Housing & Redevelopment Authority
- City of Ramsey-Anoka Area Chamber of Commerce
- Rural Renewable Energy Alliance
- Neighborhood Associations
- MN Brightfields Initiative (GPI, CERTs, Met Council, MN SEIA)
- SolSmart Program Partners (TSF, National League of Cities, ICMA, Cadmus, EPRI, RAP)

Project Site Description: 267.4-acre “Anoka-Ramsey” closed landfill site located in the southeastern quadrant of the City of Ramsey. The site is located 1 mile due north of the Mississippi River. The site is directly adjacent to active light commercial, light industrial, and “multi-optional development” land uses to the south of the site, light single-family residential to the west of the site, Alpine Park to the north of the site, and undeveloped shrubbery, forest, and City-Owned Sunfish Lake (30-acre) & Park to the east of the site. The site is zoned “Institutional” and owned by the State of MN’s Pollution Control Agency. The site was officially closed as a landfill in 1993. The “cap” of the landfill is approximately 64-acres in size, with approx. 3,419,316 tons of waste within the cap.



Project Outcomes

1. The City of Ramsey’s “Anoka-Ramsey Closed Landfill” to become the first true “Brightfield” developed in the state of Minnesota, and to be developed in a manner that centers the benefits of the project on LMI-Households in the City of Ramsey and the city’s natural environment as a replicable model for how the other 113 closed landfills in the state may be redeveloped in a socially and environmentally just manner.
2. Additionally, this site will serve as a sort of “living lab” for different ways in which environmentally responsible and just practices may be incorporated across the site.

Project Goals

1. **Localized Natural Environment Goal:** Integrate the most innovative Solar pollinator, vegetation, soil, and stormwater pollution prevention plan Best Management Practices from the MN Department of Natural Resources, MN Board of Water & Soil Resources, MN Pollution Control Agency, University of MN, and the National Renewable Energy Lab.
2. **LMI-Household/Societal Goal:** Develop the project in coordination with the cooperatively-owned electric utility, Connexus Energy, to utilize a portion of the financial revenues of the project to finance a long-term, LIHEAP-eligible (low-income) household, electricity tariff to financially assist the energy-burdened homes in the City of Ramsey.
3. **Development Goal:** The City of Ramsey’s “Anoka-Ramsey Closed Landfill” to become the first true “Brightfield” developed in the state of Minnesota, and to be developed in a manner that centers the benefits of the project on LMI-Households and the localized natural environment. Identify the most technically plausible development scenario.

Why is this project important?

- *The City of Ramsey had a population of approximately 10,100 residents in 1980 and was a predominantly an agriculture-based economy. The City grew to 18,510 by 2000, and 26,000 residents by 2016. The City is projected to see a further 50% growth in population by the year 2040 (39,000 people). Looking over the horizon we see an increase in electric vehicles and electric vehicle charging, electrified homes and businesses, and autonomous and connected vehicles. With population growth and increase in density and diversity in land use types and economic sectors comes a greater need to remain vigilant as sound environmental, social, and fiscal stewards of our community's resources. Through our recent participation in the University of Minnesota's "[Resilient Communities Project](#)" (2017-2018) we identified ways to further our strategic planning priorities, which include financial stability, a connected community, smart citizen-focused government, and an efficient organization. We view the Brightfield redevelopment project as having great potential to support these strategic priorities, which support the short and long term livability, prosperity, and resilience of our community.*

What challenges has the community faced?

- *The closed landfill is an eye-sore and has historically had very limited redevelopment potential. However, Solar PV development has emerged within the last 3 years as one of the only viable options for redevelopment. The local electrical utility, Connexus Energy Cooperative, initially had interest in developing a "solar + storage" development at the site, but was stymied by state agencies, which led them to [developing at a different site in the City](#). The MN Pollution Control Agency and the MN Management & Budget Office are extremely wary of this sort of development for federal tax law, state statutory, federal and state financial regulation, state agency regulation, staff time allotment, general obligation bonding safe harbors and allowances, private investment and ownership, and technical risk considerations. The site is also owned by the MN Pollution Control Agency, and the State would like to own the REC's generated by any renewable development at the site, but that could negate the financial viability for interested investors/developers. Additionally, the site is regulated by the City of Ramsey's local zoning code. The combination of these areas lacking clarity has stifled the ability for the city and other actors to legitimately analyze what sort of finance, ownership, PPA, virtual net metering, net metering, and operations & maintenance considerations would allow for the development of the site.*
- *MPCA: "A point to keep in mind when planning a location for solar is that the waste is currently undergoing active remediation and management and will be into the future. Because of this we do not allow anything to be installed on the landfill cap, and due to the methane that is being generated during the decomposition process there is a 200 foot setback requirement from the waste. [However] The program is in the process of re-evaluating what types of installations could be workable on waste areas. The restrictions outlined below are open for discussion." MPCA's Mission: Protect and improve the environment and enhance human health.*

Why is this reuse strategy the one chosen?

- *The City has been home to this closed landfill for years and has attempted to find ways in which the land, which would be quite valuable and ripe for development were it not for the closed landfill, could be redeveloped. The Landfill was operated as a dump from 1967 until it was permitted in 1972 and closed in 1993. The MPCA took over responsibility for the Landfill in 1997 when the MPCA and Waste Management signed the Landfill Cleanup Agreement and the MPCA issued the Notice of Compliance. Since 1997, the "Brightfield" concept for redevelopment has been the most feasible and realistic one to date. It has tentative support in the community, is something the electric utility is interested in, and is something we have explored a pathway to since 2014. ("Closed Landfill Use Plan, Anoka-Ramsey Landfill" page 5, page 15: http://156.142.212.178:8080/docs/2015/PR/20150409_1055/5257_Anoka-Ramsey%20CLUP%20Report.pdf)*

What are the financing sources the community has identified?

1. *Because the site is technically owned by the MN Pollution Control Agency, there is the possibility of raising **Revenue Bonds** to pay for the Brightfield.*
2. *There is also the possibility for the **electric utility, Connexus Energy Cooperative, to source their own funding** to pay for the development of the site, especially considering they just did so at another location in the city last year.*
3. *More **traditional third-party investment and ownership** is also a possibility, depending on how the legal landscape around the GO Bonds used to finance the closure of the site, as well as the safe harbor laws around GO Bonding in MN, are interpreted.*
4. *The Rural Renewable Energy Alliance also has their emerging business **model, “Community Solar for Community Action” (CS4CA)**, as another potential finance and ownership model. This model is more flexible in its financing as projects in this program have **used Community Action Agencies, Grants, and/or traditional accredited investors** as financing sources.*
5. *The **Pay-For-Success model and it’s finance mechanism** is another possibility as one of the main desired outcomes of this project is addressing systemically energy-burdened homes by slating Brightfield Development in MN to be tied to paying for a reduced electricity tariff rate for LMI households qualifying for LIHEAP, EAP, and/or WAP.*
6. *Financing sources would also be driven by the ability to execute Virtual Power Purchase Agreements (VPPA’s), Virtual Net-Metering Agreements, and/or*
7. *Lastly, the aggregation of grants from universities and research organizations should we actually be able to develop the site as a sort of “living lab” for environmentally-sound practices as ground-mounted solar sites, as well as closed landfill sites (pollinators, surface and ground water quality, increased vegetation density, vegetative carbon sequestration, etc.)*

Feasibility of Solar Development on State-Managed Closed Landfills: A Report to the Legislature

Exploring the potential to deploy solar photovoltaic devices on sites in the Minnesota Pollution Control Agency's Closed Landfill Program



Legislative charge

The Minnesota Legislature appropriated funds to the Environmental Quality Board for the completion of this study, as provided by Laws 2019, First Special Session chapter 4, article 1, section 2:

Subd. 9. Environmental Quality Board. (b) \$300,000 the first year is from the remediation fund to conduct a study of the potential to deploy solar photovoltaic devices on closed landfill program sites. This is a onetime appropriation. By December 1, 2020, the board, in consultation with the Pollution Control Agency and the commissioners of administration, commerce, and management and budget, must provide to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance and energy policy and finance a report on the use of properties in the state's closed landfill program for solar energy production. The report must include:

- (1) Identification and assessment of properties in the closed landfill program with the highest potential for solar energy production;
- (2) Identification of potential barriers to solar energy production and potential ways to address those barriers; and
- (3) Policy recommendations that would facilitate solar energy production on closed landfill program sites in a manner that would contribute to state and local government sustainability goals.

Author

Faith Krogstad

Contributors/acknowledgements

Cameran Bailey (Metropolitan Council)
Jim Chiles (Pollution Control Agency)
Jen Hassemer (MN Management & Budget)
Anne Hunt (Department of Administration)
John Hunter (Pollution Control Agency)
Jack Kluempke (Department of Commerce)
Kirk Koudelka (Pollution Control Agency)
Hans Neve (Pollution Control Agency)
Eric Pederson (Pollution Control Agency)
Katie Pratt (Environmental Quality Board)
Shawn Ruotsinoja (Pollution Control Agency)

Technical assessment: Andy Polzin (Barr Engineering Co.)

Cover photo: A 2.4 megawatt solar farm built on a landfill in Rehoboth, Massachusetts. (United States Department of Energy, Lucas Faria)

Minnesota Environmental Quality Board

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This report is available in alternative formats upon request, and online at www.eqb.state.mn.us.

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List of Attachments

Attachment I Technical Assessment: *Solar Panels on Closed Landfills Study*

Executive summary

The state of Minnesota has an opportunity to lead by example and promote solar development on brownfields (contaminated sites) like landfills, reducing development pressure on agricultural and natural lands while generating jobs in clean energy. Minnesota's climate is rapidly changing, and climate change impacts are likely to worsen in coming decades unless we can dramatically reduce greenhouse gas (GHG) emissions. The state of Minnesota has ambitious goals to reduce emissions, and while we have made progress on these goals, meeting them will require much more aggressive state and federal policies.

Clean energy, such as solar power, is increasingly displacing the use of fossil fuels in Minnesota, helping to reduce emissions. The cost of solar has fallen in recent years, driving up solar installations and demand for land on which to site solar arrays. Siting solar development on brownfields including closed landfills, may be a way to meet some of the demand for land.

The 1994 Landfill Cleanup Act created Minnesota's Closed Landfill Program (CLP) acknowledging that long term care of waste is a shared responsibility of a waste generating society. The scope of the program however is limited to a subset of 110 closed, state-permitted, mixed municipal solid waste landfills, other closed landfills and dumps in the state are not included in the program.

This legislative report examines: 1) the potential for solar photovoltaic development on sites in the State of Minnesota's Closed Landfill Program (CLP), 2) barriers to development, and 3) recommendations that would facilitate solar development on these sites in line with state and local sustainability goals. To complete this study, the Environmental Quality Board (EQB) assembled an interagency team with members from the Departments of Administration, Commerce, and Management and Budget (MMB); the Metropolitan Council; and the Minnesota Pollution Control Agency (MPCA). Additionally, the EQB contracted with Barr Engineering Co. (Barr) to complete a technical assessment of the CLP sites.

Key takeaways

Solar potential

There is significant potential for solar development on Minnesota's CLP sites. The technical assessment estimated that there is potential to generate 950 megawatts (MW) using solar on 4,500 acres in the CLP, or enough to power over 100,000 homes.

Barriers

Several barriers limit solar development on CLP sites.

- The current statutory mission of the CLP is limited to taking environmental response actions and protecting human health and the environment. **Establishing beneficial property reuse was not included and funded in the original CLP program mission.**
- Half of the CLP's 110 sites have use restrictions because of **past general obligation bond financing** of cleanup actions. The prospects for beneficial reuse, including solar development, are limited for property where bond financing was used until the bonds are retired.
- **Solar development could be more costly and complex on closed landfills** than on greenfield (uncontaminated) sites. Solar developers face uncertainty about site-specific suitability for solar, increased costs associated with construction on the landfill cap as well, as real and perceived risks associated with CLP responsibilities.

- **State regulations impose limitations on solar projects** under some solar ownership and operation models. For example, Community Solar Garden projects are limited to 1 MW, which is well below the estimated solar energy generation capacity of many CLP sites. Legislative action would be required to raise this limit at brownfield locations such as CLP sites.

Recommendations

1. **Expand statutory authority of the CLP to authorize and fund proactive work on property reuse, including solar development, and provide funding to establish a Closed Landfill Beneficial Reuse Program.**
 - The CLP is able to enter into leases when there is an expressed interest in leasing state property provided the proposed land use is appropriate. However, CLP is not authorized or funded to proactively facilitate beneficial property reuse. With increased authority and resources, the CLP could facilitate beneficial reuse, including solar development on state-owned sites, and develop guidance for local government- and privately-owned CLP sites.
 - Development of a Closed Landfill Beneficial Reuse Program would require further investigation into several topics, including solar ownership models, incentives, lease revenue uses, Solar Renewable Energy Certificate ownership, and interconnection costs. Continued interagency collaboration would be necessary to develop a Closed Landfill Beneficial Reuse Program aligned to the state's economic, equity, environmental justice, and environmental goals.
2. **Appropriate funds to retire bond debt early and legislatively authorize the release of state bonding restrictions for select CLP sites.** Freeing property from bond restrictions would open up lands for solar development and could generate significant revenues into the future

Introduction

Solar development is rapidly increasing in Minnesota but is constrained by access to suitable land. As climate change threatens our way of life, businesses, communities, and families, the state of Minnesota is seeking creative ways to increase renewable energy generation and reduce greenhouse gas emissions. Locating large-scale solar development on sites in the State's Closed Landfill Program would make land available for clean energy projects, protect agricultural and natural lands from development, advance the State's climate goals, and transform blighted property into community assets. Minnesota has a unique challenge, however – half of these closed landfill sites have use restrictions that limit solar development due to past utilization of general obligation bond financing to remediate the sites. This challenge is unique to Minnesota as compared to other states, which typically do not have restrictions due to bond financing on closed landfill sites.

In 2019, the Minnesota Legislature appropriated funds to the EQB to gain a better understanding of the solar opportunity at sites in the State's Closed Landfill Program and ways to address barriers to solar, including bond restrictions. The EQB contracted with Barr Engineering Co. to conduct a technical assessment of the sites, as well as stakeholder engagement to uncover barriers and opportunities and inform policy recommendations. This assessment, completed in October 2020, is in Attachment I.

The EQB also convened a Solar on Closed Landfills interagency team, which collaborated closely with Barr throughout 2020. Following the completion of Barr's assessment, the interagency team prepared reflections on the conclusions, followed up on additional lines of inquiry beyond the scope of Barr's assessment, and summarized information and recommendations in this legislative report.

Background

Facilitating solar development on closed landfill sites in Minnesota has the potential to forward the State's climate, environmental justice, and equity goals while minimizing land development impacts and generating clean energy jobs.

While the threat of climate change can feel like a far-off possibility, the scientific consensus is clear: Minnesota's climate has already rapidly changed over the last several decades and additional, significant changes are expected through the end of this century. Dramatic reductions in GHG emissions are needed to avoid the worst impacts of climate change.

Minnesota has ambitious goals to reduce GHGs outlined in the 2007 Next Generation Energy Act, which calls for reducing annual emissions by 80% between 2005 and 2050. While we have made progress, achieving our goal will require much more aggressive action. Minnesota is taking important steps, including establishing a Climate Change Subcabinet and Advisory Council¹ and setting GHG reduction goals for state government operations.² Transitioning from fossil fuels to renewable sources of energy, including solar, is important for meeting the state's climate goals.

Solar energy generation specifically and directly supports the State's equity and environmental justice goals through pollution reduction. As outlined in the 2015 MPCA Environmental Justice Framework,³ the agency will proactively target resources to address environmental justice concerns and commit to the goal that "pollution does not have a disproportionate negative impact on any group of people." In its

¹ [Executive Order 19-37](#), December 2019.

² [Executive Order 19-27](#), April 2019.

³ Minnesota Pollution Control Agency. [Environmental Justice Framework](#), December 17, 2015.

2017 report,⁴ the Interagency Climate Adaptation Team recommended that the State identify ways to strengthen the health and resilience of vulnerable populations through cooperation with local governments. Climate-vulnerable populations include the very old and very young, people of color, and people with health issues, disabilities, economic vulnerability, outdoor occupations, disproportionate exposure to environmental pollution, and cultural/language barriers.

Solar in Minnesota

Interest in solar power is surging in Minnesota. Driven in part by advances in technology, the cost of installed solar has fallen by over 70% in the last decade,⁵ making it competitive with other sources of energy. Solar development began accelerating in 2013 after Minnesota passed legislation⁶ promoting the growth of solar energy. This included a goal of achieving 10% of Minnesota's electricity from solar by 2030. Additionally, the Department of Commerce and the Solar Pathways Project estimate that the state can meet 70% of electricity demand from solar and wind by 2050 at costs comparable to other sources.⁷

Solar now accounts for about 3% of Minnesota's energy portfolio⁸ and is expected to continue growing and displacing generation from other sources of energy, particularly fossil fuels. Solar power offers many benefits, including a reliable "homegrown" energy source, reduced greenhouse emissions, and job growth. These are especially important as the state faces economic damage and job losses from the COVID-19 pandemic as well as the urgent need to address climate change.

Large-scale solar development requires sizable areas of land and applies development pressure on agricultural and natural lands. The Department of Commerce's Solar Energy Production and Prime Farmland report⁹ notes that areas with the best solar resources overlap with the state's prime farmland, and "solar production removes the entire area...from agricultural production" for the life of the project. State policy is to "preserve agricultural land and conserve its long-term use for the production of food and other agricultural products" by means including:

Guiding the orderly construction and development of energy generation and transmission systems and enhancing the development of alternative energy to meet the needs of rural and urban communities and preserve agricultural land to the greatest possible extent by reducing energy costs and minimizing the use of agricultural land for energy production facilities [...].¹⁰

As the State seeks to protect prime farmland and natural lands while promoting solar energy, it is looking to reduce pressure on these lands through reuse of closed landfills as potential sites for solar development.

⁴ Minnesota Pollution Control Agency. [Adapting to Climate Change in Minnesota: 2017 Report of the Interagency Climate Adaptation Team](#), May 2017.

⁵ Solar Energy Industries Association (SEIA)/Wood Mackenzie. Power & Renewables U.S. [Solar Market Insight](#), 2020 Q3.

⁶ [Minn. Stat. § 216B.1691](#).

⁷ Minnesota Solar Pathways. [Solar Potential Analysis Report](#), November 2018.

⁸ United States Energy Information Administration. [Minnesota State Profile and Energy Estimates](#), May 21, 2020.

⁹ Minnesota Department of Commerce. [Solar Energy Production and Prime Farmland](#). May 19, 2020.

¹⁰ [Minn. Stat. § 17.80](#).

Beneficial reuse of brownfields

A brownfield is any property that is abandoned or underused due to the known or likely presence of contamination. Reuse and revitalization of brownfields can include green space, residential, commercial, industrial, or mixed-use development. Brownfield reuse can benefit communities by growing the local tax base and jobs, reducing development pressure on higher value lands, using existing infrastructure, and increasing recreational space and habitat.¹¹ A closed landfill is a unique type of brownfield that may not be suitable for construction of buildings, but offers a great opportunity to expand our reliance on renewable energy sources.

Solar development on brownfield sites is a win-win for Minnesota because we can put low-value, contaminated land to use generating clean energy and revenue while maintaining the integrity of the sites to protect human health, safety, and the environment. Brownfields reused for solar energy are called “brightfields.” Minnesota has one example of brightfield development on the waste footprint of a landfill in Hutchinson, where solar energy powers a wastewater treatment plant. Some other states, most notably Massachusetts, have successfully implemented solar on closed landfills. To date, Massachusetts has approved over 100 projects rated to generate over 220 MW.¹² These projects can offer specific benefits to communities, such as electricity cost savings, and be implemented with diverse native plant communities to benefit pollinators.

Initiatives at the state and federal levels are promoting and supporting renewable energy development on brownfields:

- **U.S. Environmental Protection Agency’s RE-Powering America’s Lands** encourages renewable energy development on current and formerly contaminated lands, landfills, and mine sites when such development is aligned with the community’s vision for the site. The program tracks projects and their community benefits.¹³ Goals of the program are to:
 - Provide technical and programmatic assistance
 - Promote policies and best practices that encourage renewable energy on brownfields
 - Partner with stakeholders and leverage agency efforts
- **Minnesota Brightfields Initiative** focuses on creating an environmentally, fiscally, and socially responsible development pathway for solar on Minnesota’s closed landfills. The statewide partnership was formed in late 2017 to offer cost-free professional, technical, financial, and regulatory expertise and analysis to support local governments across Minnesota. The desired outcomes of the initiative are to:
 - Bring redevelopment potential to land that is otherwise undevelopable
 - Bring value-adding economic redevelopment to the local governments (townships, cities, counties) and their communities, which stand to benefit from such developments
 - Make Minnesota a national leader in solar on landfills, showcasing how projects can save money, create jobs, and decrease negative environmental impacts from landfills
 - Bring these savings and benefits to all of Minnesota
 - Guide national and state policies and incentives to support renewable energy redevelopment projects on landfills, brownfields, Superfund sites, other contaminated lands

¹¹ U.S. Environmental Protection Agency. [Overview of the EPA’s Brownfields Program](#). Accessed October 28, 2020.

¹² State of Massachusetts. [Siting Clean Energy on Closed Landfills](#). Accessed October 28, 2020.

¹³ U.S. Environmental Protection Agency. [RE-Powering America’s Lands Benefits Matrix](#). December 2019.

As the Minnesota Brightfields Initiative worked with local governments to explore solar development, they encountered a barrier unique to Minnesota: solar development could not proceed on some sites due to use restrictions imposed on the property by past use of bond financing. While these sites were owned by local governments, they are managed by the state through the Minnesota Pollution Control Agency's Closed Landfill Program. The Closed Landfill Program has frequently used general obligation bonds to finance closure and remediation activities at landfill sites. Revenue generation of a solar project would threaten the tax-exempt status of the State's general obligation bonds.

Closed Landfill Program

The 1994 Landfill Cleanup Act created Minnesota's Closed Landfill Program (CLP) to properly close, monitor, and maintain Minnesota's closed municipal sanitary landfills. The creation of the program acknowledged that the adverse environmental effects at mixed municipal solid waste landfills resulted not just from industrial waste, but also from household garbage. Therefore, cleanup of these landfills, which served a public need, is a public responsibility. The CLP is unique in that it is the first such program in the nation that provides an alternative to the U.S. Environmental Protection Agency's Superfund program (Comprehensive Environmental Response, Compensation and Liability Act of 1980) for cleaning up and maintaining closed landfills.

The CLP gives the Minnesota Pollution Control Agency (MPCA) the responsibility to care for up to 114 closed, state-permitted, mixed municipal solid waste landfills to mitigate risks to the public and the environment. The CLP manages these sites by:

- Monitoring environmental impacts and site conditions associated with each landfill
- Determining the risk each landfill poses to public health, safety and the environment
- Implementing environmental response actions to help reduce site risks
- Maintaining the landfill properties and the landfill covers and operating any engineered remedial systems that are necessary
- Managing land issues on the property the CLP is responsible for, including working with local governments to incorporate land-use controls at and near the landfills.

Closed landfills in the CLP are a subset of closed landfills in Minnesota. Currently, 110 landfills are the responsibility of the CLP, with four more eligible for the program. Of the 110, 45 are state-owned, 53 are owned by municipalities, and 12 are in private ownership.

Funding for the CLP comes from the Remediation Fund, the Closed Landfill Investment Fund, and state general obligation bonds (GOB). GOBs are used to fund capital improvements, including the construction of new landfill covers and engineered remediation systems to address groundwater contamination and landfill gas generation, and sometimes to acquire "buffer" land to separate the waste footprint from the surrounding privately owned lands. GOBs have been spent at about half of the program landfills.

The CLP is required to develop Land Use Plans for each program landfill. These plans determine appropriate land uses where cleanup activities are occurring and provide information about properties that are affected by groundwater contamination and methane gas migration. The CLP partners with local governments to adopt zoning amendments or other land-use controls to incorporate land uses compatible with the risks at each landfill.

The CLP can enter into leases for appropriate property reuse, like solar, at the landfills that are state owned. At landfills that are owned by municipalities or are privately owned, the CLP can review proposed plans for reuse, taking into account prior use of general obligation bonds, where appropriate. However, proactively developing a beneficial reuse program is not authorized or funded in the existing CLP mission.

Use of bond financing

A frequent theme in this study has been the barrier to solar development imposed by the prior use of state general obligation bonds for remediating closed landfills. When the Legislature first appropriated bonds to the CLP program in 1994, no one could foresee the potential these sites might provide for future solar energy generation. Nonetheless, federal tax law, the state constitution, and state statute impose various restrictions on the use of these sites for nongovernmental purposes; these restrictions must be resolved before large-scale solar developments can advance on bond restricted sites.

The state constitution and state statutes require bond funded projects to be publicly owned and used for the governmental program identified by the Legislature. In the case of prior use of bonds for the CLP, this means MPCA must have a qualifying ownership interest (fee ownership or a qualifying long-term lease or easement) in the CLP sites and the sites must be operated in compliance with the CLP statutory program. These restrictions apply for a time period equal to 125% of the useful life of the improved project, which for CLP sites has been deemed to be 37.5 years. The restrictions attach to parcels when bonds are first spent on the property and remain in place for 37.5 years from the last date when GOB funds were used.

While MPCA does have authority to enter into leases when a proposal for a property reuse is made it does not have explicit statutory authority to proactively engage in property reuse as part of authorized CLP activities. Even if state law authority amended the CLP statutes to include beneficial reuse of the sites, including solar development, federal tax law prevents the use of bond restricted sites for private use. Private use can include site leases that grant a private solar developer rights to access and use the CLP site for their own purposes. Private use can also include the generation of electricity that is excess to the needs of the power-producing site and that flows into the grid thus benefitting the utility service provider. This second scenario can include arrangements like net metering, interconnection agreements, and power purchase agreements. The consequence of approving private use on bond financed property is that the bonds issued for the closed landfill program may lose their tax-exempt status thus subjecting the state to financial penalties.

On bond restricted CLP sites, one avenue to pursue is the installation of publicly owned smaller scale solar installations on CLP sites. Additionally, there are alternative financing mechanisms to consider for CLP sites that are not yet bond restricted.

Solar ownership models on CLP sites

There are many possible models for solar ownership, operations, and financing. Below are a few examples that may apply to CLP sites. More study is needed to enumerate possible models and fully explore the benefits and risks of each model.

Land lease

In this scenario, the agency or site owner would negotiate a land lease with the developer who would own the solar asset. The value of the lease is dependent on several factors, including distance to interconnection points, ease of access, and cost for site prep. In many, if not most, of this type of agreement a power purchase agreement (PPA) is also included. This PPA may be separate from the lease payment or the lease payment may be factored into the PPA price.

A land lease scenario reduces much of the risk and responsibility for the agency and places it with the developer or owner of the solar project. The design, finance, construction, and maintenance become the responsibility of the developer. In return, the developer maintains much of the project revenue and tax advantages. Land lease develop model could be an option for sites that are free from general obligation bond restrictions.

Power purchase agreement (PPA)

A PPA is a contract between the landfill owner and the developer or project owner where the agency purchases all the electricity produced by the array at a predetermined price. This price may have periodic steps or escalators throughout the term of the contract which is typically 25-30 years. This model provides a predictable price for the electricity for the agency.

This model allows for an owner with limited capital resources to reap the benefits of solar without a capital investment, and it also allows for a third party to take advantage of the tax benefits of solar development further reducing the PPA price.

It is important to note that the availability of utility incentives such as Solar Rewards in Xcel Energy territory would also help to lower the PPA price, though many CLP sites are served by utilities lacking such incentives. Incorporating a utility incentive reduces the cost of the solar but forfeits the Solar Renewable Energy Credits to the utility for a period of ten years, thus impacting which entity gets credit for GHG reductions during this time period. Taking advantage of the incentives allows for an agency with a limited budget to participate in solar and lower their energy bills but pushes out the timetable for meeting their GHG reduction goals for that 10-year period.

Public ownership

In this model, the State or local government landfill owner would pay the full market-value cost of purchasing, installing, maintaining, and operating a solar photovoltaic system without the benefit of utilizing tax incentives. The owner may then do one of two things:

1. Sell the power generated tax-free to the local electric utility.
2. Sell the power generated tax-free via a public-to-public transaction with another publicly-owned entity.

Community Solar Gardens

Community Solar Gardens are subscription-based, centrally located solar installations. Community solar subscribers participate in a solar energy system along with other subscribers. Each subscriber's share of the electricity generated by the project is credited on their utility bill. Most community solar projects in Minnesota are owned and operated by electric cooperative utilities, which offer subscriptions to their customers. The largest community solar program (Solar*Rewards Community) is administered by Xcel Energy and regulated by the state, but private solar developers—not the utility—own the projects and sell the subscriptions. The State or local governments could lease land for Community Solar Garden projects.

Reflections on the technical assessment

The technical assessment prepared by Barr (Attachment I) offered valuable insights into the solar capacity represented at CLP sites, the key barriers, and recommended steps to facilitate solar development at CLP sites. The following are the interagency team's reflections on Barr's findings:

- **Solar potential**
 - CLP sites represent a **significant opportunity for solar development**, both on landfill waste footprints (caps) and in buffer areas.
 - **Half of the CLP sites do not have bond restrictions**, and even on some landfill sites where bonds were used, there are non-bond encumbered parcels. Facilitating solar development on non-GOB restricted property may be a way to move forward with solar development quickly. Because the technical assessment considered each landfill site as a whole, more information is needed to understand the opportunity for solar development on non-bond encumbered acres at sites where bonds were used.
- **Barriers**
 - The study helped clarify that there are relatively **few technological barriers to siting solar on closed landfills**. Solar development can be done safely and in a way that protects the integrity of the landfill.
 - The **study helped clarify ways the state can and cannot remove existing GOB restrictions**, and illuminated steps to take in future projects to limit use restrictions on CLP sites.
 - Many of the **highest-ranking sites have GOB-restricted property** and are located near electricity demand.
 - **Many barriers to solar identified in the technical assessment are not unique to solar on closed landfills** and relate to solar in general. These include upgrades to the grid, funding of small projects, and in some cases, a higher cost of energy relative to other energy sources.
- **Recommended steps**
 - Many of the recommended steps would **require expanded statutory authority and funding for the CLP** to focus on property reuse.
 - While **solar development may proceed on non-bond restricted CLP sites**, the process may be constrained by the CLP's existing staff capacity.
 - The **MPCA can develop publicly owned and operated small-scale solar to serve electricity needs** on-site, even on bond restricted sites. It may be possible that the MPCA could size a solar project to offset electricity use from multiple MPCA CLP sites within a utility service area, however more study is needed to determine what the exact barriers might be.
 - **More study is needed to explore incentives and policies** that would facilitate solar development. Understanding the specific revenues and costs of solar development at closed landfills, as well as market conditions, would help the state determine whether incentives are necessary, and how they would be best applied in Minnesota's context.
 - **More study is needed to explore various solar ownership models**, the costs and benefits of each, and which would be appropriate for Minnesota.

- o **Minnesota has access to technical assistance and resources** from the federal level (e.g., U.S. Environmental Protection Agency, National Renewable Energy Laboratory) as well as from other states that have implemented solar on closed landfills. These programs can offer valuable information and reassurances to funders, developers, landowners, and others about this type of development.

DRAFT

Recommendations

The interagency team followed up on the recommended steps suggested in the technical assessment to assess resource needs and present additional information to guide action. We also identified areas that need further study to ensure that solar development is aligned with state and local government sustainability and equity goals. The team incorporated the recommended steps from Barr into the following three recommendations to facilitate solar development on closed landfills.

1. Expand CLP statutory authority and fund Beneficial Reuse Program

Expand statutory authority of the CLP to authorize and fund proactive work on property reuse, including solar development, and provide funding to establish a Closed Landfill Beneficial Reuse Program. The current scope of the CLP as outlined in the 1994 Landfill Cleanup Act includes environmental response actions at qualified facilities. While the CLP is able to enter into leases when there is an expressed interest in leasing state property, provided the proposed land use is appropriate, the CLP is not authorized or funded to proactively facilitate property reuse. Lack of direct authority and resources have constrained landfill property reuse. Expanding the scope of the CLP outlined in the Landfill Cleanup Act to specifically authorize and fund work focused on beneficial property reuse would facilitate beneficial reuse, including solar development.

The creation of a Closed Landfill Beneficial Reuse Program would actively enable and facilitate all appropriate beneficial closed landfill reuses. A closed landfill is a unique type of brownfield that has fewer options for beneficial reuse than many other types of brownfields, in part because constructing buildings on or near landfills is problematic. Renewable energy development, such as solar, can be a compatible reuse for closed landfills because public access is often restricted, solar panels can be installed without penetrating the cap, and landfill maintenance activities can be accommodated. Additionally, there may be compatibility of different reuses, for example, pollinator habitat can be paired with solar development.

This recommendation would incorporate three of the recommended steps included in the technical assessment, including:

- **Develop a technical guide to solar development on CLP sites.** A technical guide could provide general information about the unique design aspects of closed landfills and more detailed information about the CLP program responsibilities associated with the landfills and process for developing solar on a closed landfill site.
- **Provide detailed technical and regulatory information for CLP sites.** Detailed technical and regulatory information may include specific design elements of the sites, permit conditions, information on cap construction and maintenance status, surrounding land use and natural features and other site-specific information deemed useful. The MPCA or Department of Commerce could also consider completing techno-economic analysis for each of the top sites using the free System Advisor Model¹⁴ from the National Renewable Energy Laboratory.
- **Reach out to stakeholders.** One common barrier to development of solar energy on CLP sites is lack of awareness of these sites and the solar development potential they represent among non-developers. The Department of Commerce and MPCA could prepare informational materials for the top 10 sites and invite key stakeholders to open discussions about the sites and solar

¹⁴ National Renewable Energy Laboratory. [System Advisor Model](#), accessed November 6, 2020.

development potential. These meetings would provide an opportunity to gauge interest, collect site specific feedback and identify local barriers/concerns and opportunities.

Developing a Closed Landfill Beneficial Reuse Program

Continued interagency collaboration would be necessary to develop a Closed Landfill Beneficial Reuse Program aligned to the state's economic, equity, environmental justice, and environmental goals. Development of a Closed Landfill Beneficial Reuse Program would require further investigation into several topics, including solar ownership models, incentives, lease revenue uses, Solar Renewable Energy Certificate ownership, and interconnection costs. In the process of answering some questions in this study, the team encountered many more. The interagency team began documenting topics requiring further study. The following is not an exhaustive list of these topics:

Continued research relating to bonds

- **Use of lease revenue.** If CLP land is leased to a developer according to Minnesota Statute 115B.17, all CLP lease revenue must be deposited in the Remediation Fund. Adjustments to that statute could allow for lease revenue to be used in other ways. For example, the interagency team could explore whether it would be feasible to use lease revenue to finance other renewable projects or pay off GOB obligations at other sites.
- **Publicly owned and operated solar on bond-restricted property.** One possible path forward where the bonded status of a CLP site would not present a barrier is for the MPCA to acquire, install, own and operate solar equipment sized to meet the energy needs of the landfill it is situated on and directly connected to the energy-using elements on the landfill. It may also be possible for MPCA to install solar equipment on a CLP site that produces energy in excess of that site's needs if MPCA remains a net purchaser of energy from the utility company within its territory. This scenario needs further vetting under state statutes and consultation with the State's bond counsel. If allowable, the maximum amount of solar energy produced by MPCA-owned equipment would be limited to the amount of energy consumed by MPCA within a utility service territory.
- **Non-bond restricted property at sites where bonds were used.** On many CLP sites where bond financing was used there are property parcels that did not have bond financed construction activities and have no bond restrictions. Understanding more about these lands and their suitability for solar development could help the MPCA and other landfill owners understand the solar potential.
- **Future financing of capital projects at CLP sites.** There are many CLP sites that are not bond restricted. To the extent any of these sites will require future remediation work under the closed landfill program *and* appear to be ideal locations for solar development, there are several options that should be considered before undertaking cleanup work. First, if the land area most suitable for solar development is not located on the area of the landfill to be improved, MPCA could still seek general obligation bonds to pay for the work but first subdivide the real estate in advance of using any bonds. If the exact boundary of the landfill improvements cannot be determined until the work is completed, thus making an initial parcel split infeasible, MPCA and MMB can develop a means for documenting an intent to subdivide once construction is complete. This would leave the areas suitable for solar separate and distinct from the bond restricted parcels. Second, MPCA could seek alternative sources of financing for future improvements that would not result in bond restrictions. These options can include cash or taxable state appropriation bonds, which are a slightly more expensive form of debt for the state.

Determining best practices in program design

- **Solar ownership models.** More research is needed to enumerate the possible models for solar development, considering land ownership, solar system ownership, Renewable Energy Credit (REC) ownership, and financing arrangements. Research is needed to understand the risks and benefits of each, and how these can be structured to align with Minnesota’s economic, environmental, and equity goals.
- **Environmental and social considerations.** The MPCA could consider incorporating aspects that contribute to the environment and communities, particularly environmental justice communities and climate-vulnerable populations. For example:
 - **Equity and environmental justice considerations.** Program design must take into account who benefits from solar development at CLP sites and who bears the costs and risks. Use of an equity policy review tool could help the MPCA and partner agencies develop a program that considers equity and environmental justice in its processes and results and incorporates ways to address environmental, social, and public health needs.
 - **Pollinator habitat and solar development.** Executive Order 19-28 aimed at restoring pollinator health in Minnesota directs the MPCA to “manage closed landfills under its supervision to create, protect, and enhance pollinator habitat.” Pollinator habitat is commonly implemented in conjunction with solar projects in Minnesota. The Board of Soil and Water Resources (BWSR) has a Habitat Friendly Solar program that offers guidance and encourages those implementing solar to meet program standards. Pollinator habitat has been implemented in brightfield projects in other states, including Massachusetts. The MPCA could seek guidance from BWSR and other states on specifications and implementation. More study is needed to understand how pollinator habitat could lower or increase costs associated with a solar project.

Understanding economics of solar development on landfills

- **Preliminary interconnection study for top sites.** The interconnection to a local transmission/distribution system is a large cost component to solar development and uncertainty around what would be required on a site-by-site basis makes it difficult to determine the viability of solar development.
- **Hard-to-develop sites and policies and incentives that would make these developable.** State policy and incentive programs have proven very valuable in Minnesota, in other states, and at the federal level in encouraging renewable energy development. Some landfill sites may require additional incentives and policies to facilitate development. Many ideas were raised during the study, however, these need to be vetted. For example:
 - **Virtual net metering.** Virtual net metering or a similar policy for grid-tied projects could assist in overcoming financial barriers related to developing solar on landfills. Virtual net metering is a mechanism allowing energy customers to credit kilowatt-hours from one meter to another. Many CLP sites are large enough to support solar systems that can produce many megawatts of electricity. Most of those sites, however, do not have need for the power onsite. These sites will be connected to the grid and can provide power to nearby communities or to other grid connected users.
 - **Brownfield adder.** In Minnesota, there is one policy that most closely approximates net metering, the Community Solar Gardens program (CSG). These projects, however, are limited to one MW, and at this threshold are not cost effective for a developer. Projects with one MW cap would not make use of many potential acres of available land. A solution could be to include a “brownfield adder” to the CSG rules allowing for development of projects greater than one MW.

- o **Public Use Community Solar Gardens.** Add language to the Community Solar Garden statute ([MN Stat. § 216b.1641](#)) to create a new subsection for Public Use CSGs with parameter exceptions for size, number of subscribers, colocation, and ownership structure amenable to public entities exclusively hosting and subscribing to CSG's closed landfill sites. Public entities would include school districts, municipalities, libraries, park agencies, state agencies, sports arenas, water treatment facilities, etc.
- o **CLP solar development incentives.** The state could earmark incentives for solar development on CLP sites. If Minnesota determines that brownfield projects are a public good and worth encouraging, the Legislature could set up incentives to offset the additional costs associated with solar development on CLP sites and other brownfield sites. A rule of thumb for developing solar on brownfields to cover the cost of ballasted systems and permitting is approximately 15 percent more than a greenfield site. A state incentive that bridged that additional cost could assist in making solar development at brownfield sites feasible for solar developers.

2. Retire bond debt and release state bond restrictions

Appropriate funds to retire bond debt early and legislatively authorize the release of state bonding restrictions for select CLP sites. Freeing property from bond restrictions would open up lands for solar development and could generate significant revenues into the future.

Under existing law, the only ways to release the bonding restrictions are either the running of time (37.5 years) or sale at fair market value. However, it may be possible for the Legislature to release bonding restrictions by appropriating funds to MMB for the purpose of retiring outstanding bonds and legislatively releasing the property from the bonding restrictions.

If the Legislature appropriated funds, retiring outstanding debt for a CLP site would require MMB to first calculate the amount of outstanding bonds for that site. This is complicated by the following factors: 1) when MMB sells bonds it is not for specifically identified projects, but rather for the group of projects included in any bonding bill as a whole; 2) adequate accounting records going back 20 or more years may not always exist; and 3) many bond appropriations for CLP sites were made to the program as a whole, and not specific projects, which might complicate the tracing of particular bonds to specific projects.

For the top five bond restricted sites identified in the Barr report, MMB attempted to calculate the amount of debt still outstanding. MPCA originally expended a total of \$19.7 million of bond proceeds for those sites. Expenditures covered the years 1999 through 2016 and involved approximately 18 separate bond sales. MMB estimates that \$7.5 million of principal debt remains outstanding. If the Legislature desired to appropriate funds to retire the outstanding debt in order to remove any bonding restrictions, MMB would need an amount sufficient to pay principal for the portion of debt that can be retired early, to pay principal and interest on the portion of debt that cannot be retired early but could be legally defeased (terminated when funds sufficient to service the debt are set aside), and to pay costs associated with the debt retirement. A precise figure is not available for purposes of this report, but MMB would provide the Legislature with an accurate figure in the event a legislative proposal is introduced.

Any legislation would also need to create a mechanism for expressly releasing the CLP sites from the state's bonding restrictions. As mentioned above, those restrictions extend for a time period equal to 125% of the useful life of the project and are not tied to the status of any bonds. The appropriate mechanism should be investigated in consultation with the state's bond counsel and is an area requiring further inquiry.

Conclusion

Prior to this study, we knew little about the opportunity for solar development on Minnesota's Closed Landfill Program sites. The technical assessment of the sites provides a conservative estimate of land suitable for solar that could support nearly one gigawatt of power (950 MW).

Bond restrictions at half of these sites represent a significant barrier to development, which would need to be resolved to achieve the high aims outlined in this report. Nonetheless, these sites represent a significant economic opportunity distributed across the state that could increase access to clean energy, bring underutilized land back onto the tax rolls, and spur job growth.

Facilitating large-scale solar developments across closed landfills will require expanded statutory authority and funding for the CLP to specifically allow and fund proactive property reuse. Creation of a Closed Landfill Beneficial Reuse Program will require continued interagency collaboration and research to ensure that solar development is aligned with the State's environmental, equity, and economic goals. Minnesota has been a leader in both renewable energy development and responsible management of brownfields. With statutory changes and investment in staffing and bond retirement, Minnesota could accelerate brownfield development – simultaneously improving brownfields and growing clean energy.

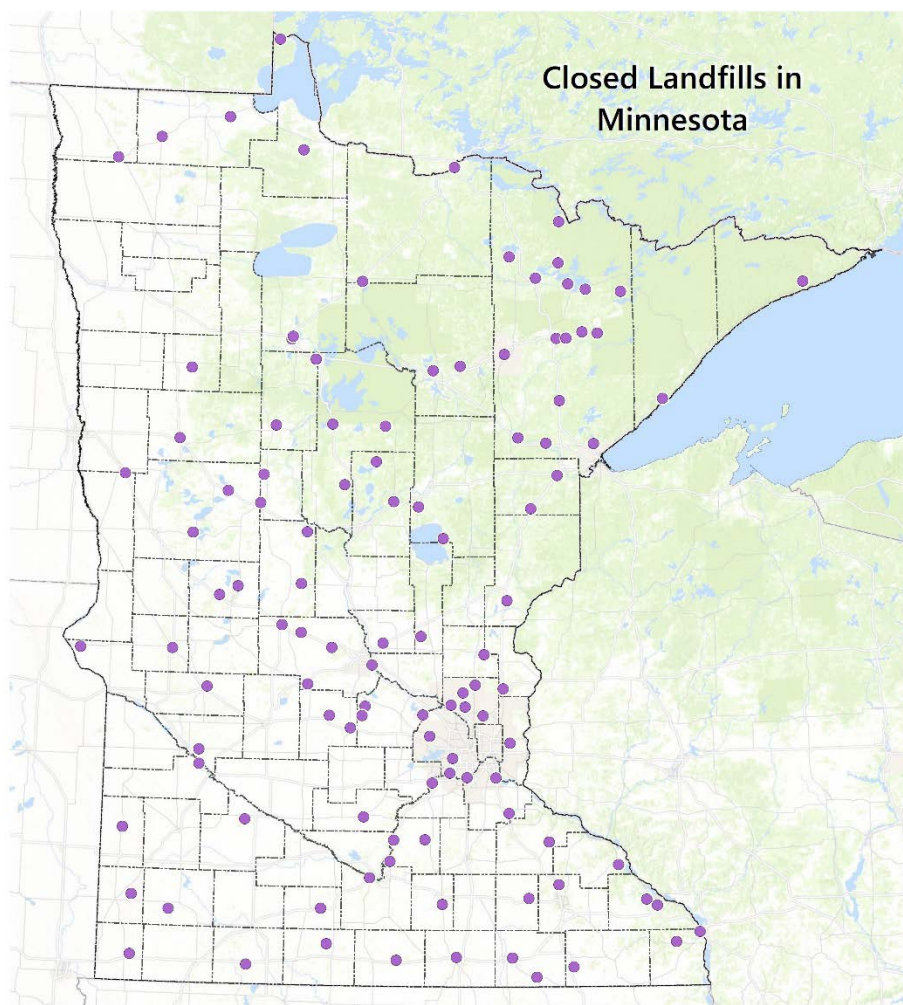
Attachment I. Technical assessment
Solar Panels on Closed Landfills Study

Solar Panels on Closed Landfills Study

Prepared for
Minnesota Environmental Quality Board

Prepared by
Barr Engineering Co

October 2020



Solar Panels on Closed Landfills Study

October 2020

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Abbreviations

Atlas	Minnesota Groundwater Contamination Atlas
Barr	Barr Engineering Co.
CLP	Closed Landfill Program
co-ops	cooperatives
CSG	community solar garden
EQB	Minnesota Environmental Quality Board
GIS	geographical information system
GOB	general obligation bond
LMA	land management areas
MMB	Minnesota Department of Management and Budget
MPCA	Minnesota Pollution Control Agency
MW	megawatt(s)
PV	photovoltaic
REC(s)	Renewable Energy Credits or Renewable Energy Certificate(s)

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- Minnesota Environmental Quality Board (EQB)
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- Academia
- Contractor/construction companies
- Energy development companies
- Legal
- Midcontinent Independent System Operator (MISO)
- Minnesota Solar Energy Industries Association (MnSEIA)
- Municipalities
- Nonprofit organizations
- Utilities

Executive Summary

The Environmental Quality Board (EQB) received Minnesota Legislature funding in 2019 to conduct a study on the potential to deploy solar photovoltaic (PV) systems on the Minnesota Pollution Control Agency's (MPCA) Closed Landfill Program (CLP) sites. There are currently 110 sites in the CLP; however, there is insufficient information about the sites and their viability for PV development. In this study, Barr Engineering Co. (Barr) and a team of Minnesota state agency representatives (agency team) examine the important criteria relative to PV development on CLP sites, rank the sites for PV development based on key criteria, identify barriers to PV development and make recommendations to address those barriers.

Criteria

Barr and the agency team assembled stakeholders in a wide-ranging engagement/outreach effort to identify a comprehensive list of criteria and determine their relative importance.

The comprehensive list of criteria includes the following:

- General obligation bond (GOB) status
- Interested power purchaser
- Cost associated with connection to transmission and distribution grid
- Finance / investor interest and availability
- Site generation capacity
- Transmission / distribution / substation grid capacity
- Increased construction costs / constructability
- Local acceptance and interest
- Geotechnical characteristics of the cap
- CLP program authorized actions
- Availability of incentives
- Ownership
- Equity considerations
- Local land use and zoning

In discussions with stakeholders, the comprehensive list of criteria was refined to the following list of key criteria which are central to solar development on CLP sites:

- GOB status
- Cost associated with connection to the transmission and distribution infrastructure
- Site generation capacity
- Increased construction costs/constructability
- Availability of incentives

These key criteria were carried forward in our analysis of the sites and identification of barriers and recommended actions.

Geospatial Analysis and Ranking

The geospatial analysis was limited by the availability of geospatial data relative to the key criteria. In light of these limitations, we used the following criteria in our scoring and ranking model:

- Landfill cap generation potential in megawatts (MW)
- Buffer generation potential in MW
- Total site solar generation potential in MW
- Distance to the nearest substation (miles)

We ranked all 110 CLP sites and identified the top five sites where GOBs were used and the top five sites where GOBs were not used. They are:

- Flying Cloud Landfill – GOB restricted
- Western Lake Superior Sanitary District Landfill – GOB restricted
- Anoka-Ramsey Landfill – GOB restricted
- Redwood County Landfill – GOB restricted
- Winona County Landfill – GOB restricted
- Olmsted County Landfill
- Freeway Landfill
- Hibbing Landfill
- Kummer Landfill
- Maple Landfill

Geospatial analysis and scoring/ranking results are provided in the study for all 110 CLP sites.

Barriers and Recommendations

Stakeholders identified many potential barriers. The following three key barriers are common to all sites and were the focus of discussion with the agency team and external stakeholders:

- Uncertainty about costs to connect to nearby transmission or distribution systems
- Uncertainty related to site suitability and CLP program responsibilities
- Increased construction costs associated with the unique features of closed landfill caps

The use of GOBs to improve 55 of the CLP sites represents a unique barrier to solar development on those sites. According to the Minnesota Department of Management and Budget (MMB), federal tax law imposes certain restrictions on the parcels where funds from a GOB were spent, and restrict private benefits deriving from use of the parcels.

Barr worked with the agency team to develop the following recommendations to address the three key barriers and the GOB restrictions:

- Develop a technical guide to solar development on CLP sites
- Provide detailed technical and regulatory information for each of the top 10 sites
- Initiate a preliminary interconnection study for each of the top 10 sites
- Reach out to stakeholders with information about CLP solar development potential
- Pursue state-wide policy and incentive programs to encourage solar development on CLP sites
- Retire GOB obligations early (prior to their natural expiration)

Conclusions

Based on the results of this study Barr has developed the following conclusions:

- There is significant capacity for solar development on Minnesota's CLP sites. Generating capacity, on a site-by-site basis, is approximate; however, we have estimated 950 MW of solar potential on approximately 4,500 acres of CLP land.
- The top ten sites, five bond-restricted and five non bond-restricted sites, do not represent the only favorable CLP sites for solar development. The scope of this study required us to rank the sites in the CLP and identify the top five bond-restricted and top five non bond-restricted sites. In fact, there is no significant difference between the tenth and eleventh sites (and so on) in the ranking. Many sites have favorable characteristics and will be attractive to solar development.
- Solar power and energy storage are a valuable combination. The scope of the study required our focus on solar development. More than one stakeholder suggested we consider other distributed energy resources such as energy storage.
- There are barriers but they are not insurmountable. The most significant barrier is GOB restrictions; however, this only impacts half of the sites and it is possible solar development could proceed on non-GOB restricted land at sites where there is some GOB restricted land. There is some uncertainty with respect to site suitability and state CLP responsibilities, construction costs associated with some unique features of CLP sites, and capacity of transmission/distribution infrastructure. There are many examples of solar energy successfully installed on landfill sites in Minnesota and in other states. Acting on the recommendations in this study report will help to address these barriers and enable development of solar energy on Minnesota CLP sites.

1 Introduction

Closed landfills are promising sites for solar PV systems. Solar on closed landfills could make use of already disturbed land, avoid greenfield development of prime farmland or other undisturbed or undeveloped land, provide a revenue stream from land that would otherwise have no use, and assist the state in meeting carbon reduction goals. The EQB received Minnesota Legislature funding in 2019 to conduct a study on the potential to deploy solar PV systems on the MPCA CLP sites. The MPCA-administered CLP is a program established by the Legislature in 1994 to properly construct, monitor, and maintain closed municipal sanitary landfills.

There are currently 110 sites in the CLP (Figure 1). However, there has been insufficient information regarding whether CLP sites are viable for solar development. The EQB issued a competitive request for proposal and selected Barr to facilitate a study to evaluate the viability of CLP sites for solar development, examine barriers to solar development, and recommend actions to address those barriers.

As an overview, the CLP program includes the following key features:

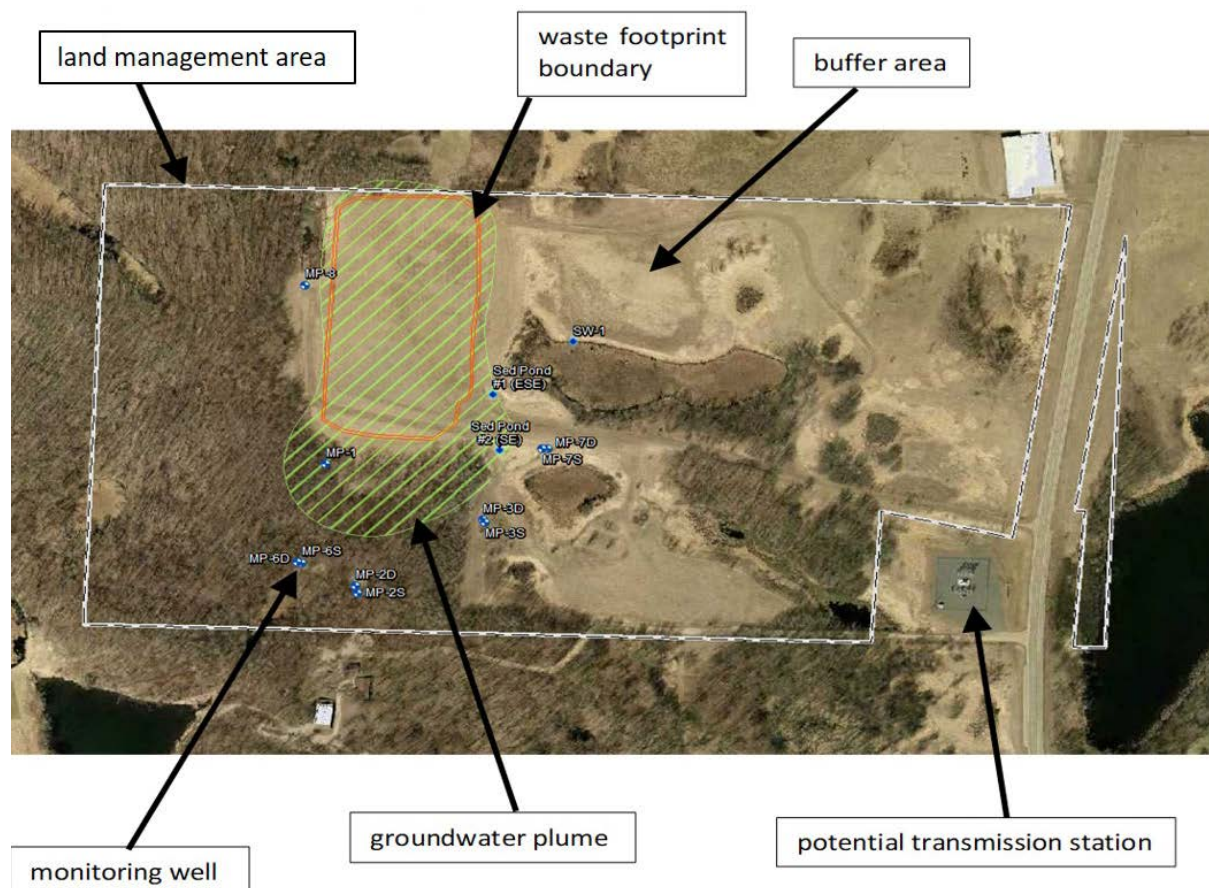
- The CLP currently manages over 8,500 acres of closed landfill property—about 75 percent of this acreage does not contain solid waste. Each site is defined by a land management area (LMA) which is land under control of the MPCA and includes permitted areas and adjacent waste management areas plus any lands acquired by the MPCA. At each CLP site, the capped waste footprint (“cap”) is surrounded by buffer areas, which vary in size from minimal to dozens of acres.
- The underlying ownership of the CLP sites is as follows: 45 state-owned sites, 54 local government-owned sites, and 11 privately-owned sites. Appendix A provides a list of sites and current ownership.
- Some of the landfills use electricity to manage environmental impacts of the closed landfill, for example 20 landfills have active gas extraction and 6 landfills have groundwater treatment systems.
- The CLP develops land-use plans for each landfill with which local government plans must be consistent. According to the MPCA, The CLP includes solar energy generation as a use in nearly all its land-use plans.
- In Minnesota, GOB funds were used to improve some of the sites. The use of these bond funds creates restrictions for certain uses including site leases to private solar developers, energy output contracts governing the sale of solar energy generated onsite, or other revenue generating activities. Fifty-five of the sites include these restrictions on some portion of the site.

Solar PV systems on closed landfills must be designed to consider the following unique characteristics of a closed landfill site:

- Solar PV systems on landfills outside of Minnesota are typically installed on the landfill caps; however, Minnesota landfills often include ample buffer land available for solar development around the cap.

-
- Topography is important. Large, flat areas are optimal. While it may be technically feasible in certain cases to develop mounting structures for steeply sloped areas (greater than 15%) usually the cost of engineering and custom mounting structures is too high to be economically feasible. CLP sites have significant area where topography on the cap and in the buffer is conducive to solar development.
 - Construction activities and solar generating equipment used on the cap area must not impact the integrity of the landfill cap and the gas management systems if present. The load limit of the cap dictates the weight of the construction equipment that can be used to install solar generating systems. Typically, the cap cannot be penetrated, so solar panels attach to the surface using weighted ("ballasted") racking systems, and above-ground cabling systems to avoid burying wires.
 - Heavy concrete pads and inverters (electrical equipment) are typically placed in the buffer area to avoid settlement issues on the cap.
 - Solar development in a buffer area is conducted as a typical solar development without the unique conditions of the cap area.
 - Like any solar energy development, a solar PV system on a closed landfill needs to be connected to an electrical "load" or user. A load can be a local user through a distribution system or the electrical grid through the regional transmission system. A load could also be an energy storage system.

The aerial photo below illustrates a typical closed landfill site and the basic features mentioned throughout this report.



At least one other state – Massachusetts – has successfully developed solar PV systems on hundreds of privately owned closed landfill properties (albeit without bond restrictions) over the last ten years. Massachusetts is a good example (reference (1)). Minnesota can learn from these successes.

There are many criteria to consider when determining if solar development is appropriate for a specific CLP site. To learn more about these criteria and their relative importance, Barr led a process of stakeholder engagement, gathering input from state agencies, utilities, solar developers, local government units, and non-profit organizations. We carefully considered the input and criteria and, using geospatial analysis techniques, created a ranking system to identify the top five GOB-restricted sites and the top five non-GOB restricted sites for solar development. With input from the state agencies participating in this study, barriers were identified and recommendations to address those barriers developed. The balance of this report organized as follows:

Section 2. Presents the criteria this study identified that affect the potential for solar development on closed landfill properties.

Section 3. Describes the geospatial analysis used to rank closed landfills for potential solar development.

Section 4. Describes barriers to solar development on closed landfills and actions to address those barriers.

Section 5. Presents recommendations for initiating solar development on the top ranked closed landfill properties.

Section 6. Provides conclusions.

Section 7. Contains a list of references cited.

2 Criteria That Affect the Potential for Solar Development on Closed Landfills

We identified criteria that affect the potential for solar development on closed landfills by reviewing literature and consulting with a wide range of stakeholders. Details of the criteria identification process are in Appendix B. The full list of criteria developed through the literature review and stakeholder consultation process is presented in Table 2-1. Stakeholder input was used to assess the relative importance of the criteria in regard to feasibility and they are listed from most to least important in Table 2-1.

In our discussions with stakeholders we identified key criteria which are central to development of solar on closed landfill sites. These criteria were carried forward in our geospatial analysis and ranking and are discussed further with respect to barriers and actions to address those barriers. They are:

- GOB status
- Cost associated with connection to the transmission and distribution infrastructure as represented by distance to transmission and distribution infrastructure
- Site generation capacity
- Increased construction costs/constructability
- Availability of incentives

Table 2-1 Criteria that Affect the Potential for Solar Development on Closed Landfills

Criteria	Description/Comments	Data Source
General obligation bond (GOB) status	The environmental controls at 55 CLP sites were improved by the MPCA using state-issued GOBs funds. Using GOBs places significant restrictions on the use of land where bond money was spent. All 55 of the sites where GOBs were originally used still include land subject to the State's bonding restrictions. The Minnesota Department of Management and Budget manages this debt. The GOBs can be retired by any one of two methods: 1) allowing the term (37.5 years) to expire, and 2) selling the property at fair market value. A third possibility requiring new legislation was also discussed: retiring the GOB debt early through legislative appropriation and action releasing the GOB restrictions. There are outstanding questions surrounding this criterion which are addressed more fully in Section 4.2.	MPCA
Interested power purchaser	Renewable energy projects, including solar, require an interested party who will agree to purchase or use the power generated. Power purchasers can include property owners/operators, governmental organizations, investor owned utilities, and municipal or other independent power cooperatives. Often price of energy is the primary driver for power purchasers. Price can be dependent on solar technology, financial incentives, time of use, price of alternative generation sources and other factors. The federal investment tax credit has been an effective driver for solar development in that it allows power to be sold and purchased at very competitive rates. Interest in carbon reduction and other societal goals can also motivate purchases of solar power.	none identified
Cost associated with connection to transmission and distribution (T/D) grid	In general terms, the transmission grid carries electricity from a generating station (power plant) to a substation. The distribution grid carries electricity from a substation to the user such as a home or commercial/industrial site. Interconnection of a PV generating system to T/D grid infrastructure can be costly. Costs include easements, engineering, studies (depending on size of the PV system) and construction. In some cases, substations must be upgraded or new ones constructed.	Minnesota Electric Transmission Mapping Project
Finance / investor interest / availability	An interested financial partner with experience weighing the various opportunities and risks associated with solar projects is important. Opportunities include stable return on investment, equipment depreciation, renewable energy credits (RECs) and federal investment tax credits. Risks specific to solar on closed landfills include insurance risk such as long-term stability of the site (cap) and loss due to premature removal of PV equipment. Premature removal of PV equipment could be caused by presence or discovery of some public health issue arising from the landfill and requiring removal of the cap or other excavation where PV equipment is installed. Additional information about solar project finance can be found in the following National Renewable Energy Laboratory publication https://www.nrel.gov/docs/fy16osti/66991.pdf	none identified
Site generation capacity	Generally, a solar development project benefits from scale. The larger the site the more generating capacity. The sites in the CLP range in size from over 400 acres to as little as five acres. In this study we looked at the cap and buffer areas in some detail to identify buildable area within each. Features that limit solar panel installation on the cap include steep slopes, stormwater management features, and gas and leachate collection systems. Features that limit solar panel installation in the buffer areas include open water, wetlands, floodplains, slopes, forest land, and human development (buildings and roads).	– National Land Cover Database – National Wetland Inventory – Land contour data provided in MnGEO LiDAR – MPCA
Transmission / distribution / substation grid capacity	The size in megawatts (MW) of a solar development may be limited by the capacity of the nearby T/D grid or substation. Grid systems and substations at or near capacity may not be able to accommodate a solar development at the scale at which the solar project is feasible. It is difficult to determine the capacity of the T/D grid or substation without specific input from the owner of that system.	Utilities, transmission/distribution system owners/operators.
Increased Construction Costs / Constructability	Construction techniques, construction equipment and solar generating equipment are all important factors when building a solar project on a landfill site. Construction techniques and equipment in the buffer area are typical relative to other ground mounted solar installations, however construction on the cap requires special equipment and construction techniques. To prevent damaging the cap, low ground pressure construction equipment is used and ballasted racking systems and above ground wiring systems are required, which increase construction costs.	none identified
Local Acceptance / interest	Nearby landowners, local government units, and local advocates or detractors can promote development or prevent development of solar on CLP sites. The budget and schedule for this study did not allow for an analysis of local acceptance or interest.	unknown
Geotechnical characteristics of cap	A landfill cap is an engineered cover constructed of soil and sometimes includes a plastic layer. The cap is designed to minimize or eliminate infiltration of rainwater and manage stormwater runoff rate and minimize erosion. When a cap is new, there is typically a period when some settling of the cap occurs. It is important to know if settling is complete and if these geotechnical characteristics have stabilized before constructing a solar project on the cap. There is no clear consensus as to the age when a cap is done settling and it can be site specific; however, it is an important consideration when choosing to construct solar on a landfill cap.	MPCA
CLP Program Authorized Actions	The MPCA's Closed Landfill Program is responsible for the long-term care of the program landfills in-perpetuity. These responsibilities include monitoring, addressing groundwater and vapor impacts, operating engineered gas and groundwater remediation systems, and site care and repairs. Solar development cannot interfere with the program's ability to take these environmental response actions nor jeopardize the integrity each site's response action equipment, including the landfill cover system. Facilitating reuse of closed landfill properties was not part of the scope of the CLP program outlined in statute.	MPCA
Ecological co-benefits	Depending on how the solar project is engineered and constructed, there can be water quality improvements and the creation and protection of habitat. There can also be carbon reduction benefits resulting from solar power generation if the solar power replaces or reduces the use of fossil-fuel generation sources.	– National Land Cover Database – National Wetland Inventory
Availability of incentives	Incentives can be a strong driver of solar development. Accelerated equipment depreciation, renewable energy credits, federal investment tax credits and net metering laws are some of the existing incentives which have facilitated a great deal of solar development in the United States. At this time there are no incentives focused on the development of solar on MN CLP sites.	Minnesota Public Utilities Commission has more information on net metering https://mn.gov/puc/energy/distributed-energy/net-metering/ .

Criteria	Description/Comments	Data Source
Ownership	Depending on the situation the ownership (state, local government, or private) of a site could impact the process for procuring a site or leasing a site for solar development.	MPCA
Equity considerations	The way solar energy is implemented can have potential to harm or benefit low income or underserved populations. Low income or underserved populations must be proactively engaged in the conversation for solar development on CLP sites to help address equity and social justice issues.	none identified
Local land use / zoning	Local counties, townships and cities may have land use/zoning requirements that are incompatible with solar development at the CLP site.	City/county land use authorities.

3 Geospatial Analysis and Scoring of Sites

Barr performed a geospatial analysis of the landfill sites in the CLP and ranked their potential for solar development. The following subsections describe the data sources and the ranking methodology and present the results.

3.1 Data Sources

To identify potential data sources, we reviewed the comprehensive list of criteria developed during our outreach to stakeholders in Task 1. With these criteria in mind we assembled publicly available sources of geographical information system (GIS) data sets and using ESRI's ArcGIS created a GIS tool to analyze the sites. The list of GIS data sets are as follows:

- LMA – MPCA. Received via email on February 6, 2020.
- Waste Footprints – MPCA. Received via email on February 6, 2020.
- Bond Restricted Parcels – MPCA. Received via email on March 20, 2020.
- National Wetland Inventory within the LMAs – Minnesota Department of Natural Resources (reference (2)).
- Elevation contours – derived from MnGEO LiDAR data (reference (3))
- Electric substations – Minnesota Electric Transmission Mapping Project (reference (4))
- Electric transmission lines – Minnesota Electric Transmission Mapping Project (reference (4))
- Land Cover – National Land Cover Database (reference (5))

3.2 Criteria

To facilitate ranking our focus centered on four important criteria where we could identify GIS data for each criterion or could complete straightforward calculations to create a data set that could be scored for each CLP site. Each criterion is described in detail below:

- Landfill cap generation potential in MW
- Buffer generation potential in MW
- Total site solar generation potential in MW
- Distance to the nearest substation (miles)

Landfill cap generation potential represents the solar capacity of the portion of the site where waste is managed and covered with an engineered cap. This is an important criterion because solar construction on landfill caps presents some unique challenges when compared to greenfield solar development. The landfill cap is designed to prevent water from percolating through waste material and creating contamination issues in local ground water. For this reason, penetrations are not allowed, and solar developers will use ballasted racking systems and equipment with lower ground pressure ratings when constructing solar on landfill caps. To refine the available construction acreage on each cap we used our GIS system to identify slopes greater than 15% and we subtracted these steeply sloped areas from total cap acreages reported by our GIS system. Thus, we created a “buildable area” in acres for each landfill cap. To calculate the generating potential for each landfill cap we divided each buildable area in acres by a

capacity factor (4.81 acres per MW) to calculate the generating potential in MW. Our capacity factor is calculated based on typical equipment specifications and a ground coverage ratio of 30%. Capacity factor will vary depending on equipment, arrangement of panels and barriers/obstructions to equipment. The resulting number represents the nameplate capacity which is the maximum or rated capacity for typical installed equipment.

Buffer generation potential represents the solar capacity of the non-cap areas within the LMA. While the "buffer," as it is commonly called, does not present the same unique construction challenges as the cap area, we found a wide variety of natural and human-made features which can reduce the buildable area within the buffer. Using our GIS tool, we identified data sets for wetlands, open water, scientific and natural areas, forest (conifer, deciduous and mixed), and developed areas (low, medium, and high density). We identified the acreage for each of these natural and human-made features for each site, subtracted those acres from the total buffer acreage and calculated the buildable acres for each buffer. To calculate the generating potential for each buffer we divided each buildable area in acres by a standard capacity factor to calculate the generating potential in MW. The standard capacity factor for solar development is 4.81 acres per MW. The resulting number represents the nameplate capacity for the landfill buffer.

Site solar generation potential represents the combined solar capacity of the buffer and the cap to calculate the total nameplate capacity of the landfill site. This is an important criterion because it gives a more complete picture of the generating potential of a site. It is important to identify both the cap and buffer capacity because each has solar potential, and each may be preferred for solar development for different reasons. We received feedback from developers suggesting the cap area has been more likely to be developed in other states where solar had been developed on landfill sites. This may be related to a lack of buffer land or the way in which solar development incentives were crafted. Advantages of solar development on the cap include large, relatively flat surfaces with little or no large vegetation to remove or wetlands/open water to work around or requiring a permit. Disadvantages include operational features which need to be avoided: gas extraction wells, passive gas vents, stormwater management features and leachate cleanout access. Another disadvantage is increased construction costs associated with the use of ballasted racking systems in order to avoid penetrating the cap. The advantages to the buffer include good quantity of available land and the ability to use lower cost conventional construction equipment and techniques. Disadvantages associated with the buffer include natural landscape that will have to be affected (wetlands, forests, and other vegetation), the existing grade may not be conducive to solar development and human development within the LMA (buildings, roads, and residents). In any case, calculating the site solar generation potential provides a sense of the scale of the development opportunity of these sites. Specific challenges with cap and/or buffer development at any site may be overcome with greater scale.

Distance to the nearest electrical substation is an important criterion because of the significant cost of connecting solar generation to the existing transmission or distribution grid. We chose distance to a substation because a substation represents a logical place to connect to an existing transmission or distribution network. We identified existing, publicly available data regarding the location of existing electrical substations and used our GIS system to measure the distance in miles from the closed landfill sites to the nearest substation.

3.3 Limitations and Exceptions

It is important to acknowledge the limitations of our data and subsequently our analysis of the characteristics of these sites relative to the criteria described above:

- Our scope and budget did not include the design/layout work necessary to provide more accurate generation capacities. For example, we did not plot or estimate small reductions in acreages related to leachate or gas collection systems. Our generation capacities are estimates based on the GIS data available at the time of this study.
- The buildable acreages calculated for the buffer may underestimate the buildable area. The various data sets may double count some acres for exclusion that appear similar depending on the method of data acquisition and sensing/analysis technique. We attempted to eliminate double counting (e.g., wetlands and open water) where we could. Generally, we believe our buffer generation capacity values to be conservative.
- Data on substation type was not considered for this study, only distance to a substation. Because a substation is close doesn't necessarily mean it is available for connection. Transformer capacity is a key variable as is the capacity of the lines attached to the substation. The accuracy and availability of public information about substation capacity is questionable. This type of information would need to be obtained from the owner and was beyond the scope of this study.

In our review of available GIS data sets we discovered there is much readily available GIS data describing land use and features for Minnesota. However, we discovered some issues which limited their usefulness in ranking all CLP sites.

- For many of the criteria there were no readily available GIS data to support ranking for each landfill site. The following are examples of criteria excluded for this reason:
 - o Local land use/zoning
 - o Transmission/distribution/substation grid capacity
- Some of the criteria were associated with multiple variables and there was no viable way to accurately score the criteria for all the sites in the CLP based on the GIS data. The following is a list of criteria that was excluded for this reason:
 - o Interested power purchaser
 - o Local acceptance
 - o Investor interest and availability
 - o Ecological co-benefits
 - o Equity considerations
- For some criteria we were unable to identify a workable scoring model that made sense and accurately compared the sites across the state. The following is a list of criteria that was excluded for this reason:
 - o Interested power purchaser

- o Investor interest
- o Equity considerations
- o Ecological co-benefits

Two criteria received significant discussion among the agency team participants: GOBs and landfill cap age. A brief description of the issues and approach during scoring and ranking follows:

- GOBs are an important criterion. However, in our geospatial analysis GOBs were considered a binary factor for CLP sites and not a physical characteristic. Whole landfill sites were considered bonded or not bonded, even when some “bonded” landfills had parcels not restricted by bond appropriations. The study, as described in the scope of work, is intended to identify the top five sites with GOB restrictions and the top five sites without GOBs. Our ranking identified the top sites irrespective of GOB status and then applied the GOB criteria as a means to narrow down the top five sites with and without GOB restrictions. The GOB issue is complex and adds significant restrictions to the use of parcels at sites where GOB funds were used to improve or close the site. There are ways to address or remove these restrictions; however, they are complex and not well tested in the context of solar development on CLP sites.
- Cap age was also considered as a criterion for our geospatial analysis. As mentioned previously; the CLP caps are soil material meeting certain design specifications and there may or may not be a barrier layer of man-made material (plastic) incorporated below the earthen material. The cap is designed to minimize or eliminate infiltration of rainwater and manage stormwater runoff rate and minimize erosion. The MPCA has records of cap construction and provided data regarding the age of the soil cap. Settlement is often an issue with soil caps during the first few years after construction and is dependent on the relative consolidation of the waste material, the characteristics of the soil used to construct the cap and the construction techniques used to install the cap. A specific age, after which settlement is considered minimal, is difficult to determine and there is no clear consensus. Ten years was discussed as a conceptual age; however, there are only five sites with caps less than ten years old, (Flying Cloud, Hopkins, Washington County, WLSSD and East Mesaba). Regardless of the age of the cap, it is likely that the cap construction documentation will be reviewed, and a geotechnical survey completed to verify the status of the cap prior to solar development.

3.4 Ranking Method

Our GIS analysis provided data for each landfill site which we scored to rank the sites and identify the top five GOB-restricted and top five non-GOB-restricted sites. For each of the criteria described above we used a simple scoring system. The range of values for a criterion was divided into equal parts and a score (five being high and one being low) was assigned for each landfill. The criteria were weighted based on our assessment of importance: cap generation capacity 20%, buffer generation capacity 20%, site generation capacity 40% and distance to nearest substation 20%. The weighted scores for each criterion were added together to create a composite score for each site. The limited number of criteria and

simplicity of the scoring system created some duplicate scores. To address duplicate scores, a secondary sort was performed based on site generation capacity (highest capacity to lowest capacity).

3.5 Results

Results of our analysis are presented as a table in Appendix C. CLP sites are listed from the most likely suitable for development to the least. The top five bond-restricted sites are highlighted in blue and the top five non-bond restricted sites are highlighted in green in Appendix C. Table 3-1 summarizes the results for the top five bond-restricted and top five non-bond-restricted sites, and indicates the figure showing each site.

Table 3-1 Top 5 Ranked Bond Restricted and Non-Bond Restricted CLP Sites

CLP Site	City	County	Overall Ranking ^[1]	Bond Restricted ^[2]	Figure
Flying Cloud Landfill ^[4]	Eden Prairie	Hennepin	1	Yes	Figure 2
Western Lake Superior Sanitary District Landfill ^[4]	Duluth	St. Louis	2	Yes	Figure 3
Anoka-Ramsey Landfill	Ramsey	Anoka	4	Yes	Figure 4
Redwood County Landfill	Redwood Falls	Redwood	5	Yes	Figure 5
Winona County Landfill	Winona	Winona	6	Yes	Figure 6
Olmsted County Landfill	Oronoco	Olmsted	3	No	Figure 7
Freeway Landfill ^[3]	Burnsville	Dakota	8	No	Figure 8
Hibbing Landfill	Hibbing	St. Louis	15	No	Figure 9
Kummer Landfill	Bemidji	Beltrami	21	No	Figure 10
Maple Landfill	Pequot Lakes	Cass	22	No	Figure 11

- [1] The scope of this study required identification of the top five GOB restricted and top five non-GOB restricted sites in the CLP. The majority of the top twenty ranked sites were GOB restricted which necessitated using sites farther down the ranking to find five non-GOB restricted sites. This ranking does not suggest that sites further down the ranking are in some way unsuitable for solar development.
- [2] In this analysis bond restriction is treated as a binary criterion (yes or no). The reality is more complex. GOB restrictions are specific to a defined area of land or parcel. Some of these landfill sites are divided into multiple parcels of land and in some cases only part of the site carries a GOB restriction. GOB restrictions are described in more detail in Section 4.2.
- [3] Freeway Landfill does not currently include GOB-restricted parcels. In recent years there have been discussions about using bond money to make improvements to the site.
- [4] The cap for this landfill is identified as less than 10 years old. Cap construction documentation and geotechnical information should be reviewed to understand potential subsidence risks.

4 Barriers and Actions to Address Barriers

Stakeholders identified numerous potential barriers and opportunities associated with developing solar on CLP sites. These barriers and opportunities are summarized (in no particular order) in Table 4-1 and Table 4-2. The literature review and stakeholder engagement process to identify these barriers is described in Appendix B.

Table 4-1 Barriers Associated with Developing Solar on CLP Sites

Barriers
Use of state general obligation bonds to pay for site improvements restricts use for solar power generation.
Need approximately 5 “buildable” acres per megawatt (MW). Not all acres at a site can support solar development. Awareness of the size of these sites is not well known.
Connection to transmission/distribution and an off-taker (user of electricity) can be expensive and some of these sites may be too far from this infrastructure to be economically feasible. This is unique to CLP sites because the sites were originally located where they are because of the need to manage waste, not generate energy for a near-by user.
Upgrades to transmission/distribution system may be required to accommodate solar on landfills. This is not unique to solar development on CLP sites.
MPCA CLP responsibilities for closed landfills (maintenance, erosion control, gas collection system management/maintenance) may make development of solar more complex.
Funding may be hard to get for small sites. This is not unique to solar development on CLP sites.
Local and state support for solar development on closed landfills is not assured for every site.
Current contracts with power producers may prohibit or limit development of distributed energy sources (small-scale power generation connected to the grid at the distribution level). This is specifically an issue with Municipal and other cooperative power producers and is not unique to solar development on CLP sites.
Competition with other energy generation sources on price of power, or levelized cost of energy (LCOE). Solar on closed landfills might not be the cheapest source of electricity.
Construction limitations on the landfill cap (smaller equipment, prohibition of penetrations, ballasted racking systems, prohibition of buried/trenched lines) leading to higher construction costs.
Perception of risk affecting lenders (increased risk premium over greenfield site). Landfill sites carry some risk that future maintenance or contamination issues will require part or all of a solar installation to be moved.
The age and stability of the landfill cap can be a barrier to installing solar equipment.
Local zoning/land use requirements may not be amenable to solar development. This is not unique to solar development on CLP sites.
Interconnect queue. For larger sites, the queue for connecting to the existing transmission infrastructure is long and difficult to predict. This is not unique to solar development on CLP sites.

Table 4-2 Opportunities Associated with Developing Solar on CLP Sites

Opportunities
CLP sites represent large amounts of available land that currently do not have a higher value use. These sites could replace agricultural land as solar development options.
Production of renewable energy and corresponding reduction of greenhouse gas emissions from the power generation sector.
Support for short-term construction and long-term maintenance jobs.
Electricity to serve on-site load.
Opportunity for local developers to continue solar development in Minnesota.
Good use for otherwise marginal/impaired land, beneficial reuse.
Solar energy could help local government meet their renewable energy/greenhouse gas reduction goals.
Energy production is a potential source of stable revenue.
Solar energy could be a community asset/amenity.
Solar energy can provide various grid services including peak shaving. Peak shaving reduces the load on the local transmission and distribution grid during times of peak electricity use.
Development of solar on CLP sites could be an opportunity to create streamlined/standardized program for leasing and selling power.
Minnesota could show leadership in brownfield solar development.
Solar energy could be a source of tax revenue.
Solar development has the potential to support pollinator-friendly and other natural habitat development.

4.1 Common Key Barriers to All Sites and Potential Actions to Address Those Barriers

Based on the July 13, 2020 focus group discussion and participant feedback, the key barriers common to solar development at all CLP sites are uncertainty about costs to connect to nearby transmission or distribution systems, uncertainty related to site suitability and CLP program responsibilities, and increased construction costs related to the unique features of closed landfill caps. These, of course, do not represent all the barriers; however, these barriers were repeatedly mentioned by stakeholders as key barriers that were common to all CLP sites and would need to be addressed in order to enable solar development on MN CLP sites. In the balance of Section 4.1 we will describe each of these barriers in more detail and recommend some actions to address these barriers.

Uncertainty About Costs to Connect to Nearby Transmission or Distribution Systems. We learned from our stakeholders the cost to connect to existing infrastructure is a significant part of the total cost to construct solar generating systems. These costs are directly related to several important variables: distance from the solar generating equipment to the existing electrical infrastructure, availability of a substation, existing equipment in a substation, electrical capacity of the substation and associated transmission/distribution system and permitting and interconnect costs. Publicly available GIS data, showing locations of transmission and distribution infrastructure (wires and substations), gave us a means of calculating the distance to local electrical infrastructure from our CLP sites. Generally, as a rule of

thumb, closer is better and results in lower connection costs. However, the other variables associated with the connection to local transmission/distribution systems can have a significant impact on costs and information regarding these variables is not easy to acquire for all sites and therefore they were not investigated as part of this study. In this case the barrier is the uncertainty about the costs to connect to nearby electrical infrastructure. To illustrate the uncertainty, we provide some feedback from developers and utilities.

Several utilities and developers discussed the importance of distance to grid infrastructure. Qualitatively speaking, if a project is very large then it can be further from grid infrastructure to make it cost-effective. That said, predicting the weight of the distance criteria is difficult. One developer said: *"In rural areas, sometimes the distance can be farther than you'd expect. I have connected a 5MW [solar on landfill] project to a substation located 2 miles away, for very reasonable cost. I have also connected a 30MW project with the substation located on the same parcel at a very high cost. Utilities are hard to predict!"*

Another developer seemed to say it was difficult to predict the weight of the distance criteria. She said, *"Most of the smaller projects (from less than 1 to over 10 megawatts) can be tied into the nearest 3-phase distribution line, even if the line has to be extended to the site for some distance at a cost to the project... Most of these sites have little on-site load and may only have a single-phase pole at the site. Therefore, extending the line could be a significant cost. But interconnection is always costly, and the additional cost will not likely be overly burdensome relative to typical ['greenfield' or undeveloped sites] interconnection costs."*

The solar project developer typically bears all costs associated with interconnection. Therefore, it is critical to understand what is required and the costs for interconnection. The voltage rating for a distribution line may dictate the largest size project that can be installed in a given location. Some rules of thumb from developers include that a 5 kV transmission line can support only a few hundred kW of intermittent renewable generation capacity. A 13 kV line can typically only support up to 3 MW of renewable generation capacity. A 23 kV line may support up to 6 MW of renewable generation capacity. There are many factors that influence what a given transmission or distribution line can support. Finally, a large-scale solar array will require three-phase power.

To address this uncertainty, we recommend performing an interconnection survey for the top ten sites (five bonded and five non-bonded). We are not advocating for a complete interconnect study as required under state siting requirements; however, contacting utilities and collecting information to identify information about the critical characteristics of local electrical infrastructure would provide some level of certainty about the costs required to connect.

Uncertainty Related to Site Suitability and CLP Program Responsibilities. Generally, landfill caps provide a clear, engineered surface on which to install solar equipment; however, they also present unique technical and engineering challenges which result in increased costs (when compared to greenfield solar installations). Specific issues include age of cap, use of lighter weight installation/construction equipment, presence of steep slopes, presence of leachate and gas collection systems, potential for cap maintenance activities and a general restriction from penetrations of the cap. Steep slopes and the presence of leachate

and gas collection systems can reduce the buildable area available for solar installations. Using the GIS tool developed for this project, we eliminated slopes on each cap greater than 15% when calculating buildable cap area; however, we did not plot or estimate reductions associated with leachate or gas collection systems. These features can also reduce the buildable area which reduces the site generating capacity.

With respect to the age and maintenance activities associated with the cap, there is not good agreement about the rate of settlement and corresponding appropriate age for installing solar on a cap. Based on data provided by the MPCA, there are five caps in the CLP that are less than ten years old (Flying Cloud, Hopkins, Washington County, WLSSD and East Mesaba). This does not mean they are unsuitable. It means a geotechnical evaluation may be necessary to verify suitability. Future cap maintenance activities could also impact a solar installation; however, a good method of predicting maintenance activities with any precision is not available. Stormwater management is an especially important issue on a landfill cap. A solar site design will be required to manage stormwater to prevent cap erosion. Developers indicated that solar installations on landfill caps are inspected at a greater frequency than landfill caps without solar installations. This tends to ensure erosion and other issues with the integrity of the cap are identified earlier. In general, the cap issues described here represent a potential financial risk for the solar installation during the economic life (approximately 25 years) of the site. This risk may be addressed with additional insurance coverage at additional cost to the project.

Increased Construction Costs Associated with the Unique Features of Closed Landfill Caps. Based on experience in other parts of the country, where solar installations on landfill caps is more common, construction techniques and solar racking and cabling required for landfill cap installations is where the significant increases in construction costs are associated. The cap must not be damaged by construction activities/equipment and because the cap cannot be penetrated, ballasted racking systems are usually employed. Smaller, lighter equipment results in longer construction schedules and ballasted racking systems and above ground cabling are more expensive to purchase and install.

Investor owned and cooperative (co-op) utility stakeholders pointed out power pricing is a key issue for them. Their goal is to provide customers the lowest priced electricity. There is a perception solar is not the least expensive option and given the increased capital and construction costs (over greenfield sites), utilities are skeptical these sites can be developed, and power purchased economically.

These barriers, and the resulting additional costs, cannot necessarily be changed but it might be possible to reduce the real and perceived risk associated with them by collecting and providing some detailed technical information about the sites. We recommend developing a guide for solar development on CLP sites to help interested parties understand the opportunities and challenges associated with building solar on MN CLP sites. We suggest this guide include technical details about the sites and more general information about installing solar on the sites.

It is unlikely the state of Minnesota can directly impact the increased capital and construction costs associated with solar installations on closed landfills; however, we recommend the state consider

promoting the development of solar energy on MN CLP sites and also consider the adoption of a variety of policy and financial incentives. Policy and financial incentives are described in more detail in Section 5.

The US Department of Energy's National Renewable Energy Laboratory recently completed a technical and economic analysis of a potential solar energy development for the Becker landfill. At the time this report was completed this analysis had not yet been vetted; however, the process and information provided in the analysis could be very helpful in explaining the potential for development on CLP sites in Minnesota. We recommend the state consider doing this analysis on the top ten sites identified in this study.

4.2 Specific Barriers to the Top Five Bond Restricted Sites and Specific Actions to Address those Barriers

The top five bond restricted and top five non-bond restricted sites share the common barriers described in Section 4.1. In Section 4.2 we will focus on the barrier exclusive to the bond restricted sites: prior use of state tax-exempt GOBs to finance improvements.

There are 55 CLP sites where MPCA used state GOBs to clean up the sites. It should be noted these CLP sites often contain more than one parcel of land and, in some cases, some of the parcels carry the bond restrictions and some do not. According to the MMB, federal tax law imposes certain restrictions on the parcels where funds from a GOB were spent, and restrict private benefits deriving from use of the parcels. The restrictions attach to parcels identified in a real property declaration recorded with the associated county by the MPCA and remain in place for 37.5 years from the last date when GOB funds were used. MMB reports private use under federal tax law may include site leases to private solar developers, energy output contracts governing the sale of solar energy generated onsite, or other revenue generating activities.

MMB has indicated if solar energy systems are to be developed on GOB-restricted parcels, and if those developments benefit private parties such as developers or lessees, the GOB restrictions will first have to be removed. There are two methods MMB described under existing law for removing the restrictions: 1) allow the declaration as restricted property to expire at the end of the 37.5-year period, or 2) sell the GOB-restricted land at fair market value. A third possibility requiring new legislation was also discussed: retiring the GOB debt early through legislative appropriation and action releasing State bonding restrictions. Appendix D shows GOB expenditures by site, the estimated GOB expiration date, the acres of restricted parcels and the acres of unrestricted parcels. The next paragraphs describe the bond challenges in more detail and identify questions to be answered if solar is to be developed on GOB-restricted land.

Expiration of 37.5-year time period. Waiting for GOB debt to expire at the end of the 37.5-year period may be challenging. Based on the table of GOB expenditures (Appendix D), the soonest some of the restricted parcels would be available is 2034 and the last restrictions would expire in 2056. GOB funds were expended over multiple years and some sites have multiple restricted parcels, all improved at different times. This suggests some individual sites may have GOB's retiring over a series of years, further complicating a solar development plan.

Sale at fair market value. It is not unreasonable to expect a site with GOB-restricted land to be of interest to a solar developer, utility, or local unit of government. Interest may be high enough to make purchase of a GOB restricted site or portion of a GOB restricted site an option to consider. However, MPCA has statutory responsibilities for these sites which may limit sale is a feasible option.

Retiring GOB debt. The remaining debt and time left on the obligation are important datapoints if attempting to retire the debt early. Appendix D includes MPCA's records regarding expenditures and timeframes by landfill but does not indicate the amount of the remaining debt for each site. MMB reports it is challenging to identify remaining debt for a specific landfill site because when the State sells bonds it is not for specifically identified projects but rather for particular enacted bonding bills. Any assessment of outstanding debt will require a careful analysis of past accounting records. It is unlikely that remaining debt could be determined at the individual parcel level. Because parcel-by-parcel debt accounting is so complex MMB has indicated all GOB debt for a site would need to be retired at a site for solar development to occur.

MMB has indicated retiring a bond obligation early would require legislative action. At this time, it is difficult to gauge the legislature's interest in or ability to pay off this debt to promote or enable solar development on closed landfills.

The following are questions summarized from the discussion above that may serve as future lines of inquiry:

- How much is the outstanding bond obligation for a given CLP site?
- What is the legislative process for retiring the obligation early?

The existence of GOB restrictions presents a significant challenge to development of solar on bond-restricted parcels at 55 sites. Given the potential for solar development at non-GOB restricted sites it might be prudent to first focus on the sites where there are no such restrictions, and non-bond restricted parcels on landfill sites where bond-restricted parcels exist. However, the state is interested in understanding the barrier imposed by GOBs and identifying options to addressing it.

To address this barrier, we might suggest using the top five sites with bond obligations (identified in Section 3) to develop a process and report identifying options for addressing the existing general bond obligation and allow solar development on these five sites. This would supply options and valuable information regarding the legal actions and associated time-frames necessary to proceed with potential development. Furthermore, a successful process could perhaps be replicated for other sites as interest in those sites is identified.

5 Recommended Steps for Initiating Solar Development on the Top Ranked Sites

To respond to this element of the scope of work we make the distinction between those sites with GOBs (bond-restricted) and all top ten sites regardless of bond status. We will begin with the bond-restricted sites.

Top Five Bond-Restricted Sites

As previously stated in Section 4, half of the sites in the CLP have at least one bond-restricted parcel. The top five bond-restricted CLP sites as ranked are:

- Flying Cloud
- Western Lake Superior Sanitary District
- Anoka-Ramsey
- Redwood County
- Winona County

The first step to consider solar development on these five sites (and all bond-restricted sites) is to continue the dialog between the MMB and MPCA to resolve questions around this barrier. Specific considerations are: what the remaining debt is on each of the top five bond-restricted sites, and what the legislative process is for retiring the debt early.

Top Ten Sites Regardless of Bond Status

The top ten ranked sites are:

- Flying Cloud
- Western Lake Superior Sanitary District
- Olmsted County
- Anoka-Ramsey
- Redwood County
- Winona County
- Freeway
- Hibbing
- Kummer
- Maple

We identified the following action items to address the barriers identified. We acknowledge state agencies may need additional authority to act on some of these recommendations.

Retire GOB obligations early. The Minnesota Legislature could take action to retire GOB obligations early to remove the associated restrictions. This would seem to be a strong incentive for solar develop and

other beneficial reuse of closed landfills and would indicate the legislature's intent to promote development on the sites in the CLP.

Develop a technical guide to solar development on CLP sites. A technical guide could provide general information about the unique design aspects of closed landfills and more detailed information about the CLP program responsibilities associated with the landfills and process for developing solar on a closed landfill site. The audience would be utilities, developers, local government, and finance stakeholders who are unfamiliar with closed landfills and their potential for solar development. Subject matter experts at the MPCA and Department of Commerce could develop this guide and be a clearinghouse for questions or comments from users of the guide. We reference an example technical guide from the state of Massachusetts for use as a starting point, which includes guidance in terms of working with local governments, financiers, utilities, and developers and a process to address many of the same barriers discussed in this document.

Provide detailed technical and regulatory information for each of the top 10 sites. The MPCA is developing the Minnesota Groundwater Contamination Atlas (Atlas) which is a GIS tool. The Atlas is intended to develop into being the primary communication platform for information about environmentally impacted properties in Minnesota. The MPCA is currently in the process of adding information about the CLP sites and is awaiting additional Environment and Natural Resource Trust Fund money to further expand the Atlas. We recommend MPCA identify detailed technical and regulatory information that would be important to solar development on the CLP sites and ensure the information is integrated into the Atlas platform. Detailed technical and regulatory information may include specific design elements of the sites, permit conditions, information on cap construction and maintenance status, surrounding land use and natural features and other site-specific information deemed useful. The MPCA or Department of Commerce could also consider completing techno-economic analysis for each of the top sites using the free System Advisor Model. The audience for this information would be developers, local land-use planning/zoning officials, utilities, and finance stakeholders who are interested in developing plans and specifications for solar development on these sites.

Initiate a preliminary interconnection study for each of the top 10 sites. The interconnection to local a transmission/distribution system is a large cost component to solar development and uncertainty around what would be required on a site-by-site basis makes it difficult to determine the viability of solar development. We do not assume a full-scale interconnection study as required by certain size solar developments; however, collecting more detailed information about nearby transmission/distribution and substation equipment, capacity, and ownership/control status. We believe this study could be conducted by Minnesota Department of Commerce and the audience for this information is developers, utilities, and transmission/distribution planners.

Reach out to stakeholders. One common barrier to development of solar energy on CLP sites is lack of awareness of these sites and the solar development potential they represent among non-developers. The Department of Commerce and MPCA could prepare informational materials for the top 10 sites and invite key stakeholders to open discussions about the sites and solar development potential. Key stakeholders include owners, utilities, transmission operators, developers, local government, and other regulators.

These meetings would provide an opportunity to gauge interest, collect site specific feedback and identify local barriers/concerns and opportunities. Providing stakeholders information on specific sites helps to “make it real” and could create opportunities.

Pursue state-wide policy and incentive programs to encourage solar development on CLP sites.

State policy and incentive programs have proven very valuable in Minnesota, other states and at the federal level in encouraging renewable energy development. In Minnesota, our practice of upgrading the environmental controls at closed landfills with GOBs has resulted in proactive management of these legacy waste management sites. It has also created a barrier to solar development for about half of the sites. Increased capital and construction costs associated with solar installations on closed landfills is also a significant barrier. Based on previous experience in Minnesota with the community-based solar program and elsewhere in other states there are many policy and incentive programs to consider. Here are a few ideas:

- **Virtual net metering.** Virtual net metering or a similar policy for grid-tied projects could assist in overcoming financial barriers related to developing solar on landfills. Virtual net metering is a mechanism allowing energy customers to credit kilowatt-hours from one meter to another. Many CLP sites are large enough to support solar systems that can produce many MW of electricity. Most of those sites, however, do not have need for the power onsite. These sites will be connected to the grid and can provide power to nearby communities or to other grid connected users. With a virtual net metering policy, the landfill owners could be compensated for the power they produce. In Massachusetts, a similar net metering policy allowed those who owned the solar systems to receive 100 percent net metering credits for their solar generation up to six MW. For example, credits could be transferred to a customer of the same distribution utility as long as they are within the same service territory and MISO (Midwest Independent System Operator - the regional electricity grid operator) load zone. The value of each kilowatt-hour could be valued more as a net-metered credit under this policy than if the kWh was sold to the utility grid at the clearing price.

In Minnesota, there is one policy that most closely approximates net metering, the community solar garden (CSG) program. These projects, however, are limited to one MW, and at this threshold are not cost effective for a developer. Projects with one MW cap would not make use of many potential acres of available land. A solution could be to include a “brownfield adder” to the CSG rules allowing for development of projects greater than one MW.

- **CLP solar development incentives.** The state could earmark incentives for solar development on CLP sites. If Minnesota determines that brownfield projects are a public good and worth encouraging, the Legislature could set up incentives to offset the additional costs associated with solar development on CLP sites and other brownfield sites. A rule of thumb for developing solar on brownfields to cover the cost of ballasted systems and permitting is approximately 15 percent more than a greenfield site. A state incentive that bridged that additional cost could assist in making solar development at brownfield sites feasible for solar developers.

-
- **Renewable Energy Credit or Renewable Energy Certificate (REC) ownership by MPCA.** One developer said they had heard the MPCA would like to retain the RECs earned by solar development at CLP sites, as a way of meeting its greenhouse gas reduction obligations. This may be possible. Understanding in more detail what MPCA REC ownership means in terms of policy and how it works practically is key to determining whether it hinders or encourages solar development at CLP sites.

6 Conclusions

There is significant capacity for solar development on Minnesota's CLP sites

In developing and analyzing data regarding the sites in the MN CLP we estimate solar energy capacity statewide to be on the order of 950 MW. Landfill caps have the potential for 280 MW on approximately 1300 acres and buffer areas could produce 670 MW on approximately 3200 acres. The generating capacity varies from site to site. Table 6-1 shows groupings by capacity.

Table 6-1 Solar Generating Capacity at CLP Sites

Range of generating capacity (megawatts)	Number of sites
20 – 45	8
10 – 19	22
5 – 9	42
1 – 4	35
Less than 1	4

These numbers are approximate; exact capacities are typically determined by developers during the solar equipment design phase. For context: according to the Minnesota Department of Commerce report (reference (6)), there were 596 MW of solar PV capacity operating in Minnesota in 2017.

The solar potential at CLP sites could be well aligned with solar development plans being pursued by power utilities with operations in Minnesota. Here are a few examples:

- By 2030 **Xcel Energy** plans to reduce carbon dioxide emissions 80 percent below 2005 levels company wide. They intend to invest in wind and solar under their "Steel for Fuel" strategy and offer customers more renewable energy options. From their most recent carbon report: *"We anticipate adding thousands of megawatts of wind and solar power to our system and incorporating both natural gas and storage resources to help balance high levels of renewables"* For more information about Xcel's plans see their most recent carbon report: <https://www.xcelenergy.com/staticfiles/xcel/PDF/Xcel%20Energy%20Carbon%20Report%20-%20Feb%202019.pdf>
- **Minnesota Power** is implementing their "Energy Forward" strategy and intend to be at 50% renewable energy by 2021. They intend to install about 23 MW of new solar in Minnesota to be operational in 2021. For more information about their Energy Forward strategy see their website: <https://www.mnpower.com/Environment/EnergyForward>

- In 2018 **Great River Energy** (GRE) adopted its corporate goal to achieve 50% renewable energy for its member co-ops by 2030. GRE has been adding solar in various co-op service territories. For more information see their "Renewable Energy Position Statement": <https://greatriverenergy.com/the-cooperative-difference/legislative-activity/renewable-energy-position-statement/>

The top ten sites, five bond-restricted and five non bond-restricted sites, do not represent the only favorable CLP sites for solar development. The scope of this study required us to rank the sites in the CLP and identify the top five bond-restricted and top five non bond-restricted sites. In fact, there is no significant difference between the tenth and eleventh sites in the ranking. We believe many of the sites have favorable characteristics (e.g., capacity and distance to transmission/distribution infrastructure) and will be attractive to power users (off-takers), utilities and solar developers. With proper application of incentives and with improved awareness among non-developer stakeholders many of these sites will attract interest and eventually solar power development.

Solar power and energy storage are a valuable combination. During focus group discussions the concept of co-located solar and energy storage was mentioned by more than one stakeholder. Solar paired with energy storage systems can provide stacked electrical grid support services (e.g., voltage regulation, peak shaving, and peak shifting) which can improve the economics of distributed energy resource development on CLP sites. Although not specifically included in the scope of this study, CLP sites, especially the buffer area, is well suited to co-located energy storage systems.

There are barriers. While MN CLP sites hold great potential for solar development there are barriers which can make development challenging for some of the sites. Some of these barriers are more challenging than others but all can be overcome. Based on discussions with stakeholders and MN agency representatives we developed the following list of barriers.

GOBs. Over \$100 million in GOB funds were used to make improvements, including closure, at 55 of the CLP sites. Restrictions associated with use of GOB funds affect approximately 4100 acres across these 55 sites, while there are approximately 1,100 acres at these 55 sites where GOB funds were not spent. The non-bond restricted acres at these 55 sites may have fewer barriers to solar development, however the presence of GOB restrictions elsewhere at the landfill site may complicate solar development at these sites. It is highly likely many of these 55 sites will be attractive to power users, utilities, and developers. Eliminating a majority of acreage from half of the CLP sites from consideration for solar power development solely on the basis of bond status would severely limit the opportunity to meet renewable energy goals and reduce carbon emissions in Minnesota.

In the course of this study there have been several conversations about this topic with members of MPCA and MMB. Section 4.2 describes the issues as we understand them now and identifies outstanding questions requiring further investigation to move forward. We recommend MPCA and MMB work together to find answers to the outstanding questions so this barrier can be

addressed balancing the benefits of renewable energy development and our obvious need to comply with the conditions of our GOB requirements.

Uncertainty related to site suitability and CLP program responsibilities. There are perceived and real risks associated with building solar on CLP sites. Some of these risks are associated with the structures (cap) and systems (leachate and gas collection and management) and some are related to future events that are difficult to predict. Future events include CLP program required cap maintenance and potential discovery of contaminants requiring removal of solar equipment. Anyone seeking to develop solar systems on these sites will attempt to quantify risks and insure against associated losses. The MPCA has technical information about these sites and their construction that could be provided to interested parties to help explain the risks better and address this barrier.

Increased construction costs related to the unique features of closed landfill caps.

Constructing solar power systems on a landfill cap requires lighter weight construction equipment and construction techniques and racking systems that eliminate penetrations. Stormwater management and erosion control are also especially important considerations when working on a landfill cap. We have heard this increases the costs to construct solar on the landfill cap. We believe state renewable energy policy could be created to help off-set these costs and promote solar energy development on CLP sites.

Investments in transmission and distribution infrastructure may be needed. CLP sites were typically located to be convenient, from a transportation standpoint, to the point of waste generation and on marginal land without competing uses. This does not mean they are convenient to an off-taker (someone who would use the electricity). We have identified the location of existing transmission and distribution infrastructure and assumed distance to infrastructure is an important criterion for siting solar on CLP sites. Distance is important but there are other factors that can also impact the cost to connect solar on CLP sites to the local/regional infrastructure. We recommended a preliminary interconnect study for the top ranked sites to help identify these other important factors and determine their impact on solar development on CLP sites. It is possible that investments in Minnesota's transmission and distribution infrastructure would enable or promote solar development on CLP sites across Minnesota.

7 References

1. **Nexamp.** The Guide to Developing Solar Photovoltaics at Massachusetts Landfills. s.l. : Commonwealth of Massachusetts; Massachusetts Department of Energy Resources, undated.
2. **Minnesota Department of Natural Resources.** National Wetland Inventory for Minnesota. *Minnesota Geospatial Commons*. [Online] 2015. [Cited: March 26, 2020.] <https://gisdata.mn.gov/dataset/water-nat-wetlands-inv-2009-2014>.
3. **Minnesota Geospatial Information Office.** LiDAR Elevation Data Download. [Online] [Cited: March 26-27, 2020.] www.mngeo.state.mn.us/chouse/elevation/lidar.html#data.
4. —. Electric Transmission Lines and Substations, 60 Kilovolt and Greater, Minnesota, 2016. *Minnesota Geospatial Commons*. [Online] <https://gisdata.mn.gov/dataset/util-elec-trans>.
5. **Multi-Resolution Land Characteristics Consortium.** National Land Cover Database (NLCD) 2016. [Online] <https://www.mrlc.gov/national-land-cover-database-nlcd-2016>.
6. **Minnesota Department of Commerce.** Minnesota Renewable Energy Update. November 2018.

Figures

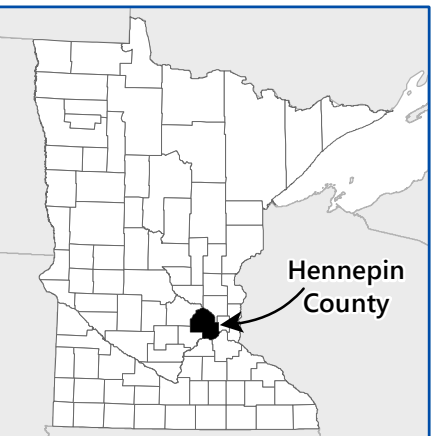
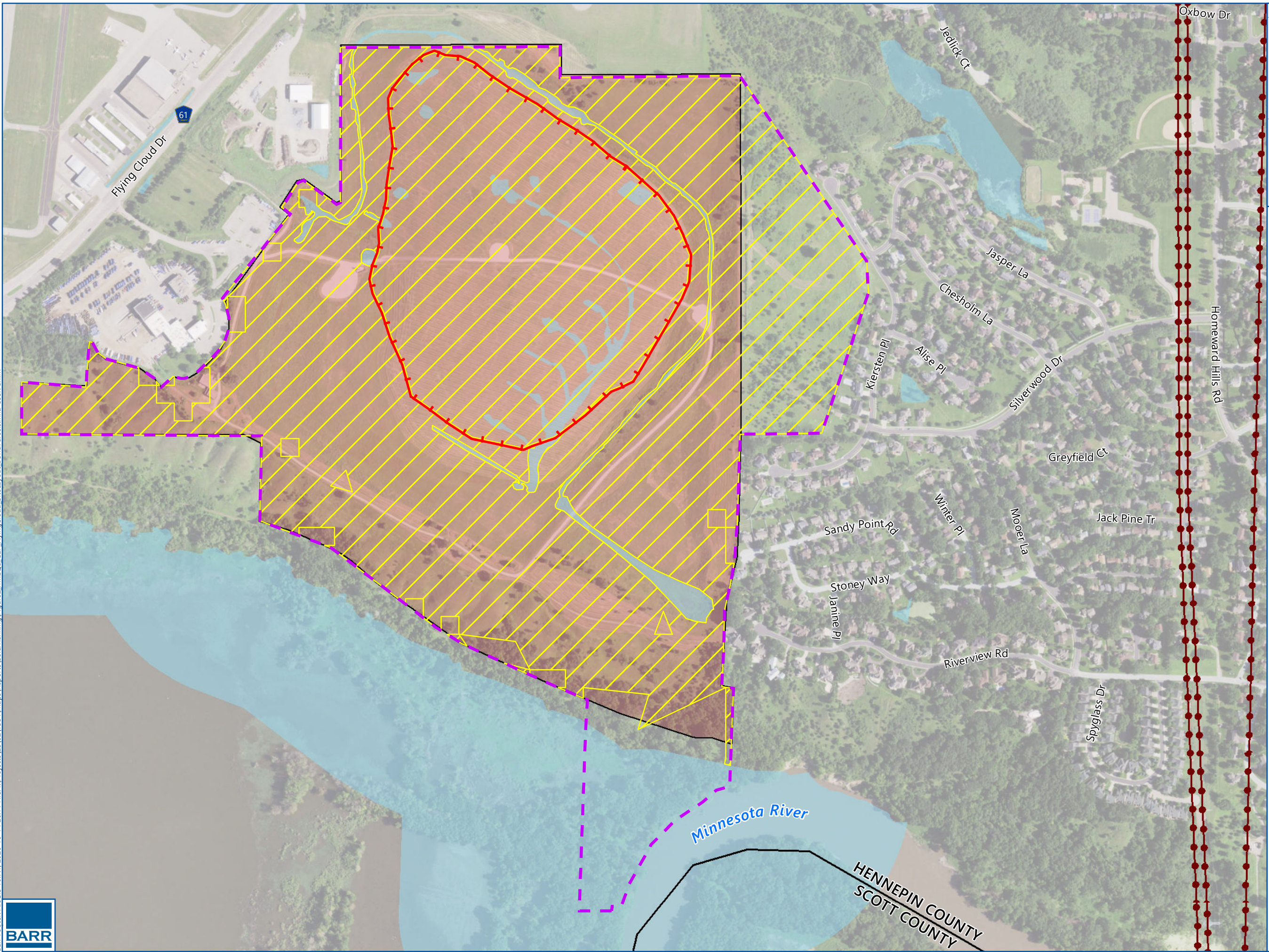
Important notes to figures:

"Buildable Area" and estimated generating potential in MW – The yellow hatch pattern shown on the top ten site figures recognizes the buildable acres and approximate generating potential for the landfill cap and buffer areas. To identify the buildable area on the landfill cap, we used our GIS system to identify slopes greater than 15% and we subtracted these steeply sloped areas from total cap acreages reported by our GIS system. To identify the buildable area in the buffer we identified data sets for wetlands, open water, scientific and natural areas, forest (conifer, deciduous and mixed), and developed areas (low, medium, and high density). We identified the acreage for each of these natural and human-made features for each site, subtracted those acres from the total buffer acreage, and calculated the buildable acres for each buffer. To estimate the generating potential for each site, we divided each buildable area in acres by a capacity factor (4.81 acres per MW) to calculate the approximate generating potential in MW. Our capacity factor is calculated based on typical equipment specifications and a ground coverage ratio of 30%.

The buildable area within the buffer appears fragmented and discontinuous at some of the sites. This is a function of the National Land Cover Database (NLCD) used to identify the specific natural and human made features that were subtracted from the total buffer area. The NLCD may occasionally misinterpret land cover and, due to time and scope constraints, we did not attempt to field verify land cover for each site.

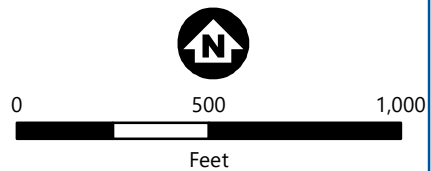
GIS data for GOB restricted parcels was provided by the MPCA. The restrictions attach to parcels identified in a real property declaration recorded with the associated county by the MPCA. The location of parcels with GOB restrictions should be verified by reviewing the declaration prior to contemplating development of non-GOB restricted parcels.

Barr Footer: ArcGIS 10.7.1, 2020-10-14 2011 File: \\Projects\\23\\231351\\Maps\\Reports\\SolarRanking\\Figure2 MneEQB CLP FlyingCloud SiteLayout BondParcels.mxd User: amn



- Land Management Area
- Waste Footprint
- Buildable Area (≈43.1 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)
- Electric Transmission**
 - 116kV - 500kV

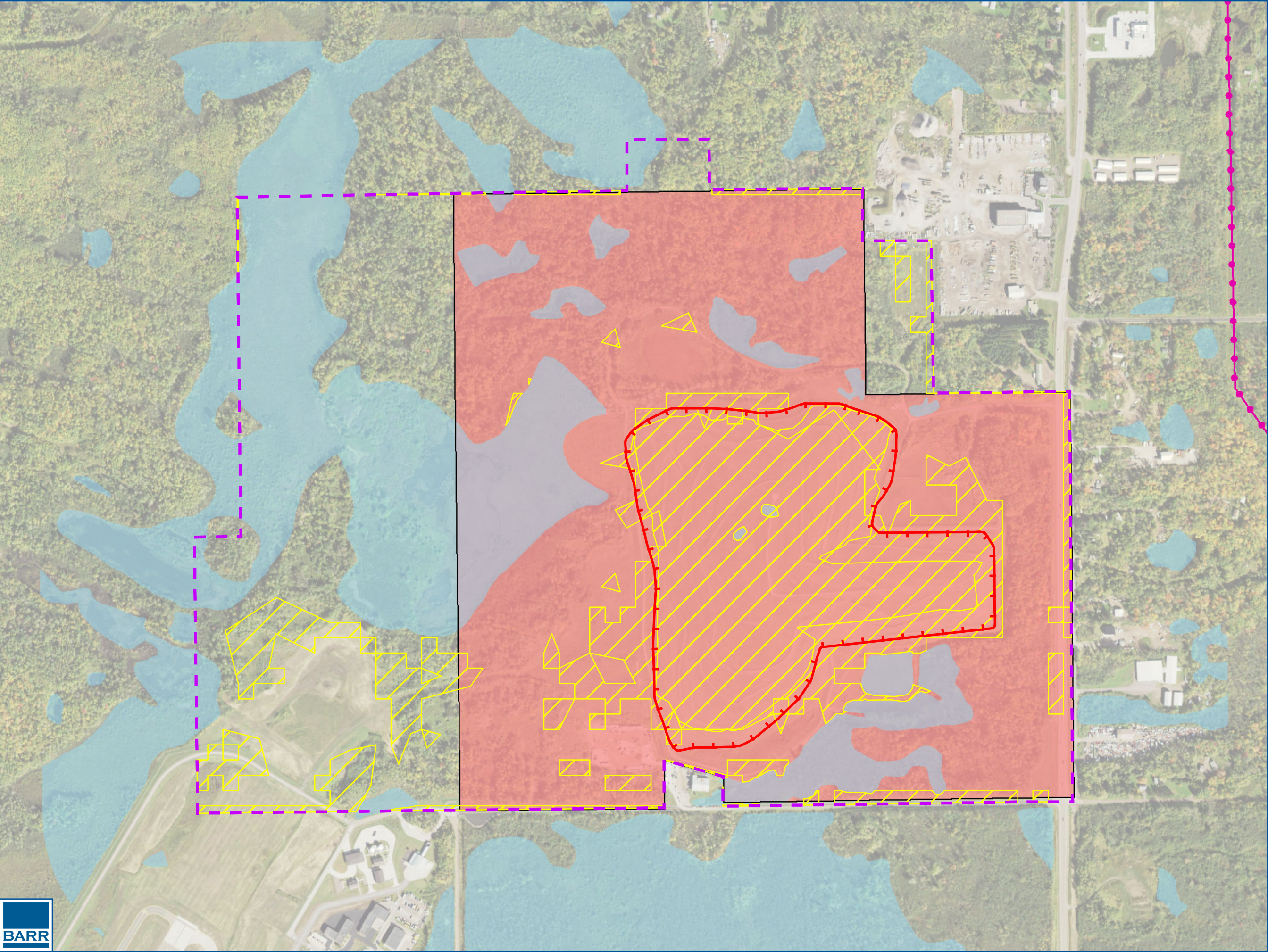
Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



Aerial Image: 2019 FSA NAIP

SITE LAYOUT
FLYING CLOUD LANDFILL
Minnesota Environmental
Quality Board
Hennepin County
Eden Prairie, Minnesota

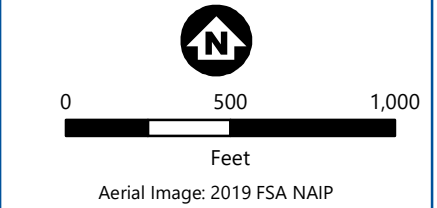
FIGURE 2



- Land Management Area
- Waste Footprint
- Buildable Area (≈40.3 MW)
- County Boundary
- Parcel (Bond Status)**
- Bonded Parcel
- Wetlands
(National Wetlands Inventory)
- Electric Transmission**
- 34kV - 115kV

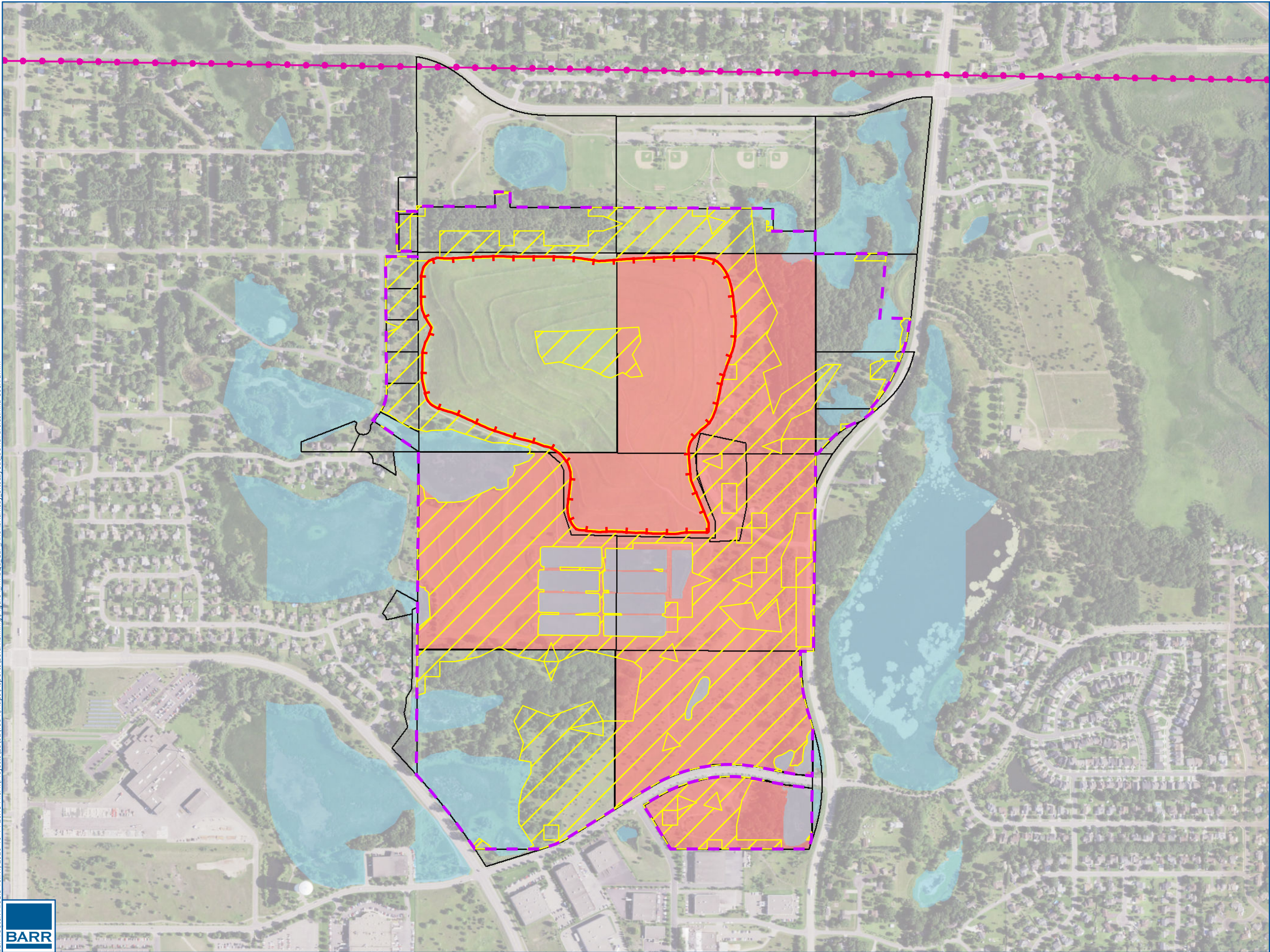
Notes
Elevation contours shown based on MnTOPO LiDAR elevation data.

Elevation contours and wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



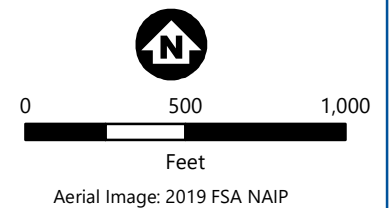
SITE LAYOUT
WESTERN LAKE SUPERIOR
SANITARY DISTRICT LANDFILL
Minnesota Environmental
Quality Board
St. Louis County
Duluth, Minnesota

FIGURE 3



- Land Management Area
- Waste Footprint
- Buildable Area (≈27.5 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)
- Electric Transmission**
 - 34kV - 115kV

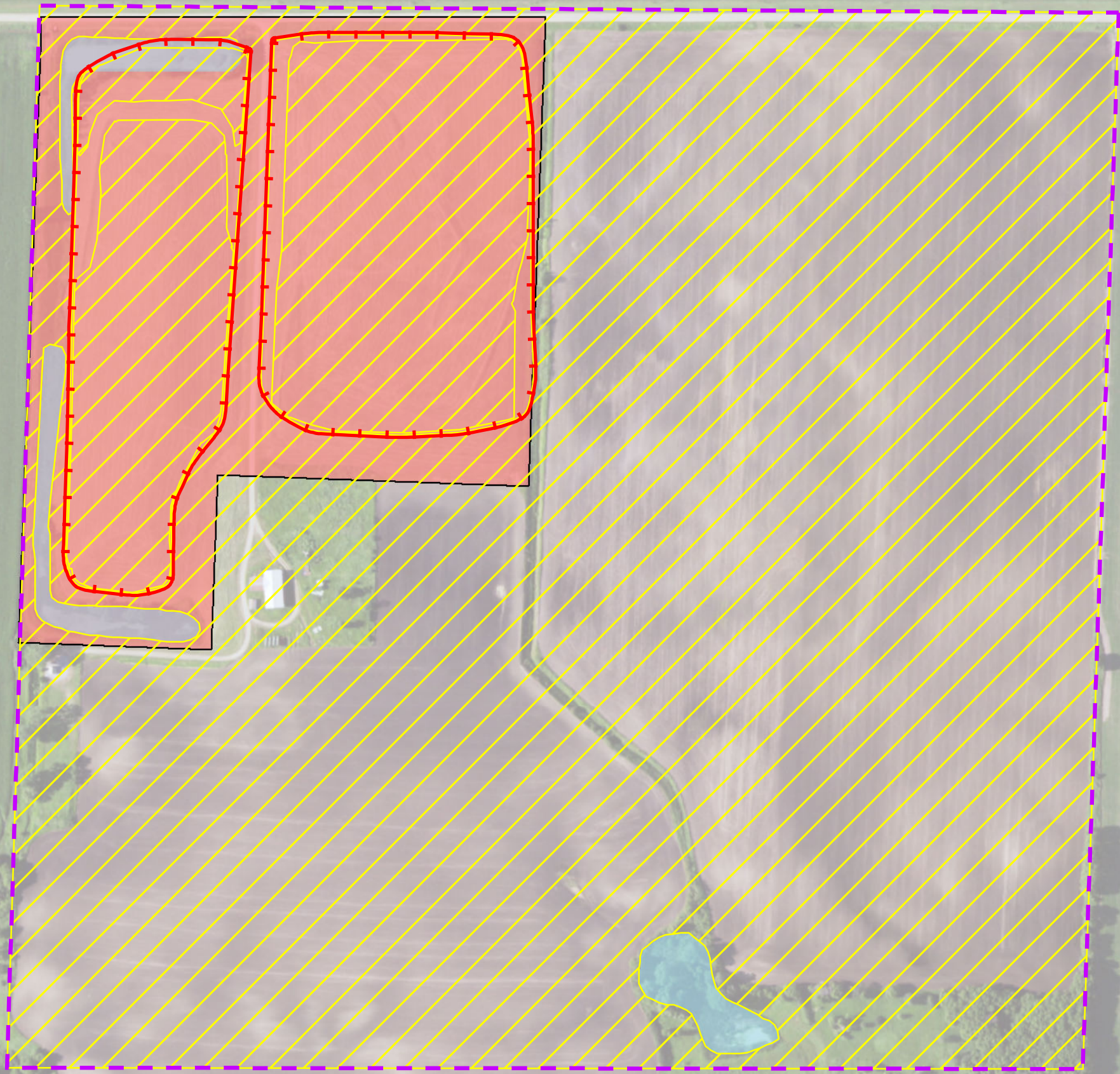
Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



SITE LAYOUT
ANOKA-RAMSEY LANDFILL
Minnesota Environmental
Quality Board
Anoka County
Ramsey, Minnesota

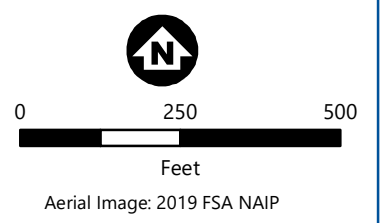
FIGURE 4





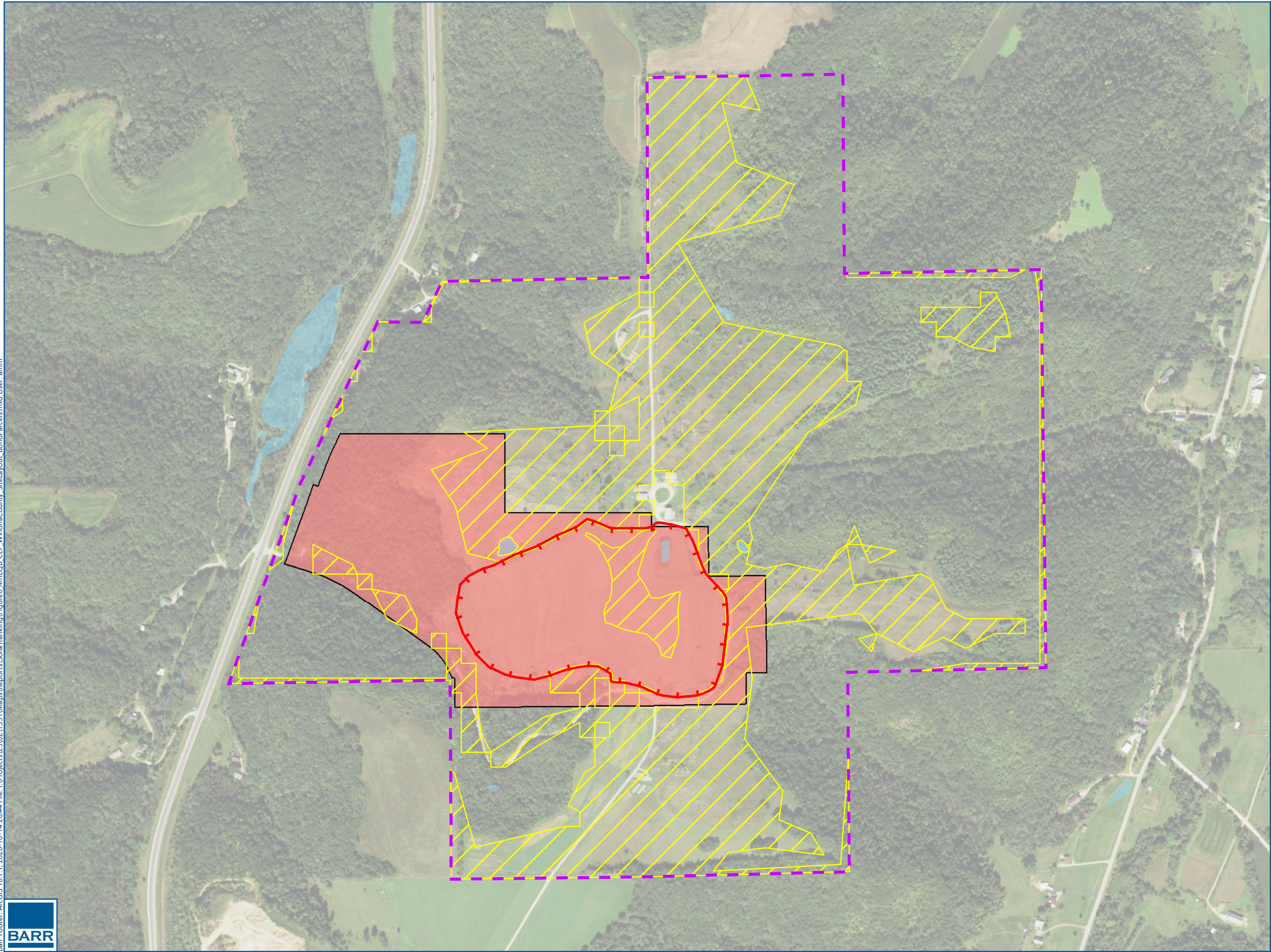
- Land Management Area
- Waste Footprint
- Buildable Area (≈31.7 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
- Wetlands
(National Wetlands Inventory)

Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



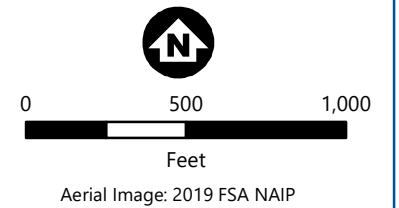
SITE LAYOUT
REDWOOD COUNTY LANDFILL
Minnesota Environmental
Quality Board
Redwood County
Redwood Falls, Minnesota

FIGURE 5



- Land Management Area
- Waste Footprint
- Buildable Area (≈30.9 MW)
- County Boundary
- Parcel (Bond Status)**
- Bonded Parcel
- Wetlands
(National Wetlands Inventory)

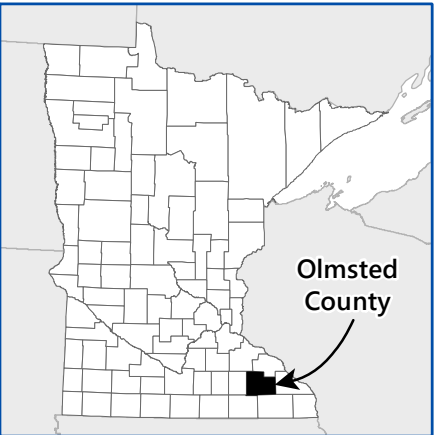
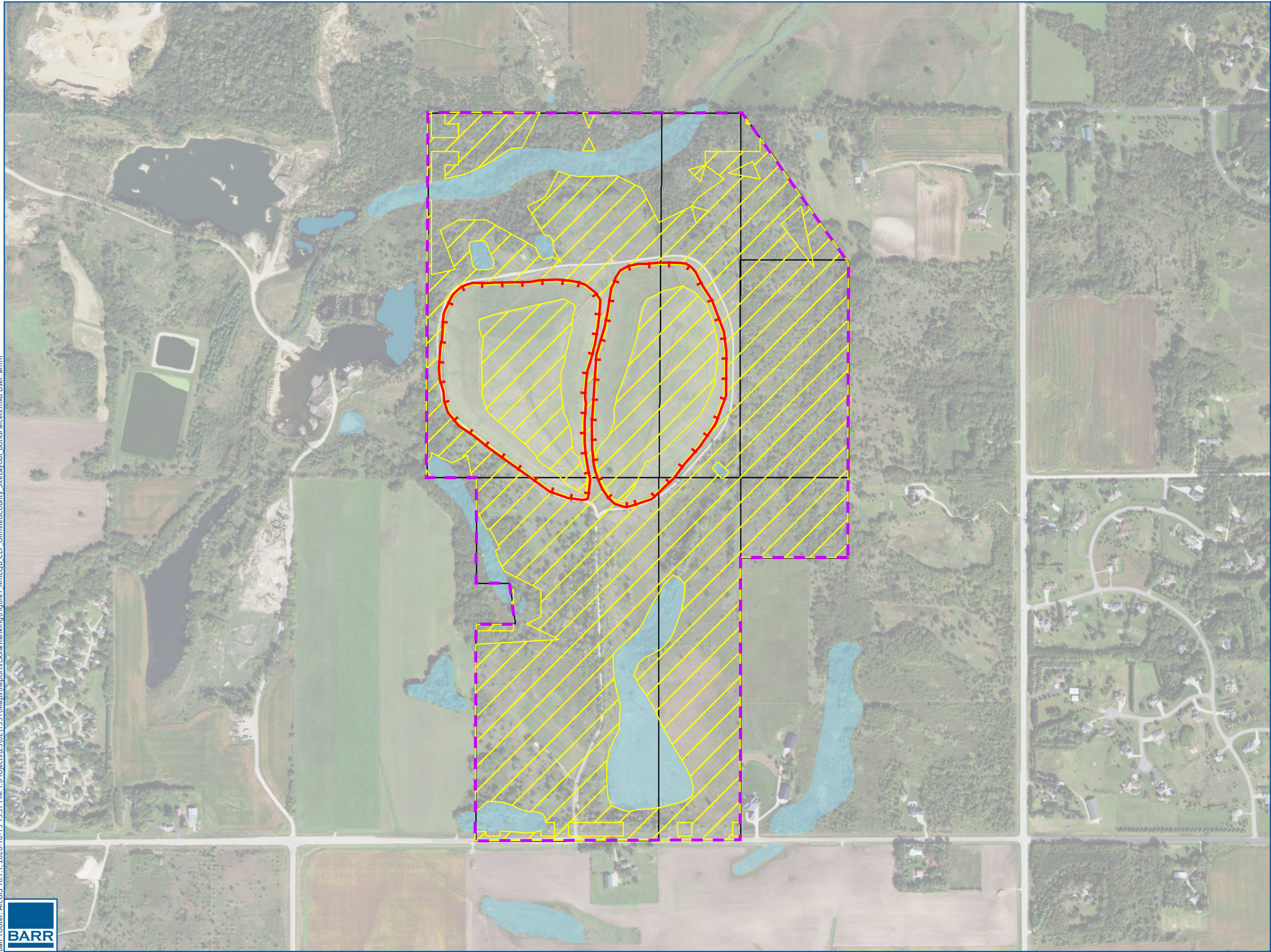
Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



SITE LAYOUT
WINONA COUNTY LANDFILL
Minnesota Environmental
Quality Board
Winona County
Winona, Minnesota

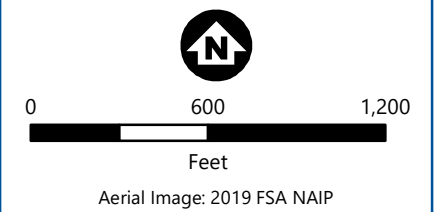
FIGURE 6

Barr Footer: ArcGIS 10.7.1, 2020-10-15 13:57 File: I:\Projects\23\62\1351\Maps\Reports\SolarRanking\Figure7 MneQB CLD OlmstedCounty_SiteLayout_BondParcels.mxd User: amn



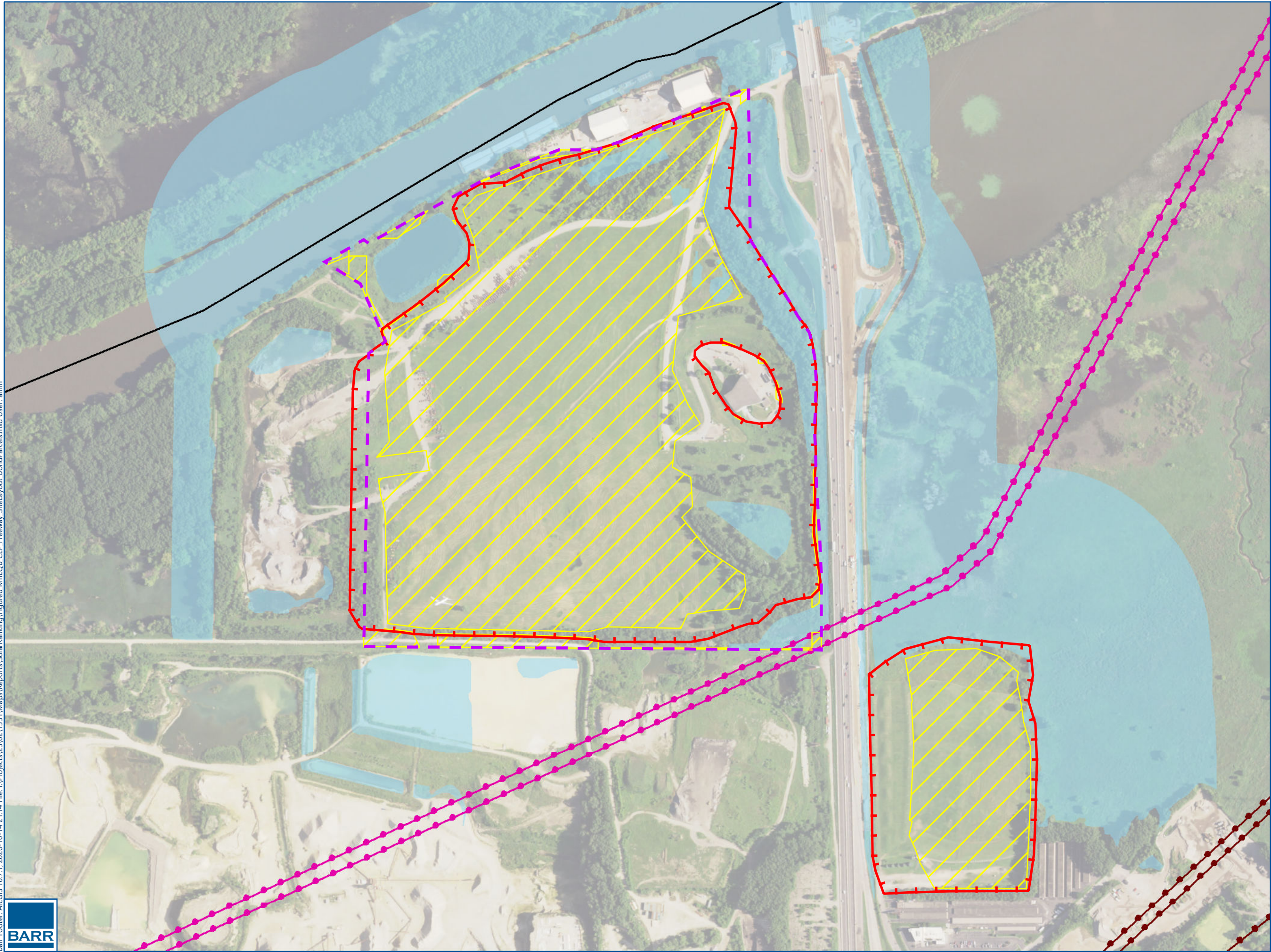
- Land Management Area
- Waste Footprint
- Buildable Area (≈44.8 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)

Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



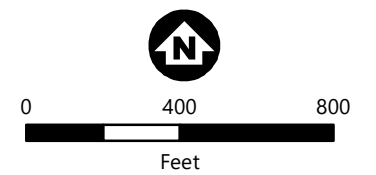
SITE LAYOUT
OLMSTED COUNTY LANDFILL
Minnesota Environmental
Quality Board
Olmsted County
Oronoco, Minnesota

FIGURE 7



- Land Management Area
- Waste Footprint
- Buildable Area (≈23.6 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)
- Electric Transmission**
 - 34kV - 115kV
 - 116kV - 500kV

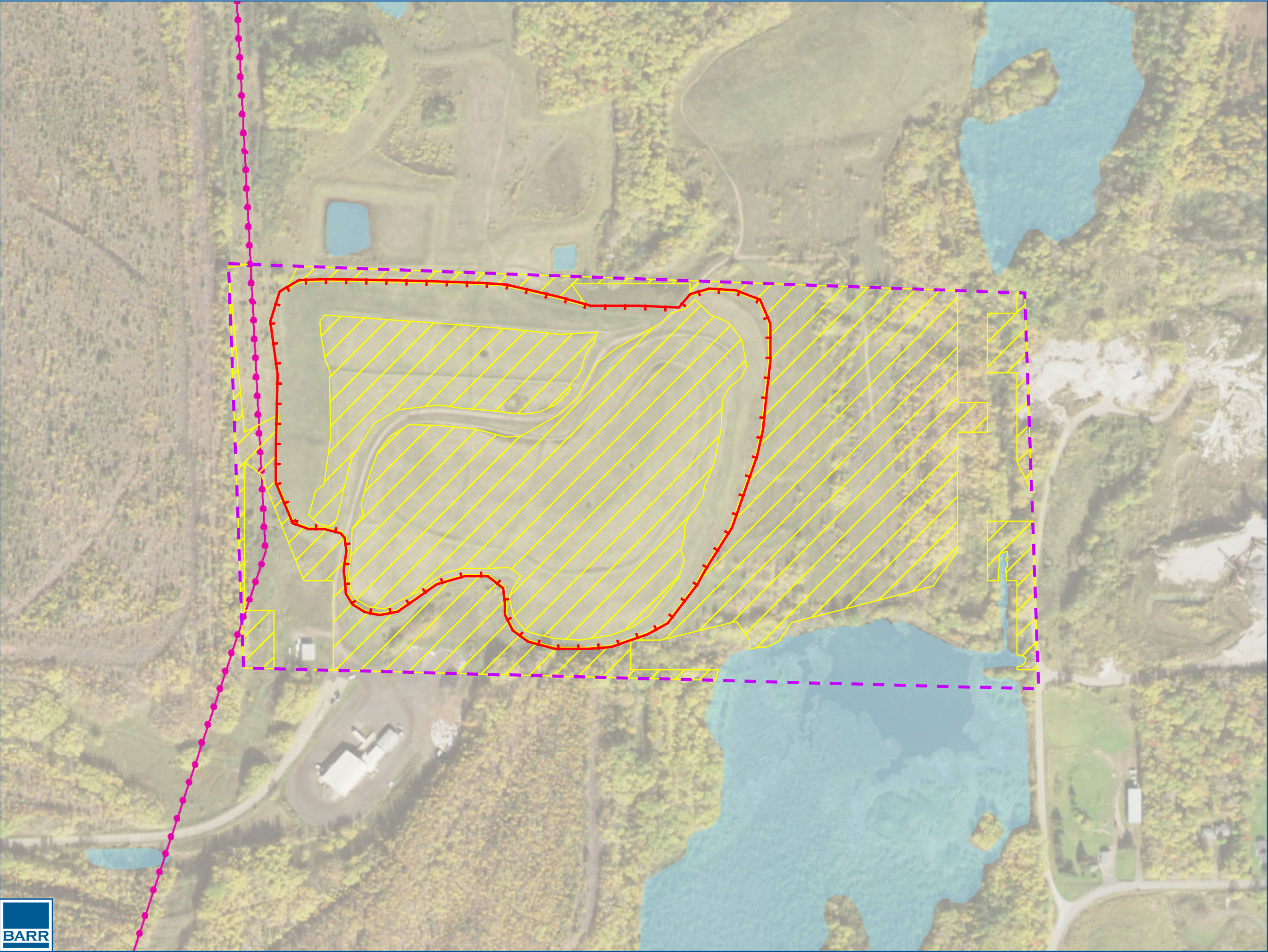
Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



Aerial Image: 2019 FSA NAIP

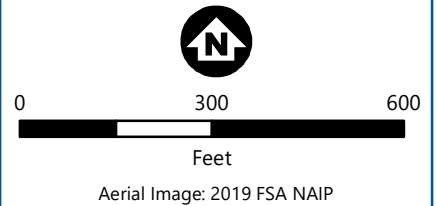
SITE LAYOUT
FREeway LANDFILL
Minnesota Environmental
Quality Board
Dakota County
Burnsville, Minnesota

FIGURE 8



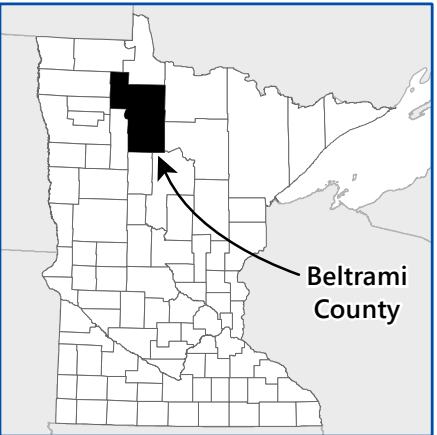
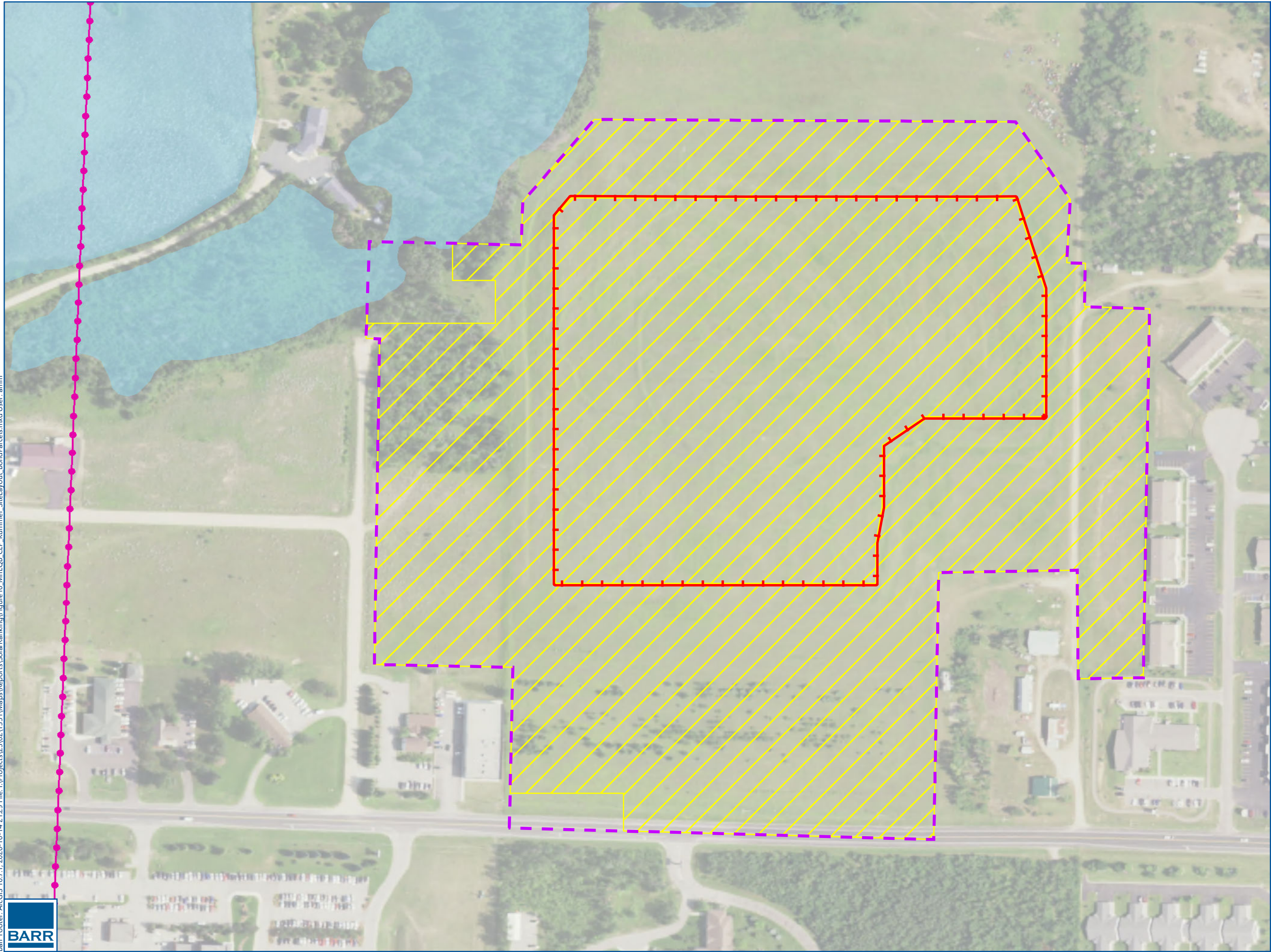
- Land Management Area
- Waste Footprint
- Buildable Area (≈12.4 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)
- Electric Transmission**
 - 34kV - 115kV

Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



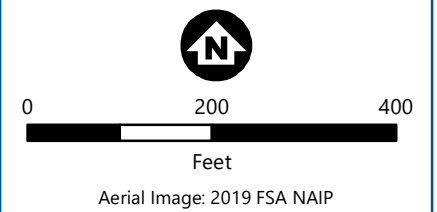
SITE LAYOUT
HIBBING LANDFILL
Minnesota Environmental
Quality Board
St. Louis County
Duluth, Minnesota

FIGURE 9



- Land Management Area
- Waste Footprint
- Buildable Area (≈11.1 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)
- Electric Transmission**
 - 34kV - 115kV

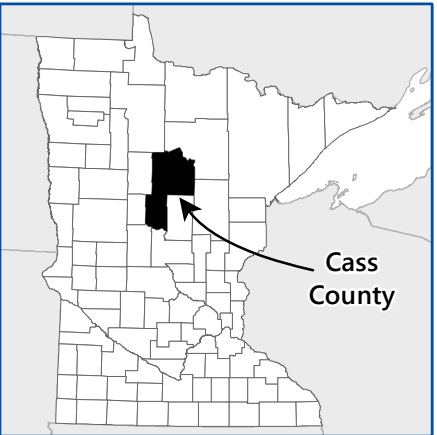
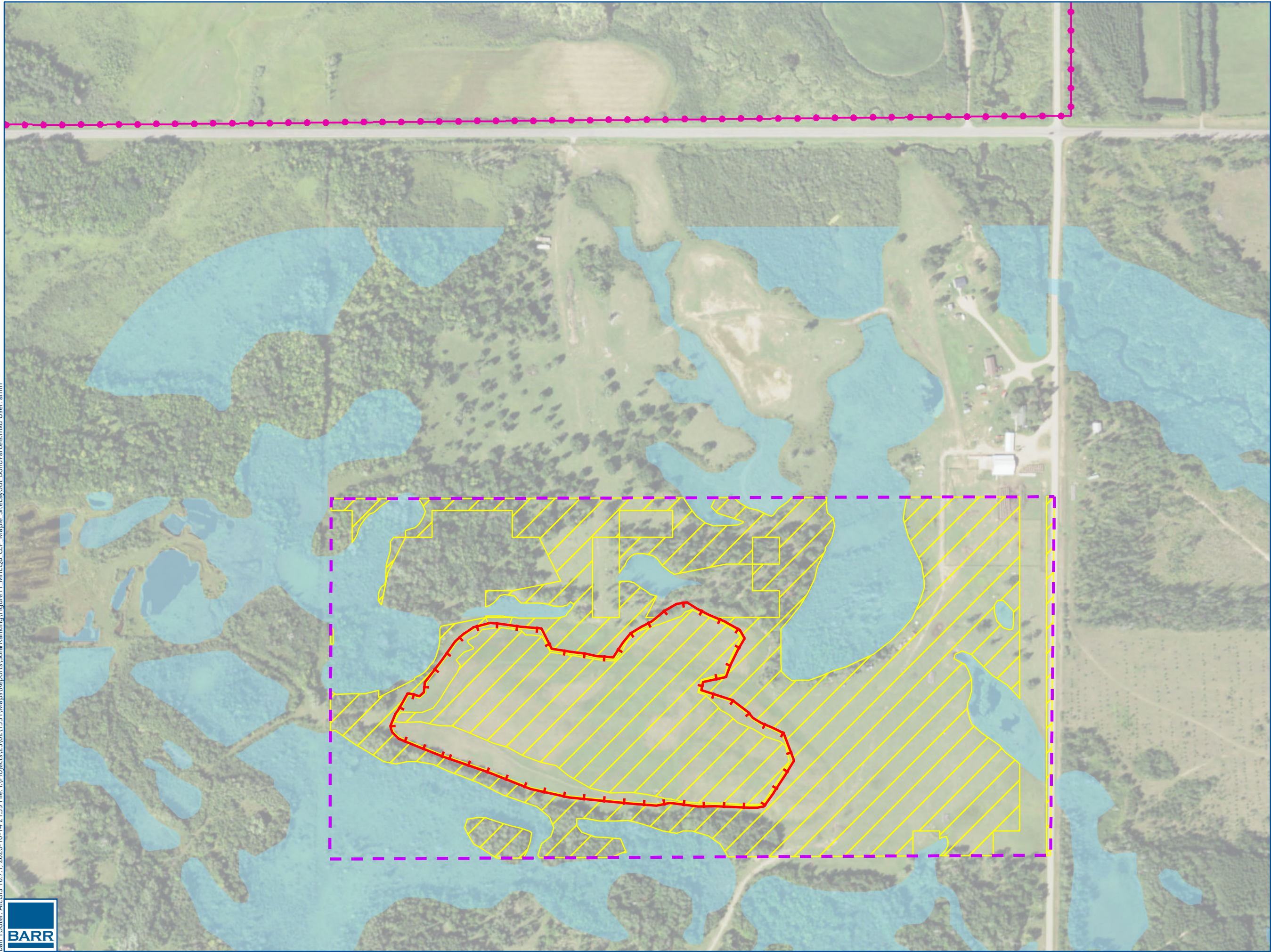
Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



SITE LAYOUT
KUMMER LANDFILL
Minnesota Environmental
Quality Board
Beltrami County
Bemidji, Minnesota

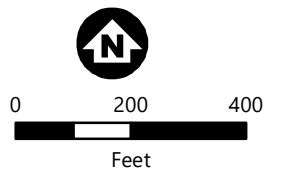
FIGURE 10

Barr Footer: ArcGIS 10.7.1, 2020-10-14 21:39 File: I:\Projects\23\231351\Maps\Reports\SolarRanking\Figure11_MnEOB CLP Maple_Sitelayout_BondParcels.mxd User: amm



- Land Management Area
- Waste Footprint
- Buildable Area (≈10.6 MW)
- County Boundary
- Parcel (Bond Status)**
 - Bonded Parcel
 - Wetlands
(National Wetlands Inventory)
- Electric Transmission**
 - 34kV - 115kV

Notes
Wetlands shown have been clipped down to include the Land Management Area and 1000 feet buffer.



Aerial Image: 2019 FSA NAIP

SITE LAYOUT
MAPLE LANDFILL
Minnesota Environmental
Quality Board
Cass County
Pequot Lakes, Minnesota

FIGURE 11

Appendices

Appendix A

Closed Landfill Program Property Owners

Closed Landfill Program Property Owners

Landfill	Property Owner
Adams Landfill	City of Adams
Aitkin Area Landfill	Aitkin County
Albert Lea Landfill	City of Albert Lea
Anderson Landfill	State of Minnesota
Anoka-Ramsey Landfill	State of Minnesota
Barnesville Landfill	State of Minnesota
Battle Lake Landfill	City of Battle Lake; Clitherall & Everts Townships
Becker County Landfill	Becker County
Benson Landfill	State of Minnesota
Big Stone County Landfill	State of Minnesota
Brookston Area Landfill	St. Louis County
Bueckers #1 Landfill	State of Minnesota
Bueckers #2 Landfill	Ervin J. Bueckers Trust
Carlton County #2 Landfill	Carlton County
Carlton County South Landfill	Carlton County
Chippewa County Landfill	Chippewa County
Cook Area Landfill	St. Louis County
Cook County Landfill	Cook County
Cotton Area Landfill	St. Louis County
Crosby American Properties Landfill	State of Minnesota
Crosby Landfill	City of Crosby; State (Department of Natural Resources)
Crow Wing County Landfill	Crow Wing County
Dakhue Landfill	State of Minnesota
Dodge County Landfill	Dodge County
East Bethel Landfill	State of Minnesota
East Mesaba Landfill	State of Minnesota
Eighty Acre Landfill	City of Bemidji
Faribault County Landfill	Faribault County
Fifty Lakes Landfill	Crow Wing County
Floodwood Landfill	State of Minnesota
Flying Cloud Landfill	State of Minnesota
Freeway Landfill	RB McGowan Co., Inc.
French Lake Landfill	State of Minnesota
Geislars Landfill	John David Fort & Thomas Fort, et al.
Gofer Landfill	Martin County

Landfill	Property Owner
Goodhue Cooperative Landfill	John & Janice Holst Trust
Goodhue County Landfill	Goodhue County
Grand Rapids Area Landfill	Itasca County
Greenbush Landfill	City of Greenbush
Hansen Landfill	Harvey Hanel; Raymond & Evelyn Hanel Trust
Hibbing Landfill	St. Louis County
Hickory Grove Landfill	David & Lydia Simonson
Highway 77 Landfill	St. Louis County
Hopkins Landfill	City of Hopkins
Houston County Landfill	Hop Hollow, LLP
Hoyt Lakes Landfill	St. Louis County*
Hudson Landfill	St. Louis County
Iron Range Landfill	Itasca County
Ironwood Landfill	Wilderness Lake Estates, LLC; Brian Mildenstein
Isanti-Chisago County Landfill	State of Minnesota
Jackson County Landfill	Jackson County
Johnson Brothers Landfill	City of Blaine
Karlstad Landfill	State of Minnesota
Killian Landfill	Harlan & Myrna Killian
Kliver Landfill	State of Minnesota
Koochiching County Landfill	State of Minnesota
Korf Brothers Landfill	State of Minnesota
Kummer Landfill	Kummer Land Holding Co.*
La Crescent Landfill	City of La Crescent
La Grand Landfill	State of Minnesota
Lake County Landfill	Lake County
Lake of the Woods County Landfill	Lake of the Woods County
Land Investors, Inc. Landfill	State of Minnesota
Leech Lake Landfill	State of Minnesota
Leslie Benson Landfill	Joan Benson
Lincoln County Landfill	Lincoln County
Lindala Landfill	State of Minnesota
Lindenfelser Landfill	State of Minnesota
Long Prairie Landfill	State of Minnesota
Longville-Remer Landfill	Cass County
Louisville Landfill	State of Minnesota
Mahnomen County Landfill	State of Minnesota

Landfill	Property Owner
Mankato Landfill	State of Minnesota
Maple Landfill	Oakridge Ranch, LLC
McKinley Landfill	State of Minnesota
Meeker County Landfill	Meeker County
Mille Lacs County Landfill	Mille Lacs County
Minnesota Sanitation Services Landfill	State of Minnesota
Murray County Landfill	Murray County
Northeast Otter Tail County Landfill	Northeast Otter Tail County
Northome Landfill	Koochiching County
Northwest Angle Inlet Landfill	Lake of the Woods County
Northwoods Landfill	St. Louis County
Oak Grove Landfill	State of Minnesota
Olmsted County Landfill	State of Minnesota
Orr Landfill	St. Louis County
Paynesville Landfill	State of Minnesota
Pickett Landfill	State of Minnesota
Pine Lane Landfill	State of Minnesota
Pipestone County Landfill	State of Minnesota
Portage Modified Landfill	St. Louis County
Red Rock Landfill	State of Minnesota
Redwood County Landfill	Redwood County
Rock County Landfill	Rock County
Roseau County-Salol Landfill	State of Minnesota
Sauk Centre Landfill	State of Minnesota
Sibley County Landfill	Sibley County
St. Augusta Landfill	State of Minnesota
Stevens County Landfill	Stevens County
Sun Prairie Landfill	State of Minnesota
Tellijohn Landfill	Tom Kat Trux, Inc.; Tim Tellijohn
Vermillion Dam Landfill	St. Louis County
Vermillion Modified Landfill	State of Minnesota
Wabasha County Landfill	State of Minnesota
Wadena Landfill	City of Wadena
Walker-Hackensack Landfill	Cass County
Waseca County Landfill	Waseca County
Washington County Landfill	City of Lake Elmo*
Waste Disposal Engineering Landfill	State of Minnesota

Landfill	Property Owner
Watonwan County Landfill	Watonwan County
Western Lake Superior Sanitary District Landfill	State of Minnesota
Winona County Landfill	Winona County
Woodlake Landfill	State of Minnesota
Yellow Medicine County Landfill	Yellow Medicine County

Appendix B

Development of Criteria That Affect the Potential for Solar Development on Closed Landfills and Identification of Barriers

Appendix B

Development of Criteria That Affect the Potential for Solar Development on Closed Landfills and Identification of Barriers

Contents

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B1. Introduction

To identify criteria that affect the potential for solar development on closed landfills, as well as barriers and opportunities, Barr staff conducted a literature review (Section B2) and gathered stakeholder input in a variety of settings (Section B3).

B2. Literature Review

B2.1 Approach

Barr reviewed publicly available information retrieved from online resources. The goal of this task was to become familiar with case studies and key issues related to solar development on brownfield sites and benefit from previous studies/efforts that were publicly available.

B2.2 Results

The online materials from the EPA's Re-Powering America's Land website (<https://www.epa.gov/re-powering>) and the Massachusetts Siting Clean Energy at Closed Landfills website (<https://www.mass.gov/siting-clean-energy-at-closed-landfills>) are the best available sources of information for this project that we identified. We include highlights from these materials below. We also spoke to Laura Strine, United States Environmental Protection Agency (EPA), regarding the EPA website and resources. In addition, we reviewed and consulted state specific materials including presentations from the Closed Landfill Program (CLP) program and information from the Minnesota (MN) Office of Management and Budget regarding bonding of CLP sites.

B2.2.1 EPA's Repowering America's Land Website

EPA's Repowering America's Land website provided the following key information applicable to the MN Environmental Quality Board (EQB) CLP Solar project.

- Project Benefits
 - o Improve the local tax base, create jobs, and turn blight into an economic opportunity. (RE-powering America's Land Initiative: Benefits Matrix https://www.epa.gov/sites/production/files/2019-12/documents/benefits_matrix_508_121119.pdf)
- Mapping and Screening Tools
 - o Mapping tool with locations by state of a range of brownfield sites. Can search for MN only sites <https://www.epa.gov/re-powering/re-powering-mapper>
- Solar Decision Trees
 - o The RE-Powering Electronic Decision Tree tool guides interested parties through a process to screen sites for their suitability for solar photovoltaics or wind installations. EPA encourages renewable energy on already developed or degraded land instead of green space <https://www.epa.gov/re-powering/re-powerings-electronic-decision->

[tree#:~:text=Developed%20by%20US%20EPA%27s%20RE-Powering%20America%27s%20Land%20Initiative%2C,developed%20or%20degraded%20l and%20instead%20of%20green%20space](#)

- o The tool addresses the following types of sites:
 - Potentially Contaminated Sites (Superfund, Brownfield, RCRA, mine site)
 - Landfill (Municipal Solid Waste, Construction and Demolition or similar unit)
 - Underutilized (Abandoned parcels, parking lots, buffer zones)
 - Rooftop (Solar PV only; Commercial / Industrial roofs)
- o This informational resource will help ascertain whether potential barriers to a solar or wind project exist at a site of interest. It provides:
 - A step-by-step walk through of key considerations for renewable energy development at the site;
 - Suggested resources to help you answer screening questions to gauge the site's potential; and
 - Reports summarizing your answers to the screening questions, initial findings regarding suitability and other comments about the site.
- Feasibility Studies
 - o National Renewable Energy Laboratory (NREL), 2013. Feasibility Study of Economics and Performance of Solar Photovoltaics at the Peru Mill Industrial Park in the City of Deming, New Mexico, **Technical Report** NREL/TP-7A30-58368 April 2013.
 - o NREL, 2013. Feasibility Study of Economics and Performance of Solar Photovoltaics at the Former Chicago, Milwaukee, and St. Paul Rail Yard Company Site in Perry, Iowa, **Technical Report** NREL/TP-7A40-56793 March 2013.
- Solar on Landfills
 - o Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills (<https://www.epa.gov/re-powering/best-practices-siting-solar-photovoltaics-municipal-solid-waste-landfills>)
- Financing projects https://www.epa.gov/sites/production/files/2015-06/documents/re-powering_financing_fact_sheet.pdf
 - o Owner-operator financing, where the system is purchased directly
 - o Third-party power purchase agreements, where the system is owned by an energy developer and the site owner purchases electricity for a given term.
 - o Sale/lease back models, which enable the energy user, such as a city government, to use the energy through leasing agreements, while the system owner benefits from tax advantages.

- o In several states, community solar gardens or virtual net metering policies enable energy developers to partner with consumers who subscribe to purchase power for a given period of time.
- o For large, utility-scale projects, financing is typically provided through project banks. Development of these utility-scale projects typically employs complex financing deal structures. The potential project scale, site owner, market conditions, and renewable energy developer typically dictate the financing option.
- Available incentives and policies
 - o EPA may have some funding sources; need more details from EPA about these.

B2.2.2 Massachusetts Siting Clean Energy at Closed Landfills

The Massachusetts Siting Clean Energy at Closed Landfills Program website <https://www.mass.gov/siting-clean-energy-at-closed-landfills> is user-friendly and leads the viewer to the requirements for developing solar on landfills in MA. The following information from that site is applicable to the MN EQB CLP Solar project.

- Highlights of the Program
- Factsheet that is brief and provides a concise overview and key procedures to development (<https://www.mass.gov/doc/fact-sheet-developing-renewable-energy-facilities-on-closed-landfills>)
 - o Emphasizes key goals of these projects: not to compromise environmental protection from cap and provide income to landfill owners
 - o Path to Approval
 - o List of Resources
- Detailed Report (<https://www.mass.gov/doc/photovoltaics-on-massachusetts-landfills-0/download>)
 - o Overview: outstanding guide to developing solar on landfills in Massachusetts; seems a terrific guide for other states trying to do the same thing
 - o Incentives for solar (specific to landfills – RECs, net metering, ITC, accelerated depreciation)
 - o Design considerations for solar on landfills (feasibility, construction considerations, specific landfill issues affecting solar development, post-closure use/maintenance)
 - o Ownership structures (development tasks, municipal ownership, land leases, PPA, Credit Purchase Agreements, Hybrid land lease and PPA revenue structure)
 - o Development and design considerations (permitting, interconnection, system design)
 - o Project cost profile (design/engineering, permitting, interconnection, operations, monitoring, insurance, taxation)
 - o Procurement (Solicitation, vendors, procurement)
 - o Long term management (operations, equipment warranty, monitoring, end-of-life, buy-out provisions)

- o Example projects
 - o Project checklists
- Permit List and Map <https://www.mass.gov/lists/closed-landfills-with-permits-for-renewable-energy>
 - o Lists of tens of projects with permitting information
- Summarized top criteria for evaluating and developing solar on brownfields in Massachusetts are listed as follows. Note, they are not weighted, but all considered important and necessary for evaluation prior to developing these projects.
 - o System ownership
 - Experience with solar development on brownfields
 - Experience with brownfields
 - Experience with operations and maintenance
 - o Power purchasers
 - Utilities/ electric cooperatives
 - Municipalities
 - Behind-the-meter
 - Hybrid ownership for power purchase
 - o Power purchase arrangements and incentives
 - Power purchase agreements (PPAs)
 - Net Metering
 - State incentives
 - Other
 - o Proximity to transmission and distribution Lines
 - o Environmental factors
 - Cap age and settlement
 - Permitting challenges – political or environmental
 - NIMBYism or project opposition
 - Key natural resources: threatened/endangered species; wetlands; other protected/regulated resources

B3. Gathering Stakeholder Input

B3.1 Minnesota Brightfields Conference

Barr staff attended a Minnesota Brightfields conference on February 20, 2020 and heard from a range of experts from the EPA, State of MN, developers, non-profits, industry representatives, and consultants. That conference assisted in providing some background and context for this study.

B3.2 Virtual Focus Group Meetings

The scope of work required two in-person focus group meetings to gather feedback on stakeholders' concerns, questions, and perceived barriers to solar development on closed landfills. The COVID-19 pandemic required us to modify our approach and provide an on-line venue for these meetings.

Barr invited representatives from solar development companies, general contractors, utilities, transmission system operators (Midcontinent Independent System Operator (MISO)), state governments, local governments, and non-profit organizations who have experience and/or interest in both solar development and landfills. Attendees were identified from lists of people who had previously attended conferences and events focused on solar development on brownfields. Barr reached out to people individually to gauge their interest and obtained additional recommendations for persons to invite. Through this process of identifying potential participants, we heard several names repeated as persons who could contribute to this project. The invitee list was reviewed with the EQB and other project leads. In total, approximately 125 people were invited to the virtual focus group sessions.

Barr held two virtual focus group meetings via WebEx (full audio and video) for approximately 2 hours each on March 27, 2020 and April 1, 2020. Each meeting was attended by approximately 15 to 20 participants, representing a mix of industry categories. The sessions included a project introduction, overview of MN Closed Landfills, an introduction to the draft Web tool (description provided in next paragraph), results from a survey sent to all participants, and small and large group discussions.

The draft Web tool started with the list of 114 land management areas. The tool includes many key site features including facility address, local utility, solid waste permit number, land management area size, waste-footprint size, power transmission lines, power distribution lines, and substations. The tool allows users to query sites by a range of site features. The query function allows users to put in ranges of values. For example, a user can query "sites larger than 5 acres; sites less than 1 mile from transmission; sites more than 1 mile from a substation, etc."

Additional information was gathered from a survey questionnaire included with the invitation to the focus group meetings, which invitees were allowed to complete up to several weeks after the last focus group. There were 11 total respondents: four worked in state government, two were solar developers, two were contractors (not solar), one worked in local government, and two fell into the category of "other." One of those in the "other" category did brownfields work for a nonprofit.

A summary of responses received from stakeholders following the focus group meetings indicated that perceived benefits of placing solar energy on closed landfill sites include:

- trees and vegetation would not need to be removed
- the presence of pollinators/native vegetation could be encouraged
- there may be greater public acceptance of this use
- the site may generate tax revenue to local governments
- local governments may buy power
- states may issue incentives for this type of use

Respondents also documented some perceived negatives for developing solar energy on closed landfills. These include:

- greater costs for constructing solar facilities
- geotechnical challenges inherent at these sites
- public distaste for seeing solar arrays
- access to monitoring wells and vents may be required, which could reduce MWs per acre
- production may be too little to gain utility interest
- sites may be too far from transmission lines to make distribution economical
- there is no one clearing house to aid developers
- access to private funding is difficult

Notes from six small group discussions held during the two focus group meetings were prepared by volunteers in each small group and forwarded to Barr for review. These small group notes and the observations of focus group facilitators and agency committee members provided important input to our identification of barriers and opportunities, which fed into our initial development of the comprehensive list of criteria affecting the feasibility of solar development on CLP sites.

B3.3 One-on-one Discussions

Following the focus group meetings, Barr reached out to individuals regarding specific feedback to obtain more information and to clarify key findings or observations. They included solar developers with much experience developing solar projects on landfills across the U.S., utility representatives, both from investor owned utilities and regional electric cooperatives, solar contractors and vendors with experience constructing solar projects on landfills, and energy experts from government or non-profit organizations. These follow up meetings were critical to analyzing information obtained during the focus group meetings and clarifying key points and feedback.

B3.4 EPA – Brightfields Program

Following the focus group meetings, the EQB set up a meeting with EPA staff, Minnesota's Interagency Solar on Closed Landfills team, and Barr to discuss opportunities and barriers to solar development on CLP sites and the potential for technical assistance from EPA. The meeting was held April 20, 2020 and was led by Laura Strine, EPA's RE-Powering America's Lands Initiative Coordinator. The EPA provided information regarding state policies, incentive programs, and strategic engagement for communities to states such as Massachusetts, New Jersey, New Hampshire, and Colorado who are developing or interested in developing solar on brownfields. The EPA has provided technical assistance regarding streamlining permitting programs, and financial analyses to assist states in determining whether there is

enough added economic benefit to make a solar project at a brownfield site viable. They have expertise in examining brownfield sites and assisting in understanding issues such as liability, clean-up requirements, and financial incentives. The EPA has also developed its own mapping tool to identify a broad range of energy projects on brownfield sites across the United States.

The EPA provided some feedback gleaned from their work across the country looking at solar development on brownfields. First, it appears that state financial incentives have played a key role in the viability of solar development. Second, site characteristics and solar radiance are less important than having sufficient financial support for this development. Third, identifying who will purchase the power and sign a power purchase agreement is critical to successful project development.

The EPA works closely with the National Renewable Energy Laboratory (NREL). NREL has performed detailed analyses of the viability of solar development at specific brownfield sites throughout the United States. The EPA agreed to work with NREL to offer a commitment to reviewing one or more MN CLP sites and their potential for solar development including opportunities and barriers.

B3.5 NREL Assessment

During discussions with contacts in EPA's Repowering Americas Land program, connections were made with staff at NREL who offered to provide an analysis of the techno-economic viability of a standalone solar PV system for one of MN's CLP sites. MPCA staff chose the Becker site as there has been strong local interest. Meetings were held with Barr Engineering, MPCA, and other members of the team of agency staff working on this study to set the parameters of the study and exchange information needed for the analysis. The results of the NREL study of the Becker site are pending and were not available for use in this study report.

B3.6 Interagency Team Meetings

The MN EQB organized bi-weekly meetings throughout the course of this study. Participants included MPCA, Mn EQB, Mn MMB, Mn COMM, Met Council, and Barr. Typical agenda items included: criteria, geospatial analysis results, ranking of sites, barriers and opportunities, recommended actions, and conclusions. The issue of GOB restrictions was the subject of a great deal of discussion as this is a very complicated issue and everyone involved was focused on providing an accurate portrayal of the issue and reasonable recommendations.

B3.7 Criteria Development Focus Group Meeting

Following the development of site criteria and some initial site evaluation and scoring, we held a (full audio) focus group meeting on July 13, 2020 with a subset of participants from the first focus group meetings. We discussed the initial site scoring results. We focused on some key criteria: solar generation potential (nameplate capacity – on the waste footprint, and on the buffer area) and distance to transmission/distribution/substations. We also experimented with weighting the scores.

Appendix C

Ranking of all Minnesota CLP Sites

Appendix C
Ranking of all Minnesota CLP Sites

Site Name	City	County	Total Site Area (Acres)	Site Nameplate Capacity (MW)	Site Capacity Score	Buildable Cap Area (acres)	Cap Nameplate Capacity, Buildable Area (MW)	Cap Capacity Score	Buildable Buffer Area (acres)	Buffer Nameplate Capacity Buildable Area (MW)	Buffer Capacity Score	Nearest Substation Distance (miles)	Substation Score	Composite Score	General Obligation Bond Status
Flying Cloud Landfill	Eden Prairie	Hennepin	235.83	43.1	5	60.1	12.5	3	147.2	30.6	5	1.4	10	560	Bonded
Western Lake Superior Sanitary District Landfill	Duluth	St. Louis	471.14	40.3	5	61.8	12.8	3	131.9	27.4	4	2.2	10	540	Bonded
Olmsted County Landfill	Oronoco	Olmsted	294.92	44.8	5	31.9	6.6	2	183.6	38.2	5	3.4	9	520	Not Bonded
Anoka-Ramsey Landfill	Ramsey	Anoka	267.40	27.5	4	4.0	0.8	1	128.1	26.6	4	0.9	10	460	Bonded
Redwood County Landfill	Redwood Falls	Redwood	158.53	31.7	4	22.7	4.7	1	129.7	27.0	4	5.4	9	440	Bonded
Winona County Landfill	Winona	Winona	414.92	30.9	4	5.1	1.1	1	143.7	29.9	4	3.0	9	440	Bonded
Red Rock Landfill	Austin	Mower	159.41	26.6	4	39.8	8.3	2	88.0	18.3	3	3.1	9	440	Bonded
Freeway Landfill	Burnsville	Dakota	148.72	23.6	3	113.7	23.6	5	0.0	0.0	1	1.5	10	440	Not Bonded
Albert Lea Landfill	Albert Lea	Freeborn	173.39	17.6	2	24.5	5.1	2	60.2	12.5	2	0.8	10	360	Bonded
Woodlake Landfill	Medina	Hennepin	194.01	17.3	2	44.7	9.3	2	38.5	8.0	2	2.6	10	360	Bonded
St. Augusta Landfill	St. Cloud	Stearns	117.68	17.1	2	32.7	6.8	2	49.4	10.3	2	0.8	10	360	Bonded
Waste Disposal Engineering Landfill	Andover	Anoka	121.81	17.0	2	49.9	10.4	3	31.8	6.6	1	0.4	10	360	Bonded
Oak Grove Landfill	Oak Grove	Anoka	158.10	15.8	2	30.2	6.3	2	45.8	9.5	2	1.9	10	360	Bonded
Washington County Landfill	Lake Elmo	Washington	129.01	12.9	2	14.1	2.9	1	47.9	10.0	2	2.6	10	340	Bonded
Hibbing Landfill	Hibbing	St. Louis	80.11	12.4	2	25.0	5.2	2	34.7	7.2	1	1.0	10	340	Not Bonded
Grand Rapids Area Landfill	Grand Rapids	Itasca	114.71	11.3	2	13.2	2.7	1	41.3	8.6	2	2.5	10	340	Bonded
Dakhue Landfill	Hampton	Dakota	79.92	11.3	2	16.4	3.4	1	38.1	7.9	2	2.2	10	340	Bonded
Leech Lake Landfill	Cass Lake	Hubbard	82.58	11.1	2	14.9	3.1	1	38.7	8.0	2	0.6	10	340	Bonded
East Mesaba Landfill	Virginia	St. Louis	222.14	15.1	2	8.0	1.7	1	64.7	13.5	2	3.0	9	320	Bonded
Waseca County Landfill	Waseca	Waseca	125.30	14.6	2	6.3	1.3	1	64.2	13.3	2	4.6	9	320	Bonded
Kummer Landfill	Bemidji	Beltrami	53.92	11.1	2	19.5	4.1	1	33.7	7.0	1	1.9	10	320	Not Bonded
Maple Landfill	Pequot Lakes	Cass	80.88	10.6	2	13.3	2.8	1	37.9	7.9	2	4.2	9	320	Not Bonded
Meeker County Landfill	Litchfield	Meeker	76.77	9.0	2	17.9	3.7	1	25.2	5.2	1	1.5	10	320	Bonded
Tellijohn Landfill	Le Sueur	Le Sueur	84.98	15.1	2	14.3	3.0	1	58.3	12.1	2	5.8	8	300	Not Bonded
Roseau County-Salol Landfill	Salol	Roseau	101.53	12.0	1	28.5	5.9	2	29.0	6.0	1	2.1	10	300	Not Bonded
Wadena Landfill	Wadena	Wadena	128.13	11.4	2	9.1	1.9	1	45.6	9.5	2	7.8	8	300	Bonded
Watonwan County Landfill	St. James	Watonwan	71.17	11.4	2	21.6	4.5	1	33.1	6.9	1	4.5	9	300	Bonded
Yellow Medicine County Landfill	Granite Falls	Yellow Medicine	96.52	11.0	2	17.9	3.7	1	34.9	7.3	1	3.5	9	300	Bonded

Site Name	City	County	Total Site Area (Acres)	Site Nameplate Capacity (MW)	Site Capacity Score	Buildable Cap Area (acres)	Cap Nameplate Capacity, Buildable Area (MW)	Cap Capacity Score	Buildable Buffer Area (acres)	Buffer Nameplate Capacity Buildable Area (MW)	Buffer Capacity Score	Nearest Substation Distance (miles)	Substation Score	Composite Score	General Obligation Bond Status
Lake of the Woods County Landfill	Williams	Lake of the Woods	97.55	10.9	2	10.4	2.2	1	42.2	8.8	2	6.4	8	300	Not Bonded
Goodhue Cooperative Landfill	Goodhue	Goodhue	85.16	10.3	1	5.4	1.1	1	44.4	9.2	2	2.2	10	300	Not Bonded
Louisville Landfill	Shakopee	Scott	60.21	6.3	1	28.0	5.8	2	2.5	0.5	1	1.4	10	300	Not Bonded
Ironwood Landfill	Spring Valley	Fillmore	142.69	12.6	1	10.0	2.1	1	50.8	10.6	2	4.4	9	280	Not Bonded
French Lake Landfill	French Lake	Wright	79.68	9.5	1	4.6	0.9	1	41.1	8.6	2	4.2	9	280	Bonded
Walker-Hackensack Landfill	Hackensack	Cass	163.18	8.5	1	8.9	1.8	1	31.9	6.6	1	2.5	10	280	Not Bonded
Johnson Brothers Landfill	Blaine	Anoka	89.14	8.3	1	9.1	1.9	1	30.9	6.4	1	0.8	10	280	Not Bonded
Northwest Angle Inlet Landfill	Angle Inlet	Lake of the Woods	39.97	8.3	1	1.9	0.4	1	37.9	7.9	2	4.5	9	280	Not Bonded
Paynesville Landfill	Paynesville	Stearns	73.83	8.1	1	1.9	0.4	1	36.8	7.7	1	2.2	10	280	Bonded
East Bethel Landfill	East Bethel	Anoka	77.54	7.7	1	6.3	1.3	1	30.9	6.4	1	1.8	10	280	Bonded
Koochiching County Landfill	International Falls	Koochiching	42.78	7.5	1	20.9	4.3	1	15.3	3.2	1	2.3	10	280	Bonded
Becker County Landfill	Detroit Lakes	Becker	47.05	7.0	1	10.6	2.2	1	22.9	4.8	1	2.6	10	280	Bonded
Pine Lane Landfill	Wyoming	Chisago	66.08	6.9	1	19.0	3.9	1	14.1	2.9	1	1.9	10	280	Bonded
Fifty Lakes Landfill	Fifty Lakes	Crow Wing	149.41	6.3	1	4.9	1.0	1	25.6	5.3	1	0.7	10	280	Bonded
Battle Lake Landfill	Battle Lake	Otter Tail	79.08	6.3	1	4.1	0.9	1	26.2	5.5	1	0.8	10	280	Bonded
Hopkins Landfill	Hopkins	Hennepin	33.57	6.1	1	16.3	3.4	1	12.9	2.7	1	2.1	10	280	Bonded
Lincoln County Landfill	Ivanhoe	Lincoln	34.39	6.0	1	0.0	0.0	1	28.9	6.0	1	1.1	10	280	Bonded
Hoyt Lakes Landfill	Hoyt Lakes	St. Louis	79.15	5.9	1	12.9	2.7	1	15.4	3.2	1	1.8	10	280	Not Bonded
Dodge County Landfill	Kasson	Dodge	42.74	5.8	1	4.8	1.0	1	23.2	4.8	1	0.7	10	280	Bonded
Sibley County Landfill	Gaylord	Sibley	39.58	5.7	1	0.8	0.2	1	26.6	5.5	1	0.7	10	280	Not Bonded
Lindala Landfill	Annandale	Wright	69.32	5.7	1	5.2	1.1	1	22.1	4.6	1	0.1	10	280	Bonded
Benson Landfill	Benson	Swift	47.29	5.7	1	4.0	0.8	1	23.4	4.9	1	2.7	10	280	Not Bonded
Cook Area Landfill	Cook	St. Louis	40.58	5.4	1	4.7	1.0	1	21.2	4.4	1	1.9	10	280	Not Bonded
Cotton Area Landfill	Cotton	St. Louis	24.77	5.1	1	2.7	0.6	1	21.7	4.5	1	2.3	10	280	Bonded
Geislers Landfill	Winona	Winona	39.21	4.6	1	0.0	0.0	1	22.0	4.6	1	2.1	10	280	Not Bonded
Eighty Acre Landfill	Bemidji	Beltrami	40.42	4.5	1	6.7	1.4	1	15.0	3.1	1	0.9	10	280	Bonded
Crosby American Properties Landfill	Inver Grove Heights	Dakota	50.98	4.3	1	15.6	3.3	1	5.2	1.1	1	0.5	10	280	Not Bonded
Karlstad Landfill	Karlstad	Kittson	19.84	4.0	1	3.6	0.7	1	15.8	3.3	1	1.9	10	280	Not Bonded
Stevens County Landfill	Morris	Stevens	20.57	3.9	1	12.9	2.7	1	5.7	1.2	1	1.3	10	280	Bonded
Bueckers #1 Landfill	Melrose	Stearns	30.60	3.1	1	9.1	1.9	1	6.0	1.2	1	2.0	10	280	Bonded

Site Name	City	County	Total Site Area (Acres)	Site Nameplate Capacity (MW)	Site Capacity Score	Buildable Cap Area (acres)	Cap Nameplate Capacity, Buildable Area (MW)	Cap Capacity Score	Buildable Buffer Area (acres)	Buffer Nameplate Capacity Buildable Area (MW)	Buffer Capacity Score	Nearest Substation Distance (miles)	Substation Score	Composite Score	General Obligation Bond Status
Iron Range Landfill	Taconite	Itasca	44.84	3.0	1	6.9	1.4	1	7.3	1.5	1	1.4	10	280	Not Bonded
Sauk Centre Landfill	Sauk Centre	Stearns	19.70	2.8	1	2.9	0.6	1	10.7	2.2	1	2.6	10	280	Bonded
Floodwood Landfill	Floodwood	St. Louis	39.36	2.6	1	4.5	0.9	1	8.1	1.7	1	2.3	10	280	Not Bonded
Northeast Otter Tail County Landfill	New York Mills	Otter Tail	21.49	2.5	1	5.7	1.2	1	6.5	1.3	1	1.9	10	280	Not Bonded
Murray County Landfill	Slayton	Murray	16.34	2.5	1	6.8	1.4	1	5.3	1.1	1	1.8	10	280	Bonded
Aitkin Area Landfill	Aitkin	Aitkin	52.47	2.3	1	2.0	0.4	1	9.3	1.9	1	2.2	10	280	Not Bonded
Northome Landfill	Northome	Koochiching	36.26	2.2	1	2.5	0.5	1	8.3	1.7	1	2.3	10	280	Not Bonded
Pickett Landfill	Park Rapids	Hubbard	16.92	2.2	1	5.3	1.1	1	5.3	1.1	1	2.4	10	280	Bonded
Carlton County South Landfill	Moose Lake	Carlton	39.18	2.1	1	2.8	0.6	1	7.1	1.5	1	2.6	10	280	Not Bonded
Adams Landfill	Adams	Mower	12.87	1.7	1	0.0	0.0	1	8.2	1.7	1	0.4	10	280	Not Bonded
Greenbush Landfill	Greenbush	Roseau	8.13	1.6	1	0.0	0.0	1	7.9	1.6	1	1.2	10	280	Not Bonded
Hickory Grove Landfill	McGrath	Aitkin	10.07	1.5	1	5.9	1.2	1	1.4	0.3	1	2.6	10	280	Not Bonded
Bueckers #2 Landfill	Avon	Stearns	89.04	1.5	1	0.4	0.1	1	6.6	1.4	1	2.0	10	280	Not Bonded
La Crescent Landfill	LaCrescent	Houston	15.68	1.3	1	6.2	1.3	1	0.0	0.0	1	0.1	10	280	Not Bonded
Leslie Benson Landfill	Dassel	Meeker	8.24	1.0	1	0.8	0.2	1	4.1	0.8	1	1.6	10	280	Not Bonded
Chippewa County Landfill	Montevideo	Chippewa	46.85	8.5	1	12.5	2.6	1	28.5	5.9	1	4.0	9	260	Not Bonded
Mille Lacs County Landfill	Milaca	Mille Lacs	61.91	8.3	1	2.9	0.6	1	37.0	7.7	1	4.9	9	260	Not Bonded
Rock County Landfill	Luverne	Rock	52.08	7.8	1	13.0	2.7	1	24.8	5.2	1	3.7	9	260	Bonded
Carlton County #2 Landfill	Twin Lakes Township	Carlton	116.03	7.8	1	18.8	3.9	1	18.9	3.9	1	4.8	9	260	Not Bonded
Isanti-Chisago County Landfill	Stanley	Isanti	64.52	7.5	1	16.7	3.5	1	19.5	4.1	1	3.1	9	260	Bonded
Korf Brothers Landfill	Pine City	Pine	78.71	7.1	1	12.1	2.5	1	22.2	4.6	1	4.1	9	260	Not Bonded
La Grand Landfill	Alexandria	Douglas	70.47	6.6	1	1.2	0.3	1	30.3	6.3	1	5.3	9	260	Bonded
Gofer Landfill	Fairmont	Martin	38.82	6.5	1	6.8	1.4	1	24.5	5.1	1	3.0	9	260	Bonded
Hansen Landfill	Mankato	Blue Earth	39.69	6.3	1	7.1	1.5	1	23.0	4.8	1	3.6	9	260	Not Bonded
Sun Prairie Landfill	Le Center	Le Sueur	32.87	5.0	1	10.0	2.1	1	14.2	2.9	1	4.5	9	260	Not Bonded
Hudson Landfill	Aurora	St. Louis	40.56	5.0	1	9.0	1.9	1	15.0	3.1	1	4.5	9	260	Not Bonded
Jackson County Landfill	Lakefield	Jackson	24.44	5.0	1	13.3	2.8	1	10.7	2.2	1	3.6	9	260	Not Bonded
Crosby Landfill	Crosby	Crow Wing	80.75	4.3	1	4.6	1.0	1	16.2	3.4	1	5.2	9	260	Bonded
Long Prairie Landfill	Long Prairie	Todd	128.65	3.6	1	2.7	0.6	1	14.8	3.1	1	3.4	9	260	Not Bonded
Brookston Area Landfill	Brookstone	St. Louis	19.23	3.4	1	5.0	1.0	1	11.3	2.3	1	3.4	9	260	Not Bonded

Site Name	City	County	Total Site Area (Acres)	Site Nameplate Capacity (MW)	Site Capacity Score	Buildable Cap Area (acres)	Cap Nameplate Capacity, Buildable Area (MW)	Cap Capacity Score	Buildable Buffer Area (acres)	Buffer Nameplate Capacity Buildable Area (MW)	Buffer Capacity Score	Nearest Substation Distance (miles)	Substation Score	Composite Score	General Obligation Bond Status
Mankato Landfill	Mankato	Blue Earth	17.68	3.3	1	11.2	2.3	1	4.6	1.0	1	3.6	9	260	Bonded
Longville-Remer Landfill	Remer	Cass	39.81	2.5	1	2.3	0.5	1	9.8	2.0	1	4.8	9	260	Not Bonded
Minnesota Sanitation Services Landfill	Kasota	Le Sueur	17.48	1.9	1	2.4	0.5	1	6.5	1.4	1	3.3	9	260	Not Bonded
Mahnomen County Landfill	Mahnomen	Mahnomen	31.38	1.4	1	3.1	0.6	1	3.9	0.8	1	3.2	9	260	Not Bonded
Land Investors, Inc. Landfill	Sauk Rapids	Benton	8.51	0.8	1	0.0	0.0	1	3.7	0.8	1	3.5	9	260	Bonded
Wabasha County Landfill	Kellogg	Wabasha	25.50	0.7	1	1.2	0.3	1	2.3	0.5	1	3.6	9	260	Bonded
McKinley Landfill	McKinley	St. Louis	5.55	0.6	1	0.0	0.0	1	2.8	0.6	1	4.5	9	260	Not Bonded
Lindenfelser Landfill	St. Michael	Wright	73.92	8.7	1	20.8	4.3	1	20.9	4.4	1	5.8	8	240	Bonded
Cook County Landfill	Grand Marais	Cook	99.27	7.7	1	0.3	0.1	1	37.0	7.7	1	5.6	8	240	Not Bonded
Lake County Landfill	Two Harbors	Lake	40.60	7.6	1	32.3	6.7	2	4.1	0.9	1	9.3	7	240	Not Bonded
Pipestone County Landfill	Pipestone	Pipestone	41.09	6.8	1	10.4	2.2	1	22.3	4.6	1	5.7	8	240	Bonded
Faribault County Landfill	Bricelyn	Faribault	41.23	6.6	1	11.2	2.3	1	20.8	4.3	1	6.8	8	240	Bonded
Killian Landfill	Motley	Todd	79.88	6.3	1	6.5	1.3	1	24.0	5.0	1	5.9	8	240	Not Bonded
Northwoods Landfill	Babbitt	St. Louis	95.55	5.5	1	6.2	1.3	1	20.3	4.2	1	6.2	8	240	Bonded
Kluver Landfill	Alexandria	Douglas	28.79	4.9	1	13.8	2.9	1	9.8	2.0	1	8.1	8	240	Not Bonded
Orr Landfill	Orr	St. Louis	31.90	1.1	1	0.7	0.1	1	4.7	1.0	1	10.8	7	220	Not Bonded
Vermilion Dam Landfill	Cook	St. Louis	41.06	5.4	1	0.0	0.0	1	26.0	5.4	1	13.5	6	200	Not Bonded
Barnesville Landfill	Barnesville	Wilkin	21.22	4.4	1	5.7	1.2	1	15.5	3.2	1	11.3	6	200	Not Bonded
Vermilion Modified Landfill	Tower	St. Louis	44.87	4.0	1	0.8	0.2	1	18.4	3.8	1	13.0	6	200	Bonded
Big Stone County Landfill	Beardsley	Big Stone	20.56	2.8	1	5.2	1.1	1	8.5	1.8	1	12.2	6	200	Bonded
Anderson Landfill	Sebeka	Wadena	27.07	2.0	1	2.0	0.4	1	7.5	1.6	1	13.2	6	200	Bonded
Highway 77 Landfill	Tower	St. Louis	39.29	0.4	1	1.5	0.3	1	0.6	0.1	1	12.9	6	200	Not Bonded
Portage Modified Landfill	Orr	St. Louis	10.95	1.1	1	0.0	0.0	1	5.4	1.1	1	27.7	1	100	Not Bonded

Appendix D

Bonding Status for Closed Landfill Program Sites

Bonding Status for Closed Landfill Program Sites

Landfill	GOB Spent ⁽¹⁾	GOB Expiration Date ⁽²⁾	Area with GOB Restrictions (acres) ⁽³⁾	Area without GOB Restrictions (acres) ⁽⁴⁾
ALBERT LEA	\$6,958,084.58	2048.5	171	2
ANDERSON/SEBEKA	\$482,945.00	2038.5	26	1
ANOKA-RAMSEY	\$2,996,284.81	2042.5	154	113
BATTLE LAKE	\$690,528.30	2035.5	62	17
BECKER CO	\$4,165,375.00	2043.5	46	1
BIG STONE	\$420,429.16	2039.5	21	0
BUECKERS CONSTRUCTION	\$719,845.54	2034.5	28	3
COTTON	\$428,800.53	2040.5	24	0
CROSBY	\$961,300.54	2036.5	78	3
DAKHUE	\$1,118,561.11	2042.5	80	0
DODGE RD/RA	\$81,199.71	2037.5	37	6
EAST BETHEL	\$3,133,145.94	2044.5	77	0
EAST MESABA	\$1,155,950.59	2052.5	222	0
EIGHTY ACRE	\$1,182,676.03	2041.5	40	0
FARIBAULT	\$135,279.70	2041.5	41	1
FIFTY LAKES RD/RA	\$390,104.91	2037.5	107	43
FLYING CLOUD	\$1,819,811.21	2054.5	201	35
FRENCH LAKE	\$613,913.95	2037.5	80	0
GOFER	\$1,750,837.03	2044.5	37	2
GRAND RAPIDS	\$811,660.17	2042.5	66	49
HOPKINS	\$4,692,053.96	2052.5	33	0
ISANTI/CHISAGO RD/RA	\$705,488.79	2034.5	53	11
KOOCHICHING	\$8,141,445.96	2052.5	43	0
LAND INVESTORS	\$234,829.51	2035.5	8	0
LANDFILL BONDS/LAWS OF 1994	\$20,636.14	2038.5	not applicable	not applicable
LEECH LAKE	\$1,361,464.63	2042.5	66	16
LEGRAND	\$717,016.51	2044.5	70	0
LINCOLN/PIPESTONE	\$987,376.20	2035.5	74	2
LINDALA RD/RA	\$1,137,147.73	2038.5	69	0
LINDERFELSER	\$4,369,294.80	2041.5	68	6
MANKATO	\$890,456.84	2036.5	17	1
MEEKER	\$497,300.00	2042.5	75	2
MURRAY CO	\$394,561.22	2039.5	16	0
NORTHWOODS RD/RA	\$1,101,964.02	2037.5	74	21

Landfill	GOB Spent ⁽¹⁾	GOB Expiration Date ⁽²⁾	Area with GOB Restrictions (acres) ⁽³⁾	Area without GOB Restrictions (acres) ⁽⁴⁾
OAK GROVE	\$1,080,576.70	2041.5	149	9
PAYNESVILLE RA	\$993,495.46	2035.5	74	0
PICKETT CONSTRUCTION	\$1,263,636.94	2034.5	16	1
PINE LANE	\$4,868,228.51	2042.5	65	1
RED ROCK	\$3,436,073.90	2041.5	80	79
REDWOOD	\$1,019,665.95	2043.5	37	122
ROCK CO	\$994,678.00	2041.5	52	0
SAUK CENTRE	\$868,059.93	2042.5	19	0
ST AUGUSTA	\$4,332,304.79	2041.5	117	1
STEVENS CO	\$162,202.41	2042.5	20	0
VERMILLION RD/RA	\$735,309.68	2039.5	31	14
WABASHA RD	\$803,882.94	2038.5	25	0
WADENA	\$1,693,206.39	2036.5	127	1
WASECA	\$1,407,761.86	2042.5	73	53
WASHINGTON CO	\$4,294,062.52	2054.5	127	2
WASTE DISPOSAL ENGINEERING	\$2,019,767.83	2056.5	111	11
WATONWAN	\$2,730,766.79	2041.5	71	0
WINONA	\$4,456,303.82	2045.5	86	329
WLSSD	\$9,375,881.33	2051.5	317	154
WOODLAKE	\$5,019,158.88	2046.5	182	12
YELLOW MEDICINE	\$58,086.01	2039.5	50	47
TOTAL	\$106,880,880.76	null	4092	1174

Notes:

55 unique sites

Landfill bonds/Laws of 1994 was expenses for bond sales and not for any particular site

(1) Sum of General Obligation Bond (GOB) spent per landfill. Some landfills have more than one GOB.

(2) GOBs expire 37.5 years from last expenditure. Date is approximate as month/day of last expenditure not available for study. Years are fiscal years (July 1 - June 30)

(3) Area with GOB restrictions provided by MPCA. Values are rounded to the nearest whole acre and should be considered approximate based on data available at time of study.

(4) Area without GOB restrictions calculated as difference between total land management area and area with GOB restrictions. Values should be considered approximate.

Meeting Date: 04/11/2023

Information

Title:

Adult-Use Cannabis Sales Moratorium Discussion

Purpose/Background:

As part of the 2023 Minnesota Legislative session, HF100 Regulation of Adult-Use Cannabis continues to gain traction. If approved, it will take effect on July 1, 2023, and permit adult use of cannabis products. As part of the current proposed language in the bill, Section 13. [342.13] LOCAL CONTROL, gives local governments the authority to adopt an interim ordinance (moratorium) that "may regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction or portion thereof until January 1, 2025." During the time of the interim ordinance, staff would be working closely with the Office of Cannabis Management (the Office) to develop ordinances for reasonable restrictions of the operation of a cannabis or hemp business, develop standardized forms and procedures for the issuance of retail registration, and develop policies and procedures for the performance compliance checks. Attached to the case is the most recent draft of legislation (April 4, 2023) regulating adult-use cannabis.

Key points to the proposed legislation:

- Licenses are issued through the State upon confirmation from the local jurisdiction on a land use compatibility statement
- Retailers would be required to register with the local jurisdiction, and a fee would be allowed to be collected (maximum fee set by legislation)
- Cities shall allow the use and sales within the jurisdiction
- Local controls are being considered, which may allow for regulations on number of licenses and locations of businesses
- Local law enforcement responsible for compliance checks

Similar 2022 Legislation:

Minnesota began allowing consumption of edible products containing THC in 2022. This legislation surprised many cities as there was minimal guidance included in the language related to licensing, zoning, enforcement, etc. Cities took varying approaches on what rules they implemented. Ramsey has not adopted any local rules related to edible THC products, however, HF100 incorporates this legislation into the bill. What was fairly consistent among cities who implemented rules was the adoption of a moratorium to ensure well thought out regulations were passed.

Timeframe:

If a moratorium is adopted, the interim ordinances can be adopted until January 1, 2025. During this timer, staff will be working with the Office to get the required regulations in place.

Funding Source:

Responsible Party(ies):

Outcome:

Staff is seeking direction from City Council to begin the process for an interim ordinance (moratorium) to restrict the sales of cannabis products within the City until pertinent ordinances, forms, and procedures are in place to regulate adult-use cannabis.

Attachments

Regulations of Adult-Use Cannabis

Form Review

Inbox

Brian Hagen

Form Started By: Stephanie Hanson

Final Approval Date: 04/06/2023

Reviewed By

Brian Hagen

Date

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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 100

01/05/2023 Authored by Stephenson; Hanson, J.; Hortman; Long; Gomez and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
01/17/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
01/23/2023 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy
01/25/2023 Adoption of Report: Re-referred to the Committee on Labor and Industry Finance and Policy
01/30/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
02/01/2023 Adoption of Report: Re-referred to the Committee on Agriculture Finance and Policy
02/06/2023 Adoption of Report: Amended and re-referred to the Committee on Workforce Development Finance and Policy
02/09/2023 Adoption of Report: Amended and re-referred to the Committee on Human Services Policy
02/15/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance
02/20/2023 Adoption of Report: Re-referred to the Committee on Health Finance and Policy
02/27/2023 Adoption of Report: Re-referred to the Committee on Public Safety Finance and Policy
03/06/2023 Adoption of Report: Amended and re-referred to the Committee on Economic Development Finance and Policy
03/09/2023 Adoption of Report: Re-referred to the Committee on Transportation Finance and Policy
03/15/2023 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy
03/27/2023 Adoption of Report: Amended and re-referred to the Committee on Taxes
04/04/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to cannabis; establishing the Office of Cannabis Management; establishing

1.3 advisory councils; requiring reports relating to cannabis use and sales; legalizing

1.4 and limiting the possession and use of cannabis and certain hemp products by

1.5 adults; providing for the licensing, inspection, and regulation of cannabis businesses

1.6 and hemp businesses; requiring testing of cannabis flower, cannabis products, and

1.7 certain hemp products; requiring labeling of cannabis flower, cannabis products,

1.8 and certain hemp products; limiting the advertisement of cannabis flower, cannabis

1.9 products, and cannabis businesses, and hemp businesses; providing for the

1.10 cultivation of cannabis in private residences; transferring regulatory authority for

1.11 the medical cannabis program; taxing the sale of cannabis flower, cannabis

1.12 products, and certain hemp products; establishing grant and loan programs;

1.13 clarifying the prohibition on operating a motor vehicle while under the influence

1.14 of certain products and chemicals; amending criminal penalties; establishing

1.15 expungement procedures for certain individuals; requiring reports on expungements;

1.16 providing for expungement of certain evictions; clarifying the rights of landlords

1.17 and tenants regarding use of certain forms of cannabis; establishing labor standards

1.18 for the use of cannabis flower, cannabis products, and certain hemp products by

1.19 employees and testing of employees; providing for the temporary regulation of

1.20 certain edible cannabinoid products; providing for professional licensing

1.21 protections; providing for local registration of certain cannabis businesses and

1.22 hemp businesses operating retail establishments; amending the scheduling of

1.23 marijuana and tetrahydrocannabinols; classifying data; making miscellaneous

1.24 cannabis-related changes and additions; making clarifying and technical changes;

1.25 appropriating money; amending Minnesota Statutes 2022, sections 13.411, by

1.26 adding a subdivision; 13.871, by adding a subdivision; 34A.01, subdivision 4;

1.27 144.99, subdivision 1; 144A.4791, subdivision 14; 151.72; 152.01, by adding

1.28 subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022,

1.29 subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025,

1.30 subdivisions 1, 2; 152.11, subdivision 2; 169A.03, by adding subdivisions; 169A.20,

1.31 subdivision 1; 169A.51, subdivisions 1, 4; 169A.72; 175.45, subdivision 1; 181.938,

1.32 subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision;

1.33 181.951, subdivisions 4, 5, 6, by adding subdivisions; 181.952, by adding a

1.34 subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1; 244.05,

1.35 subdivision 2; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625,

1.36 subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 270B.12,

1.37 by adding a subdivision; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132,

1.38 subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67,

subdivisions 2, 7; 297A.70, subdivisions 2, 4, 18; 297A.85; 297A.99, by adding a subdivision; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision 14; 484.014, subdivision 3; 504B.171, subdivision 1; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 270C; 289A; 295; 340A; 504B; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

REGULATION OF ADULT-USE CANNABIS

Section 1. [342.01] DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of this chapter, the following terms have the meanings given them.

Subd. 2. **Adult-use cannabis concentrate.** "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include any artificially derived cannabinoid.

Subd. 3. **Adult-use cannabis flower.** "Adult-use cannabis flower" means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower.

Subd. 4. **Adult-use cannabis product.** "Adult-use cannabis product" 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 does not include medical cannabinoid product.

Subd. 5. **Advertisement.** "Advertisement" means any written or oral statement, illustration, or depiction that is intended to promote sales of cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or sales at a specific cannabis business and includes any newspaper, radio, internet and electronic media, or television promotion; the distribution of fliers and circulars; and the display of window

and interior signs in a cannabis business. Advertisement does not include a fixed outdoor sign that meets the requirements in section 342.64, subdivision 2, paragraph (b).

Subd. 6. Artificially derived cannabinoid. "Artificially derived cannabinoid" means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products.

Subd. 7. Batch. "Batch" means:

(1) a specific quantity of cannabis plants that are cultivated from the same seed or plant stock, are cultivated together, are intended to be harvested together, and receive an identical propagation and cultivation treatment;

(2) a specific quantity of cannabis flower that is harvested together; is uniform and intended to meet specifications for identity, strength, purity, and composition; and receives identical sorting, drying, curing, and storage treatment; or

(3) a specific quantity of a specific cannabis product, lower-potency hemp edible, artificially derived cannabinoid, hemp-derived consumer product, or hemp-derived topical product that is manufactured at the same time and using the same methods, equipment, and ingredients that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled according to a single batch production record executed and documented during the same cycle of manufacture and produced by a continuous process.

Subd. 8. Batch number. "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch of cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles, artificially derived cannabinoid, hemp-derived consumer products, or hemp-derived topical products.

Subd. 9. Bona fide labor organization. "Bona fide labor organization" means a labor union that represents or is actively seeking to represent cannabis workers.

Subd. 10. Cannabinoid. "Cannabinoid" means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

4.1 Subd. 11. **Cannabinoid extraction.** "Cannabinoid extraction" means the process of
4.2 extracting cannabis concentrate from cannabis plants or cannabis flower using heat, pressure,
4.3 water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include
4.4 the process of extracting concentrate from hemp plants or hemp plant parts or the process
4.5 of creating any artificially derived cannabinoid.

4.6 Subd. 12. **Cannabinoid profile.** "Cannabinoid profile" means the amounts of each
4.7 cannabinoid that the office requires to be identified in testing and labeling, including but
4.8 not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol,
4.9 cannabidiolic acid, and cannabigerol in cannabis flower, a cannabis product, a batch of
4.10 artificially derived cannabinoid, a lower-potency hemp edible, a hemp-derived consumer
4.11 product, or a hemp-derived topical product expressed as percentages measured by weight
4.12 and, in the case of cannabis products, lower-potency hemp edibles, and hemp-derived
4.13 consumer products, expressed as milligrams in each serving and package.

4.14 Subd. 13. **Cannabis business.** "Cannabis business" means any of the following licensed
4.15 under this chapter:

4.16 (1) cannabis microbusiness;

4.17 (2) cannabis mezzobusiness;

4.18 (3) cannabis cultivator;

4.19 (4) cannabis manufacturer;

4.20 (5) cannabis retailer;

4.21 (6) cannabis wholesaler;

4.22 (7) cannabis transporter;

4.23 (8) cannabis testing facility;

4.24 (9) cannabis event organizer;

4.25 (10) cannabis delivery service;

4.26 (11) medical cannabis cultivator;

4.27 (12) medical cannabis processor; and

4.28 (13) medical cannabis retailer.

4.29 Subd. 14. **Cannabis concentrate.** (a) "Cannabis concentrate" means:

4.30 (1) the extracts and resins of a cannabis plant or cannabis flower;

(2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or

(3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

(b) Cannabis concentrate does not include hemp concentrate, artificially derived cannabinoid, or hemp-derived consumer products.

Subd. 15. **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.

Subd. 16. **Cannabis industry.** "Cannabis industry" means every item, product, person, process, action, business, or other thing related to cannabis flower and cannabis products and subject to regulation under this chapter.

Subd. 17. **Cannabis paraphernalia.** "Cannabis paraphernalia" means all equipment, products, and materials of any kind that are knowingly or intentionally used primarily in:

(1) cultivating or harvesting cannabis plants or cannabis flower;

(2) manufacturing cannabis products;

(3) ingesting, inhaling, or otherwise introducing cannabis flower or cannabis products into the human body; and

(4) testing the strength, effectiveness, or purity of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

Subd. 18. **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.

Subd. 19. **Cannabis product.** (a) "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.

(b) Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency edible hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

Subd. 20. Cannabis prohibition. "Cannabis prohibition" means the system of state and federal laws that prevented establishment of a legal market and instead established petty offenses and criminal offenses punishable by fines, imprisonment, or both for the cultivation, possession, and sale of all parts of the plant of any species of the genus Cannabis, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

Subd. 21. Cannabis seed. "Cannabis seed" means the viable seed of the plant of the genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed does not include hemp seed.

Subd. 22. Cannabis worker. "Cannabis worker" means any individual employed by a cannabis business and any individual who is a contractor of a cannabis business whose scope of work involves the handling of cannabis plants, cannabis flower, or cannabis products.

Subd. 23. Child-resistant. "Child-resistant" means packaging that meets the poison prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.

Subd. 24. Cooperative. "Cooperative" means an association conducting business on a cooperative plan that is organized or is subject to chapter 308A or 308B.

Subd. 25. Council. "Council" means the Cannabis Advisory Council.

Subd. 26. Cultivation. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.

Subd. 27. Division of Medical Cannabis. "Division of Medical Cannabis" means a division housed in the Office of Cannabis Management that operates the medical cannabis program.

Subd. 28. Division of Social Equity "Division of Social Equity" means a division housed in the Office of Cannabis Management that promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

7.1 Subd. 29. **Edible cannabis product.** "Edible cannabis product" means any product that
7.2 is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other
7.3 than an artificially derived cannabinoid in combination with food ingredients; is not a drug;
7.4 and is a type of product approved for sale by the office, or is substantially similar to a product
7.5 approved by the office including but not limited to products that resemble nonalcoholic
7.6 beverages, candy, and baked goods. Edible cannabis product does not include lower-potency
7.7 hemp edibles.

7.8 Subd. 30. **Health care practitioner.** "Health care practitioner" means a
7.9 Minnesota-licensed doctor of medicine, a Minnesota-licensed physician assistant acting
7.10 within the scope of authorized practice, or a Minnesota-licensed advanced practice registered
7.11 nurse who has an active license in good standing and the primary responsibility for the care
7.12 and treatment of the qualifying medical condition of an individual diagnosed with a qualifying
7.13 medical condition.

7.14 Subd. 31. **Health record.** "Health record" has the meaning given in section 144.291,
7.15 subdivision 2.

7.16 Subd. 32. **Hemp business.** (a) "Hemp business" means either of the following licensed
7.17 under this chapter:

7.18 (1) lower-potency hemp edible manufacturer; or

7.19 (2) lower-potency hemp edible retailer.

7.20 (b) Hemp business does not include a person or entity licensed under chapter 18K to
7.21 grow industrial hemp for commercial or research purposes or to process industrial hemp
7.22 for commercial purposes.

7.23 Subd. 33. **Hemp concentrate.** (a) "Hemp concentrate" means:

7.24 (1) the extracts and resins of a hemp plant or hemp plant parts;

7.25 (2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase
7.26 the presence of targeted cannabinoids; or

7.27 (3) a product that is produced by refining extracts or resins of a hemp plant or hemp
7.28 plant parts and is intended to be consumed by combustion or vaporization of the product
7.29 and inhalation of smoke, aerosol, or vapor from the product.

7.30 (b) Hemp concentrate does not include artificially derived cannabinoids, lower-potency
7.31 hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

8.1 Subd. 34. **Hemp consumer industry.** "Hemp consumer industry" means every item,
8.2 product, person, process, action, business, or other thing related to artificially derived
8.3 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products and
8.4 subject to regulation under this chapter.

8.5 Subd. 35. **Hemp-derived consumer product.** (a) "Hemp-derived consumer product"
8.6 means a product intended for human or animal consumption, does not contain cannabis
8.7 flower or cannabis concentrate, and:

8.8 (1) contains or consists of hemp plant parts; or

8.9 (2) contains hemp concentrate or artificially derived cannabinoids in combination with
8.10 other ingredients.

8.11 (b) Hemp-derived consumer product does not include artificially derived cannabinoids,
8.12 lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp
8.13 grain.

8.14 Subd. 36. **Hemp-derived topical product.** "Hemp-derived topical product" means a
8.15 product intended for human or animal consumption that contains hemp concentrate, is
8.16 intended for application externally to a part of the body of a human or animal, and does not
8.17 contain cannabis flower or cannabis concentrate.

8.18 Subd. 37. **Hemp fiber product.** "Hemp fiber product" means an intermediate or finished
8.19 product made from the fiber of hemp plant parts that is not intended for human or animal
8.20 consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles,
8.21 bedding, insulation, construction materials, compost materials, and industrial materials.

8.22 Subd. 38. **Hemp grain.** "Hemp grain" means the harvested seeds of the hemp plant
8.23 intended for consumption as a food or part of a food product. Hemp grain includes oils
8.24 pressed or extracted from harvested hemp seeds.

8.25 Subd. 39. **Hemp plant.** "Hemp plant" means all parts of the plant of the genus Cannabis
8.26 that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol
8.27 concentration of no more than 0.3 percent on a dry weight basis.

8.28 Subd. 40. **Hemp plant parts.** "Hemp plant parts" means any part of the harvested hemp
8.29 plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives,
8.30 extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from
8.31 the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp
8.32 seed.

9.1 Subd. 41. **Hemp seed.** "Hemp seed" means the viable seed of the plant of the genus
9.2 Cannabis that is intended to be planted and is reasonably expected to grow into a hemp
9.3 plant. Hemp seed does not include cannabis seed or hemp grain.

9.4 Subd. 42. **Hemp worker.** "Hemp worker" means any individual employed by a hemp
9.5 business and any individual who is a contractor of a hemp business whose scope of work
9.6 involves the handling of artificially derived cannabinoids, lower-potency hemp edibles, or
9.7 hemp-derived consumer products.

9.8 Subd. 43. **Industrial hemp.** "Industrial hemp" has the meaning given in section 18K.02,
9.9 subdivision 3.

9.10 Subd. 44. **Intoxicating cannabinoid.** "Intoxicating cannabinoid" means a cannabinoid,
9.11 including an artificially derived cannabinoid, that when introduced into the human body
9.12 impairs the central nervous system or impairs the human audio, visual, or mental processes.
9.13 Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.

9.14 Subd. 45. **Labor peace agreement.** "Labor peace agreement" means an agreement
9.15 between a cannabis business and a bona fide labor organization that protects the state's
9.16 interests by, at minimum, prohibiting the labor organization from engaging in picketing,
9.17 work stoppages, or boycotts against the cannabis business. This type of agreement shall not
9.18 mandate a particular method of election or certification of the bona fide labor organization.

9.19 Subd. 46. **License holder.** "License holder" means a person, cooperative, or business
9.20 that holds any of the following licenses:

9.21 (1) cannabis microbusiness;

9.22 (2) cannabis mezzobusiness;

9.23 (3) cannabis cultivator;

9.24 (4) cannabis manufacturer;

9.25 (5) cannabis retailer;

9.26 (6) cannabis wholesaler;

9.27 (7) cannabis transporter;

9.28 (8) cannabis testing facility;

9.29 (9) cannabis event organizer;

9.30 (10) cannabis delivery service;

9.31 (11) lower-potency hemp edible manufacturer;

10.1 (12) lower-potency hemp edible retailer;

10.2 (13) medical cannabis cultivator;

10.3 (14) medical cannabis processor; or

10.4 (15) medical cannabis retailer.

10.5 Subd. 47. **Local unit of government.** "Local unit of government" means a home rule
10.6 charter or statutory city, county, town, or other political subdivision.

10.7 Subd. 48. **Lower-potency hemp edible.** "Lower-potency hemp edible" means any
10.8 product that:

10.9 (1) is intended to be eaten or consumed as a beverage by humans;

10.10 (2) contains hemp concentrate or an artificially derived cannabinoid, in combination
10.11 with food ingredients;

10.12 (3) is not a drug;

10.13 (4) consists of servings that contain no more than five milligrams of delta-9
10.14 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any
10.15 combination of those cannabinoids that does not exceed the identified amounts;

10.16 (5) does not contain more than a combined total of 0.5 milligrams of all other
10.17 cannabinoids per serving;

10.18 (6) does not contain an artificially derived cannabinoid other than delta-9
10.19 tetrahydrocannabinol;

10.20 (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

10.21 (8) is a type of product approved for sale by the office or is substantially similar to a
10.22 product approved by the office, including but not limited to products that resemble
10.23 nonalcoholic beverages, candy, and baked goods.

10.24 Subd. 49. **Matrix barcode.** "Matrix barcode" means a code that stores data in a
10.25 two-dimensional array of geometrically shaped dark and light cells capable of being read
10.26 by the camera on a smartphone or other mobile device.

10.27 Subd. 50. **Medical cannabinoid product.** (a) "Medical cannabinoid product" means a
10.28 product that:

10.29 (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with
10.30 cannabinoids, including but not limited to artificially derived cannabinoids; and

11.1 (2) is provided to a patient enrolled in the registry program; a registered designated
11.2 caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer
11.3 or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical
11.4 condition.

11.5 (b) A medical cannabinoid product must be in the form of:

11.6 (1) liquid, including but not limited to oil;

11.7 (2) pill;

11.8 (3) liquid or oil for use with a vaporized delivery method;

11.9 (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;

11.10 (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and
11.11 sublingual tablets;

11.12 (6) edible products in the form of gummies and chews;

11.13 (7) topical formulation; or

11.14 (8) any allowable form or delivery method approved by the office.

11.15 (c) Medical cannabinoid product does not include adult-use cannabis products.

11.16 Subd. 51. **Medical cannabis business.** "Medical cannabis business" means an entity
11.17 licensed under this chapter to engage in one or more of the following:

11.18 (1) the cultivation of cannabis plants for medical cannabis flower;

11.19 (2) the manufacture of medical cannabinoid products; and

11.20 (3) the retail sale of medical cannabis flower and medical cannabinoid products.

11.21 Subd. 52. **Medical cannabis flower.** "Medical cannabis flower" means cannabis flower
11.22 provided to a patient enrolled in the registry program; a registered designated caregiver; or
11.23 a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical
11.24 cannabis business to treat or alleviate the symptoms of a qualifying medical condition.
11.25 Medical cannabis flower does not include adult-use cannabis flower.

11.26 Subd. 53. **Medical cannabis paraphernalia.** "Medical cannabis paraphernalia" means
11.27 a delivery device, related supply, or educational material used by a patient enrolled in the
11.28 registry program to administer medical cannabis and medical cannabinoid products.

11.29 Subd. 54. **Nonintoxicating cannabinoid.** "Nonintoxicating cannabinoid" means a
11.30 cannabinoid that when introduced into the human body does not impair the central nervous

12.1 system and does not impair the human audio, visual, or mental processes. Nonintoxicating
12.2 cannabinoid includes but is not limited to cannabidiol and cannabigerol but does not include
12.3 any artificially derived cannabinoid.

12.4 Subd. 55. **Office.** "Office" means the Office of Cannabis Management.

12.5 Subd. 56. **Outdoor advertisement.** "Outdoor advertisement" means an advertisement
12.6 that is located outdoors or can be seen or heard by an individual who is outdoors and includes
12.7 billboards; advertisements on benches; advertisements at transit stations or transit shelters;
12.8 advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles;
12.9 and print signs that do not meet the requirements in section 342.64, subdivision 2, paragraph
12.10 (b), but that are placed or located on the exterior property of a cannabis business.

12.11 Subd. 57. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with
12.12 a qualifying medical condition by a health care practitioner and who has met all other
12.13 requirements for patients under this chapter to participate in the registry program.

12.14 Subd. 58. **Patient registry number.** "Patient registry number" means a unique
12.15 identification number assigned by the Division of Medical Cannabis to a patient enrolled
12.16 in the registry program.

12.17 Subd. 59. **Qualifying medical condition.** "Qualifying medical condition" means a
12.18 diagnosis of any of the following conditions:

12.19 (1) Alzheimer's disease;

12.20 (2) autism spectrum disorder that meets the requirements of the fifth edition of the
12.21 Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric
12.22 Association;

12.23 (3) cancer, if the underlying condition or treatment produces one or more of the following:

12.24 (i) severe or chronic pain;

12.25 (ii) nausea or severe vomiting; or

12.26 (iii) cachexia or severe wasting;

12.27 (4) chronic motor or vocal tic disorder;

12.28 (5) chronic pain;

12.29 (6) glaucoma;

12.30 (7) human immunodeficiency virus or acquired immune deficiency syndrome;

12.31 (8) intractable pain as defined in section 152.125, subdivision 1, paragraph (c);

- 13.1 (9) obstructive sleep apnea;
- 13.2 (10) post-traumatic stress disorder;
- 13.3 (11) Tourette's syndrome;
- 13.4 (12) amyotrophic lateral sclerosis;
- 13.5 (13) seizures, including those characteristic of epilepsy;
- 13.6 (14) severe and persistent muscle spasms, including those characteristic of multiple
- 13.7 sclerosis;
- 13.8 (15) inflammatory bowel disease, including Crohn's disease;
- 13.9 (16) irritable bowel syndrome;
- 13.10 (17) obsessive-compulsive disorder;
- 13.11 (18) sickle cell disease;
- 13.12 (19) terminal illness, with a probable life expectancy of under one year, if the illness or
- 13.13 its treatment produces one or more of the following:
- 13.14 (i) severe or chronic pain;
- 13.15 (ii) nausea or severe vomiting; or
- 13.16 (iii) cachexia or severe wasting; or
- 13.17 (20) any other medical condition or its treatment approved by the office.
- 13.18 Subd. 60. **Registered designated caregiver.** "Registered designated caregiver" means
- 13.19 an individual who:
- 13.20 (1) is at least 18 years old;
- 13.21 (2) is not disqualified for a criminal offense according to rules adopted pursuant to
- 13.22 section 342.15, subdivision 2;
- 13.23 (3) has been approved by the Division of Medical Cannabis to assist a patient with
- 13.24 obtaining medical cannabis flower and medical cannabinoid products from a cannabis
- 13.25 retailer or medical cannabis retailer and with administering medical cannabis flower and
- 13.26 medical cannabinoid products; and
- 13.27 (4) is authorized by the Division of Medical Cannabis to assist a patient with the use of
- 13.28 medical cannabis flower and medical cannabinoid products.

14.1 Subd. 61. **Registry or registry program.** "Registry" or "registry program" means the
14.2 patient registry established under this chapter listing patients authorized to obtain medical
14.3 cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from
14.4 cannabis retailers and medical cannabis retailers and administer medical cannabis flower
14.5 and medical cannabinoid products.

14.6 Subd. 62. **Registry verification.** "Registry verification" means the verification provided
14.7 by the Division of Medical Cannabis that a patient is enrolled in the registry program and
14.8 that includes the patient's name, patient registry number, and, if applicable, the name of the
14.9 patient's registered designated caregiver or parent, legal guardian, or spouse.

14.10 Subd. 63. **Restricted area.** "Restricted area" means an area where cannabis flower or
14.11 cannabis products are cultivated, manufactured, or stored by a cannabis business.

14.12 Subd. 64. **Statewide monitoring system.** "Statewide monitoring system" means the
14.13 system for integrated cannabis tracking, inventory, and verification established or adopted
14.14 by the office.

14.15 Subd. 65. **Synthetic cannabinoid.** "Synthetic cannabinoid" means a substance with a
14.16 similar chemical structure and pharmacological activity to a cannabinoid but is not extracted
14.17 or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant parts and is
14.18 instead created or produced by chemical or biochemical synthesis.

14.19 Subd. 66. **Veteran.** "Veteran" means an individual who satisfies the requirements in
14.20 section 197.447.

14.21 Subd. 67. **Visiting designated caregiver.** "Visiting designated caregiver" means an
14.22 individual who is authorized under a visiting patient's jurisdiction of residence to assist the
14.23 visiting patient with the use of medical cannabis flower and medical cannabinoid products.
14.24 To be considered a visiting designated caregiver, the individual must possess a valid
14.25 verification card or its equivalent that is issued by the visiting patient's jurisdiction of
14.26 residence and that verifies that the individual is authorized to assist the visiting patient with
14.27 the administration of medical cannabis flower and medical cannabinoid products under the
14.28 laws or regulations of the visiting patient's jurisdiction of residence.

14.29 Subd. 68. **Visiting patient.** "Visiting patient" means an individual who is not a Minnesota
14.30 resident and who possesses a valid registration verification card or its equivalent that is
14.31 issued under the laws or regulations of another state, district, commonwealth, or territory
14.32 of the United States verifying that the individual is enrolled in or authorized to participate
14.33 in that jurisdiction's medical cannabis or medical marijuana program.

15.1 Subd. 69. **Volatile solvent.** "Volatile solvent" means any solvent that is or produces a
15.2 flammable gas or vapor that, when present in the air in sufficient quantities, will create
15.3 explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane,
15.4 and propane.

15.5 Sec. 2. **[342.02] OFFICE OF CANNABIS MANAGEMENT.**

15.6 Subdivision 1. **Establishment.** The Office of Cannabis Management is created with the
15.7 powers and duties established by law. In making rules, establishing policy, and exercising
15.8 its regulatory authority over the cannabis industry and hemp consumer industry, the office
15.9 must:

- 15.10 (1) promote the public health and welfare;
15.11 (2) protect public safety;
15.12 (3) eliminate the illicit market for cannabis flower and cannabis products;
15.13 (4) meet the market demand for cannabis flower and cannabis products;
15.14 (5) promote a craft industry for cannabis flower and cannabis products; and
15.15 (6) prioritize growth and recovery in communities that have experienced a
15.16 disproportionate, negative impact from cannabis prohibition.

15.17 Subd. 2. **Powers and duties.** The office has the following powers and duties:

- 15.18 (1) to develop, maintain, and enforce an organized system of regulation for the cannabis
15.19 industry and hemp consumer industry;
15.20 (2) to establish programming, services, and notification to protect, maintain, and improve
15.21 the health of citizens;
15.22 (3) to prevent unauthorized access to cannabis flower, cannabis products, lower-potency
15.23 hemp edibles, and hemp-derived consumer products by individuals under 21 years of age;
15.24 (4) to establish and regularly update standards for product testing, packaging, and
15.25 labeling;
15.26 (5) to promote economic growth with an emphasis on growth in areas that experienced
15.27 a disproportionate, negative impact from cannabis prohibition;
15.28 (6) to issue and renew licenses;
15.29 (7) to require fingerprints from individuals determined to be subject to fingerprinting,
15.30 including the submission of fingerprints to the Federal Bureau of Investigation where

16.1 required by law and to obtain criminal conviction data for individuals seeking a license
16.2 from the office on the individual's behalf or as a cooperative member or director, manager,
16.3 or general partner of a business entity;

16.4 (8) to receive reports required by this chapter and inspect the premises, records, books,
16.5 and other documents of license holders to ensure compliance with all applicable laws and
16.6 rules;

16.7 (9) to authorize the use of unmarked motor vehicles to conduct seizures or investigations
16.8 pursuant to the office's authority;

16.9 (10) to impose and collect civil and administrative penalties as provided in this chapter;

16.10 (11) to publish such information as may be deemed necessary for the welfare of cannabis
16.11 businesses, cannabis workers, hemp businesses, hemp workers, and the health and safety
16.12 of citizens;

16.13 (12) to make loans and grants in aid to the extent that appropriations are made available
16.14 for that purpose;

16.15 (13) to authorize research and studies on cannabis flower, cannabis products, artificially
16.16 derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, the
16.17 cannabis industry, and the hemp consumer industry;

16.18 (14) to provide reports as required by law;

16.19 (15) to establish limits on the potency of cannabis flower and cannabis products that can
16.20 be sold to customers by licensed cannabis retailers and licensed cannabis microbusinesses
16.21 with an endorsement to sell cannabis flower and cannabis products to customers; and

16.22 (16) to exercise other powers and authority and perform other duties required by law.

16.23 Subd. 3. **Medical cannabis program.** The powers and duties of the Department of
16.24 Health with respect to the medical cannabis program under Minnesota Statutes 2022, sections
16.25 152.22 to 152.37, are transferred to the Office of Cannabis Management under section
16.26 15.039. State employees shall not be displaced by the transfer of duties from the Department
16.27 of Health medical cannabis program to the Office of Cannabis Management under this
16.28 subdivision.

16.29 Subd. 4. **Interagency agreements.** (a) The office and the commissioner of agriculture
16.30 shall enter into interagency agreements to ensure that edible cannabis products and
16.31 lower-potency hemp edibles are handled, manufactured, and inspected in a manner that is

17.1 consistent with the relevant food safety requirements in chapters 28A, 31, and 34A and
17.2 associated rules.

17.3 (b) The office may cooperate and enter into other agreements with the commissioner of
17.4 agriculture and may cooperate and enter into agreements with the commissioners and
17.5 directors of other state agencies and departments to promote the beneficial interests of the
17.6 state.

17.7 Subd. 5. **Rulemaking.** The office may adopt rules to implement any provisions in this
17.8 chapter. Rules for which notice is published in the State Register before July 1, 2025, may
17.9 be adopted using the expedited rulemaking process in section 14.389.

17.10 Subd. 6. **Director.** (a) The governor shall appoint a director of the office with the advice
17.11 and consent of the senate. The director must be in the unclassified service and must serve
17.12 at the pleasure of the governor.

17.13 (b) The salary of the director must not exceed the salary limit established under section
17.14 15A.0815, subdivision 3.

17.15 (c) While serving as the director and within two years after terminating service, the
17.16 director is prohibited from having a direct or an indirect financial interest in a cannabis
17.17 business or hemp business licensed under this chapter.

17.18 (d) The director must not have been a member of the Minnesota legislature or held a
17.19 constitutional office for at least four years before appointment.

17.20 (e) No later than June 15, 2023, the governor shall appoint an advisory committee to
17.21 consult with during the hiring process for the director. The advisory committee shall be
17.22 comprised of:

17.23 (1) two members of the house of representatives, one appointed by the majority party
17.24 and one by the minority party;

17.25 (2) two members of the senate, one appointed by the majority party and one by the
17.26 minority party;

17.27 (3) an expert in cannabis policy;

17.28 (4) an expert in economic equity;

17.29 (5) an expert in cannabis science;

17.30 (6) an expert in restorative justice;

17.31 (7) an expert in harm reduction;

- 18.1 (8) an expert on race, equity, and inclusion;
- 18.2 (9) a medical cannabis patient;
- 18.3 (10) an individual who has been justice involved for the sale of cannabis; and
- 18.4 (11) an individual with experience in implementing an adult use legalization program.
- 18.5 (f) While serving on the search committee, members may not:
- 18.6 (1) have a financial interest in a cannabis business or hemp business;
- 18.7 (2) be a director or officer of a pharmaceutical company; or
- 18.8 (3) be a registered lobbyist.
- 18.9 (g) Members of the advisory committee are not eligible for reimbursement.
- 18.10 (h) The governor shall designate a chair of the committee who shall convene the first
- 18.11 meeting. The committee may elect other officers as needed. Meetings of the committee are
- 18.12 subject to chapter 13D.
- 18.13 (i) The commissioner of agriculture shall provide space and support for the advisory
- 18.14 committee. The advisory committee expires on August 1, 2023.
- 18.15 Subd. 7. **Employees.** (a) The office may employ other personnel in the classified service
- 18.16 necessary to carry out the duties in this chapter.
- 18.17 (b) Upon request by the office, a prospective employee of the office must submit a
- 18.18 completed criminal history records check consent form, a full set of classifiable fingerprints,
- 18.19 and the required fees to the office. Upon receipt of this information, the office must submit
- 18.20 the completed criminal history records check consent form, full set of classifiable fingerprints,
- 18.21 and required fees to the Bureau of Criminal Apprehension. After receiving this information,
- 18.22 the bureau must conduct a Minnesota criminal history records check of the prospective
- 18.23 employee. The bureau may exchange a prospective employee's fingerprints with the Federal
- 18.24 Bureau of Investigation to obtain the prospective employee's national criminal history record
- 18.25 information. The bureau must return the results of the Minnesota and federal criminal history
- 18.26 records checks to the director to determine if the prospective employee is disqualified under
- 18.27 rules adopted pursuant to section 342.15.
- 18.28 (c) While employed by the office and within two years after terminating employment,
- 18.29 an employee may not have a direct or an indirect financial interest in a cannabis business
- 18.30 licensed under this chapter.

19.1 Subd. 8. **Division of Social Equity.** The office must establish a Division of Social Equity.

19.2 At a minimum, the division must:

19.3 (1) administer grants to communities that experienced a disproportionate, negative impact
19.4 from cannabis prohibition in order to promote economic development, provide services to
19.5 prevent violence, support early intervention programs for youth and families, and promote
19.6 community stability and safety;

19.7 (2) act as an ombudsperson for the office to provide information, investigate complaints
19.8 under this chapter, and provide or facilitate dispute resolutions; and

19.9 (3) report to the office on the status of complaints and social equity in the cannabis
19.10 industry.

19.11 **EFFECTIVE DATE.** This section is effective July 1, 2023, except for subdivision 2,
19.12 paragraphs (e), (f), (g), (h), and (i), which are effective the day following final enactment,
19.13 and subdivision 3, which is effective January 1, 2024.

19.14 Sec. 3. **[342.03] CANNABIS ADVISORY COUNCIL.**

19.15 Subdivision 1. **Membership.** (a) The Cannabis Advisory Council is created consisting
19.16 of the following members:

19.17 (1) the director of the Office of Cannabis Management or a designee;

19.18 (2) the commissioner of employment and economic development or a designee;

19.19 (3) the commissioner of revenue or a designee;

19.20 (4) the commissioner of health or a designee;

19.21 (5) the commissioner of public safety or a designee;

19.22 (6) the commissioner of human rights or a designee;

19.23 (7) the commissioner of labor or a designee;

19.24 (8) the commissioner of agriculture or a designee;

19.25 (9) the commissioner of the Pollution Control Agency or a designee;

19.26 (10) the superintendent of the Bureau of Criminal Apprehension or a designee;

19.27 (11) a representative from the League of Minnesota Cities appointed by the league;

19.28 (12) a representative from the Association of Minnesota Counties appointed by the
19.29 association;

- 20.1 (13) an expert in minority business development appointed by the governor;
- 20.2 (14) an expert in economic development strategies for under-resourced communities
20.3 appointed by the governor;
- 20.4 (15) an expert in farming or representing the interests of farmers appointed by the
20.5 governor;
- 20.6 (16) an expert representing the interests of cannabis workers appointed by the governor;
- 20.7 (17) an expert representing the interests of employers appointed by the governor;
- 20.8 (18) an expert in municipal law enforcement with advanced training in impairment
20.9 detection and evaluation appointed by the governor;
- 20.10 (19) an expert in social welfare or social justice appointed by the governor;
- 20.11 (20) an expert in criminal justice reform to mitigate the disproportionate impact of drug
20.12 prosecutions on communities of color appointed by the governor;
- 20.13 (21) an expert in the prevention and treatment of substance use disorders appointed by
20.14 the governor;
- 20.15 (22) an expert in minority business ownership appointed by the governor;
- 20.16 (23) an expert in women-owned businesses appointed by the governor;
- 20.17 (24) an expert in cannabis retailing appointed by the governor;
- 20.18 (25) an expert in cannabis product manufacturing appointed by the governor;
- 20.19 (26) an expert in laboratory sciences and toxicology appointed by the governor;
- 20.20 (27) an expert in providing legal services to cannabis businesses appointed by the
20.21 governor;
- 20.22 (28) an expert in cannabis cultivation appointed by the governor;
- 20.23 (29) two patient advocates, one who is a patient enrolled in the medical cannabis program
20.24 and one patient with experience in the mental health system or substance use disorder
20.25 treatment system appointed by the governor;
- 20.26 (30) a veteran appointed by the governor;
- 20.27 (31) one member of each of the following federally recognized Tribes, designated by
20.28 the elected Tribal president or chairperson of the governing bodies of:
- 20.29 (i) the Fond du Lac Band;

- 21.1 (ii) the Grand Portage Band;
- 21.2 (iii) the Mille Lacs Band;
- 21.3 (iv) the White Earth Band;
- 21.4 (v) the Bois Forte Band;
- 21.5 (vi) the Leech Lake Band;
- 21.6 (vii) the Red Lake Nation;
- 21.7 (viii) the Upper Sioux Community;
- 21.8 (ix) the Lower Sioux Indian Community;
- 21.9 (x) the Shakopee Mdewakanton Sioux Community; and
- 21.10 (xi) the Prairie Island Indian Community; and
- 21.11 (32) a representative from the Local Public Health Association of Minnesota appointed
- 21.12 by the association.
- 21.13 (b) While serving on the Cannabis Advisory Council and within two years after
- 21.14 terminating service, a council member shall not serve as a lobbyist, as defined under section
- 21.15 10A.01, subdivision 21.
- 21.16 Subd. 2. **Terms; compensation; removal; vacancy; expiration.** The membership terms,
- 21.17 compensation, removal of members appointed by the governor, and filling of vacancies of
- 21.18 members are provided in section 15.059. Notwithstanding section 15.059, subdivision 6,
- 21.19 the advisory council shall not expire.
- 21.20 Subd. 3. **Officers; meetings.** (a) The director of the Office of Cannabis Management
- 21.21 or the director's designee must chair the Cannabis Advisory Council. The advisory council
- 21.22 must elect a vice-chair and may elect other officers as necessary.
- 21.23 (b) The advisory council shall meet quarterly or upon the call of the chair.
- 21.24 (c) Meetings of the advisory council are subject to chapter 13D.
- 21.25 Subd. 4. **Duties.** (a) The duties of the advisory council shall include:
- 21.26 (1) reviewing national cannabis policy;
- 21.27 (2) examining the effectiveness of state cannabis policy;
- 21.28 (3) reviewing developments in the cannabis industry;

(4) reviewing developments in the study of cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency edible products, and hemp-derived consumer products;

(5) taking public testimony; and

(6) making recommendations to the Office of Cannabis Management.

(b) At its discretion, the advisory council may examine other related issues consistent with this section.

Sec. 4. **[342.04] STUDIES; REPORTS.**

(a) The office shall conduct a study to determine the expected size and growth of the regulated cannabis industry, including an estimate of the demand for cannabis flower and cannabis products, the number and geographic distribution of cannabis businesses needed to meet that demand, and the anticipated business from residents of other states.

(b) The office shall conduct a study to determine the size of the illicit cannabis market, the sources of illicit cannabis flower and illicit cannabis products in the state, the locations of citations issued and arrests made for cannabis offenses, and the subareas, such as census tracts or neighborhoods, that experience a disproportionately large amount of cannabis enforcement.

(c) The office shall conduct a study on impaired driving to determine the number of accidents involving one or more drivers who admitted to using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, or who tested positive for cannabis or tetrahydrocannabinol, the number of arrests of individuals for impaired driving in which the individual tested positive for cannabis or tetrahydrocannabinol, and the number of convictions for driving under the influence of cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or tetrahydrocannabinol.

(d) The office shall provide preliminary reports on the studies conducted pursuant to paragraphs (a) to (c) to the legislature by January 15, 2024, and shall provide final reports to the legislature by January 15, 2025. Each report may be consolidated with other annual reports that the office is required to submit.

(e) The office shall conduct a study on the state's mental health system and substance use disorder treatment system to determine the rates at which individuals access those systems. At a minimum, the report shall include information about the number of people admitted to emergency rooms for treatment of a mental illness or substance use disorder, ordered by a court to participate in mental health or substance use programming, and who

23.1 voluntarily agreed to accept mental health or substance use treatment or admission to a
23.2 state-operated treatment program or treatment facility. The report must include summary
23.3 data disaggregated by the month of admission or order; age, race, and sex of the individuals;
23.4 whether the admission or order was for a mental illness or substance use disorder; and, to
23.5 the extent known, the substance of abuse that resulted in the admission or order. Data must
23.6 be obtained, retained, and reported in a way that prevents the unauthorized release of private
23.7 data on individuals as defined in section 13.02. The office shall submit the report by January
23.8 15, 2027, and the report may be combined with the annual report submitted by the office.

23.9 (f) The office shall conduct an annual market analysis on the status of the regulated
23.10 cannabis industry and submit a report of the findings. The office shall submit the report by
23.11 January 15 of each year and the report may be combined with the annual report submitted
23.12 by the office. The process of completing the market analysis must include holding public
23.13 meetings to solicit the input of consumers, market stakeholders, and potential new applicants
23.14 and must include an assessment as to whether the office has issued the necessary number
23.15 of licenses in order to:

23.16 (1) ensure the sufficient supply of cannabis flower and cannabis products to meet demand;
23.17 (2) provide market stability;
23.18 (3) ensure a competitive market; and
23.19 (4) limit the sale of unregulated cannabis flower and cannabis products.

23.20 (g) The office shall submit an annual report to the legislature by January 15, 2024, and
23.21 each January 15 thereafter. The annual report shall include but not be limited to the following:

23.22 (1) the status of the regulated cannabis industry;

23.23 (2) the status of the illicit cannabis market;

23.24 (3) the number of accidents, arrests, and convictions involving drivers who admitted to
23.25 using cannabis flower, cannabis products, lower-potency hemp products, or hemp-derived
23.26 consumer products, or who tested positive for cannabis or tetrahydrocannabinol;

23.27 (4) the change in potency, if any, of cannabis flower and cannabis products available
23.28 through the regulated market;

23.29 (5) progress on providing opportunities to individuals and communities that experienced
23.30 a disproportionate, negative impact from cannabis prohibition, including but not limited to
23.31 providing relief from criminal convictions and increasing economic opportunities;

23.32 (6) the status of racial and geographic diversity in the cannabis industry;

24.1 (7) proposed legislative changes;

24.2 (8) information on the adverse effects of second-hand smoke from any cannabis flower,
24.3 cannabis products, and hemp-derived consumer products that are consumed by combustion
24.4 or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product;
24.5 and

24.6 (9) recommendations for levels of funding for:

24.7 (i) a coordinated education program to address and raise public awareness about the top
24.8 three adverse health effects, as determined by the commissioner of health, associated with
24.9 the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
24.10 consumer products by individuals under 21 years of age;

24.11 (ii) a coordinated education program to educate pregnant women, breastfeeding women,
24.12 and women who may become pregnant on the adverse health effects of cannabis flower,
24.13 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;

24.14 (iii) training, technical assistance, and educational materials for home visiting programs
24.15 and Tribal home visiting programs regarding safe and unsafe use of cannabis flower, cannabis
24.16 products, lower-potency hemp edibles, or hemp-derived consumer products in homes with
24.17 infants and young children;

24.18 (iv) model programs to educate middle school and high school students on the health
24.19 effects on children and adolescents of the use of cannabis flower, cannabis products,
24.20 lower-potency hemp edibles, hemp-derived consumer products, and other intoxicating or
24.21 controlled substances;

24.22 (v) grants issued through the CanTrain, CanNavigate, CanStartup, and CanGrow
24.23 programs;

24.24 (vi) grants to organizations for community development in social equity communities
24.25 through the CanRenew program;

24.26 (vii) training of peace officers and law enforcement agencies on changes to laws involving
24.27 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
24.28 products, and the law's impact on searches and seizures;

24.29 (viii) training of peace officers to increase the number of drug recognition experts;

24.30 (ix) training of peace officers on the cultural uses of sage and distinguishing use of sage
24.31 from the use of cannabis flower, including whether the Board of Peace Officer Standards
24.32 and Training should approve or develop training materials;

25.1 (x) the retirement and replacement of drug detection dogs; and

25.2 (xi) the Department of Human Services and county social service agencies to address
25.3 any increase in demand for services.

25.4 (h) In developing the recommended funding levels under paragraph (g), clause (9), items
25.5 (vii) to (xi), the office shall consult with local law enforcement agencies, the Minnesota
25.6 Chiefs of Police Association, the Minnesota Sheriff's Association, the League of Minnesota
25.7 Cities, the Association of Minnesota Counties, and county social services agencies.

25.8 **Sec. 5. [342.05] STATEWIDE MONITORING SYSTEM.**

25.9 Subdivision 1. **Statewide monitoring.** The office must contract with an outside vendor
25.10 to establish a statewide monitoring system for integrated cannabis tracking, inventory, and
25.11 verification to track all cannabis plants, cannabis flower, and cannabis products from seed,
25.12 immature plant, or creation until disposal or sale to a patient or customer.

25.13 Subd. 2. **Data submission requirements.** The monitoring system must allow cannabis
25.14 businesses to submit monitoring data to the office through the use of monitoring system
25.15 software commonly used within the cannabis industry and may also permit cannabis
25.16 businesses to submit monitoring data through manual data entry with approval from the
25.17 office.

25.18 **Sec. 6. [342.06] APPROVAL OF CANNABIS FLOWER, PRODUCTS, AND**
25.19 **CANNABINIDS.**

25.20 (a) The office shall approve types of cannabis flower, cannabis products, lower-potency
25.21 hemp edibles, and hemp-derived consumer products for retail sale.

25.22 (b) The office may establish limits on the total THC of cannabis flower, cannabis
25.23 products, and hemp-derived consumer products. As used in this paragraph, "total THC"
25.24 means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by
25.25 0.877 plus the percentage by weight of all tetrahydrocannabinols.

25.26 (c) The office shall not approve any cannabis product, lower-potency hemp edible, or
25.27 hemp-derived consumer product that:

25.28 (1) is or appears to be a lollipop or ice cream;

25.29 (2) bears the likeness or contains characteristics of a real or fictional person, animal, or
25.30 fruit;

26.1 (3) is modeled after a type or brand of products primarily consumed by or marketed to
26.2 children;

26.3 (4) contains a synthetic cannabinoid;

26.4 (5) is made by applying a cannabinoid, including but not limited to an artificially derived
26.5 cannabinoid, to a finished food product that does not contain cannabinoids and is sold to
26.6 consumers, including but not limited to a candy or snack food; or

26.7 (6) if the product is an edible cannabis product or lower-potency hemp edible, contains
26.8 an ingredient, other than a cannabinoid, that is not approved by the United States Food and
26.9 Drug Administration for use in food.

26.10 (d) The office must not approve any cannabis flower, cannabis product, or hemp-derived
26.11 consumer product that:

26.12 (1) is intended to be consumed by combustion or vaporization of the product and
26.13 inhalation of smoke, aerosol, or vapor from the product; and

26.14 (2) imparts a taste or smell, other than the taste or smell of cannabis flower, that is
26.15 distinguishable by an ordinary person before or during consumption of the product.

26.16 (e) The office may adopt rules to limit or prohibit ingredients in or additives to cannabis
26.17 flower, cannabis products, or hemp-derived consumer products to ensure compliance with
26.18 the limitations in paragraph (d).

26.19 **Sec. 7. [342.07] AGRICULTURAL AND FOOD SAFETY PRACTICES;**
26.20 **RULEMAKING.**

26.21 Subdivision 1. **Plant propagation standards.** In consultation with the commissioner
26.22 of agriculture, the office by rule must establish certification, testing, and labeling
26.23 requirements for the methods used to grow new cannabis plants or hemp plants, including
26.24 but not limited to growth from seed, clone, cutting, or tissue culture. The requirements must
26.25 prohibit the cultivation of cannabis plants derived from genetic engineering, as defined in
26.26 section 18F.02, subdivision 4.

26.27 Subd. 2. **Agricultural best practices.** In consultation with the commissioner of
26.28 agriculture and representatives from the University of Minnesota Extension Service, the
26.29 office shall establish best practices for:

26.30 (1) the cultivation and preparation of cannabis plants; and

26.31 (2) the use of pesticides, fertilizers, soil amendments, and plant amendments in relation
26.32 to growing cannabis plants.

27.1 Subd. 3. **Edible cannabinoid product handler endorsement.** (a) Any person seeking
27.2 to manufacture, process, sell, handle, or store an edible cannabis product or lower-potency
27.3 hemp edible, other than an edible cannabis product or lower-potency hemp edible that has
27.4 been placed in its final packaging, must first obtain an edible cannabinoid product handler
27.5 endorsement.

27.6 (b) In consultation with the commissioner of agriculture, the office shall establish an
27.7 edible cannabinoid product handler endorsement.

27.8 (c) The office must regulate edible cannabinoid product handlers and assess penalties
27.9 in the same manner provided for food handlers under chapters 28A, 31, and 34A and
27.10 associated rules, with the following exceptions:

27.11 (1) the office must issue an edible cannabinoid product handler endorsement, rather than
27.12 a license;

27.13 (2) eligibility for an edible cannabinoid product handler endorsement is limited to persons
27.14 who possess a valid license issued by the office;

27.15 (3) the office may not charge a fee for issuing or renewing the endorsement;

27.16 (4) the office must align the term and renewal period for edible cannabinoid product
27.17 handler endorsements with the term and renewal period of the license issued by the office;
27.18 and

27.19 (5) an edible cannabis product or lower-potency hemp edible must not be considered
27.20 adulterated solely because the product contains tetrahydrocannabinol, cannabis concentrate,
27.21 hemp concentrate, artificially derived cannabinoids, or any other material extracted or
27.22 derived from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts.

27.23 (d) The edible cannabinoid product handler endorsement must prohibit the manufacture
27.24 of edible cannabis products at the same premises where food is manufactured, except for
27.25 the limited production of edible products produced solely for product development, sampling,
27.26 or testing. This limitation does not apply to the manufacture of lower-potency hemp edibles.

27.27 Sec. 8. **[342.08] ESTABLISHMENT OF ENVIRONMENTAL STANDARDS.**

27.28 Subdivision 1. **Water standards.** In consultation with the commissioner of the Pollution
27.29 Control Agency, the office by rule must establish appropriate water standards for cannabis
27.30 businesses.

27.31 Subd. 2. **Energy use.** In consultation with the commissioner of commerce, the office
27.32 by rule must establish appropriate energy standards for cannabis businesses.

28.1 Subd. 3. **Solid waste.** In consultation with the commissioner of the Pollution Control
28.2 Agency, the office by rule must establish appropriate solid waste standards for the disposal
28.3 of:

28.4 (1) cannabis flower and cannabis products;

28.5 (2) packaging;

28.6 (3) recyclable materials, including minimum requirements for the use of recyclable
28.7 materials; and

28.8 (4) other solid waste.

28.9 Subd. 4. **Odor.** The office by rule must establish appropriate standards and requirements
28.10 to limit odors produced by cannabis businesses.

28.11 Subd. 5. **Applicability; federal, state, and local laws.** A cannabis business must comply
28.12 with all applicable federal, state, and local laws related to the subjects of subdivisions 1 to
28.13 4.

28.14 Subd. 6. **Rulemaking.** (a) The office may only adopt a rule under this section if the rule
28.15 is consistent with and at least as stringent as applicable state and federal laws related to the
28.16 subjects of subdivisions 1 to 4.

28.17 (b) The office must coordinate and consult with a department or agency of the state
28.18 regarding the development and implementation of a rule under this section if the department
28.19 or agency has expertise or a regulatory interest in the subject matter of the rule.

28.20 Sec. 9. **[342.09] PERSONAL ADULT USE OF CANNABIS.**

28.21 Subdivision 1. **Personal adult use, possession, and transportation of cannabis flower**
28.22 **and cannabinoid products.** (a) An individual 21 years of age or older may:

28.23 (1) use, possess, or transport cannabis paraphernalia;

28.24 (2) possess or transport two ounces or less of adult-use cannabis flower in a public place;

28.25 (3) possess 1.5 pounds or less of adult-use cannabis flower in the individual's private
28.26 residence;

28.27 (4) possess or transport eight grams or less of adult-use cannabis concentrate;

28.28 (5) possess or transport edible cannabis products and lower-potency hemp edibles infused
28.29 with a combined total of 800 milligrams or less of tetrahydrocannabinol;

29.1 (6) give for no remuneration two ounces or less of adult-use cannabis flower, eight grams
29.2 or less of adult-use cannabis concentrate, or edible cannabis products and lower-potency
29.3 hemp edibles infused with 800 milligrams or less of tetrahydrocannabinol to an individual
29.4 who is at least 21 years of age; and

29.5 (7) use adult-use cannabis flower and adult-use cannabis products in the following
29.6 locations:

29.7 (i) a private residence, including the individual's curtilage or yard;

29.8 (ii) on private property, not generally accessible by the public, unless the individual is
29.9 explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency
29.10 hemp edibles, or hemp-derived consumer products on the property by the owner of the
29.11 property; or

29.12 (iii) on the premises of an establishment or event licensed to permit on-site consumption.

29.13 (b) Except as provided in paragraph (c), an individual may not:

29.14 (1) use, possess, or transport cannabis flower, cannabis products, lower-potency hemp
29.15 edibles, or hemp-derived consumer products if the individual is under 21 years of age;

29.16 (2) use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
29.17 consumer products in a motor vehicle as defined in section 169A.03, subdivision 15;

29.18 (3) use cannabis flower, cannabis products, or hemp-derived consumer products in a
29.19 manner that involves the inhalation of smoke, aerosol, or vapor at any location where
29.20 smoking is prohibited under section 144.414;

29.21 (4) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
29.22 hemp-derived consumer products in a public school, as defined in section 120A.05,
29.23 subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E, including all
29.24 facilities, whether owned, rented, or leased, and all vehicles that a school district owns,
29.25 leases, rents, contracts for, or controls;

29.26 (5) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
29.27 hemp-derived consumer products in a state correctional facility;

29.28 (6) operate a motor vehicle while under the influence of cannabis flower, cannabis
29.29 products, lower-potency hemp edibles, or hemp-derived consumer products;

29.30 (7) give for no remuneration cannabis flower, cannabis products, lower-potency hemp
29.31 edibles, or hemp-derived consumer products to an individual under 21 years of age; or

(8) give for no remuneration cannabis flower or cannabis products as a sample or promotional gift if the giver is in the business of selling goods or services.

(c) The prohibitions under paragraph (b), clauses (1) to (4), do not apply to use other than by smoking or by a vaporized delivery method, possession, or transportation of medical cannabis flower or medical cannabinoid products by a patient; a registered designated caregiver; or a parent, legal guardian, or spouse of a patient.

(d) A proprietor of a family or group family day care program must disclose to parents or guardians of children cared for on the premises of the family or group family day care program, if the proprietor permits the smoking or use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the premises outside of its hours of operation. Disclosure must include posting on the premises a conspicuous written notice and orally informing parents or guardians.

Subd. 2. **Home cultivation of cannabis for personal adult use.** Up to eight cannabis plants, with no more than four being mature, flowering plants may be grown at a single residence, including the curtilage or yard, without a license to cultivate cannabis issued under this chapter provided that cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked space that is not open to public view.

Subd. 3. **Home extraction of cannabis concentrate by use of volatile solvent prohibited.** No person may use a volatile solvent to separate or extract cannabis concentrate or hemp concentrate without a cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer, medical cannabis processor, or lower-potency hemp edible manufacturer license issued under this chapter.

Subd. 4. **Sale of cannabis flower and products prohibited.** No person may sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products without a license issued under this chapter that authorizes the sale.

Subd. 5. **Importation of hemp-derived products.** No person may import lower-potency hemp edibles or hemp-derived consumer products that are manufactured outside the boundaries of the state of Minnesota with the intent to sell the products to consumers within the state or to any other person or business that intends to sell the products to consumers within the state without a license issued under this chapter that authorizes the importation of such products. This subdivision does not apply to products lawfully purchased for personal use.

31.1 Subd. 6. Violations; penalties. (a) In addition to penalties listed in this subdivision, a
31.2 person who violates the provisions of this chapter is subject to any applicable criminal
31.3 penalty.

31.4 (b) The office may assess the following civil penalties on a person who sells cannabis
31.5 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
31.6 without a license issued under this chapter that authorizes the sale:

31.7 (1) if the person sells up to two ounces of cannabis flower, up to \$3,000 or three times
31.8 the retail market value of the cannabis flower, whichever is greater;

31.9 (2) if the person sells more than two ounces but not more than eight ounces of cannabis
31.10 flower, up to \$10,000 or three times the retail market value of the cannabis flower, whichever
31.11 is greater;

31.12 (3) if the person sells more than eight ounces but not more than one pound of cannabis
31.13 flower, up to \$25,000 or three times the retail market value of the cannabis flower, whichever
31.14 is greater;

31.15 (4) if the person sells more than one pound but not more than five pounds of cannabis
31.16 flower, up to \$50,000 or three times the retail market value of the cannabis flower, whichever
31.17 is greater;

31.18 (5) if the person sells more than five pounds but not more than 25 pounds of cannabis
31.19 flower, up to \$100,000 or three times the retail market value of the cannabis flower,
31.20 whichever is greater;

31.21 (6) if the person sells more than 25 pounds but not more than 50 pounds of cannabis
31.22 flower, up to \$250,000 or three times the retail market value of the cannabis flower,
31.23 whichever is greater; and

31.24 (7) if the person sells more than 50 pounds of cannabis flower, up to \$1,000,000 or three
31.25 times the retail market value of the cannabis flower, whichever is greater.

31.26 (c) The office may assess the following civil penalties on a person who sells cannabis
31.27 concentrate without a license issued under this chapter that authorizes the sale:

31.28 (1) if the person sells up to eight grams of cannabis concentrate, up to \$3,000 or three
31.29 times the retail market value of the cannabis concentrate, whichever is greater;

31.30 (2) if the person sells more than eight grams but not more than 40 grams of cannabis
31.31 concentrate, up to \$10,000 or three times the retail market value of the cannabis concentrate,
31.32 whichever is greater;

32.1 (3) if the person sells more than 40 grams but not more than 80 grams of cannabis
32.2 concentrate, up to \$25,000 or three times the retail market value of the cannabis concentrate,
32.3 whichever is greater;

32.4 (4) if the person sells more than 80 grams but not more than 400 grams of cannabis
32.5 concentrate, up to \$50,000 or three times the retail market value of the cannabis concentrate,
32.6 whichever is greater;

32.7 (5) if the person sells more than 400 grams but not more than two kilograms of cannabis
32.8 concentrate, up to \$100,000 or three times the retail market value of the cannabis concentrate,
32.9 whichever is greater;

32.10 (6) if the person sells more than two kilograms but not more than four kilograms of
32.11 cannabis concentrate, up to \$250,000 or three times the retail market value of the cannabis
32.12 concentrate, whichever is greater; and

32.13 (7) if the person sells more than four kilograms of cannabis concentrate, up to \$1,000,000
32.14 or three times the retail market value of the cannabis concentrate, whichever is greater.

32.15 (d) The office may assess the following civil penalties on a person who imports or sells
32.16 products infused with tetrahydrocannabinol without a license issued under this chapter that
32.17 authorizes the importation or sale:

32.18 (1) if the person imports or sells products infused with up to 800 milligrams of
32.19 tetrahydrocannabinol, up to \$3,000 or three times the retail market value of the infused
32.20 product, whichever is greater;

32.21 (2) if the person imports or sells products infused with a total of more than 800 milligrams
32.22 but not more than four grams of tetrahydrocannabinol, up to \$10,000 or three times the
32.23 retail market value of the infused product, whichever is greater;

32.24 (3) if the person imports or sells products infused with a total of more than four grams
32.25 but not more than eight grams of tetrahydrocannabinol, up to \$25,000 or three times the
32.26 retail market value of the infused product, whichever is greater;

32.27 (4) if the person imports or sells products infused with a total of more than eight grams
32.28 but not more than 40 grams of tetrahydrocannabinol, up to \$50,000 or three times the retail
32.29 market value of the infused product, whichever is greater;

32.30 (5) if the person imports or sells products infused with a total of more than 40 grams
32.31 but not more than 200 grams of tetrahydrocannabinol, up to \$100,000 or three times the
32.32 retail market value of the infused product, whichever is greater;

33.1 (6) if the person imports or sells products infused with a total of more than 200 grams
33.2 but not more than 400 grams of tetrahydrocannabinol, up to \$250,000 or three times the
33.3 retail market value of the infused product, whichever is greater; and

33.4 (7) if the person imports or sells products infused with a total of more than 400 grams
33.5 of tetrahydrocannabinol, up to \$1,000,000 or three times the retail market value of the
33.6 infused product, whichever is greater.

33.7 (e) The office may assess a civil penalty of up to \$500 for each plant grown in excess
33.8 of the limit on a person who grows more than eight cannabis plants or more than four mature,
33.9 flowering plants, without a license to cultivate cannabis issued under this chapter.

33.10 Sec. 10. **[342.10] LICENSES; TYPES.**

33.11 The office shall issue the following types of license:

33.12 (1) cannabis microbusiness;

33.13 (2) cannabis mezzobusiness;

33.14 (3) cannabis cultivator;

33.15 (4) cannabis manufacturer;

33.16 (5) cannabis retailer;

33.17 (6) cannabis wholesaler;

33.18 (7) cannabis transporter;

33.19 (8) cannabis testing facility;

33.20 (9) cannabis event organizer;

33.21 (10) cannabis delivery service;

33.22 (11) lower-potency hemp edible manufacturer;

33.23 (12) lower-potency hemp edible retailer;

33.24 (13) medical cannabis cultivator;

33.25 (14) medical cannabis processor; or

33.26 (15) medical cannabis retailer.

34.1 Sec. 11. **[342.11] LICENSES; FEES.**

34.2 (a) The office shall require the payment of application fees, initial licensing fees, and
34.3 renewal licensing fees as provided in this section. The initial license fee shall include the
34.4 fee for initial issuance of the license and the first annual renewal. The renewal fee shall be
34.5 charged at the time of the second renewal and each subsequent annual renewal thereafter.
34.6 Nothing in this section prohibits a local unit of government from charging the retailer
34.7 registration fee established in section 342.22. Application fees, initial licensing fees, and
34.8 renewal licensing fees are nonrefundable.

34.9 (b) Application and licensing fees shall be as follows:

34.10 (1) for a cannabis microbusiness:

34.11 (i) an application fee of \$500;

34.12 (ii) an initial license fee of \$0; and

34.13 (iii) a renewal license fee of \$2,000;

34.14 (2) for a cannabis mezzobusiness:

34.15 (i) an application fee of \$5,000;

34.16 (ii) an initial license fee of \$5,000; and

34.17 (iii) a renewal license fee of \$10,000;

34.18 (3) for a cannabis cultivator:

34.19 (i) an application fee of \$10,000;

34.20 (ii) an initial license fee of \$20,000; and

34.21 (iii) a renewal license fee of \$30,000;

34.22 (4) for a cannabis manufacturer:

34.23 (i) an application fee of \$10,000;

34.24 (ii) an initial license fee of \$10,000; and

34.25 (iii) a renewal license fee of \$20,000;

34.26 (5) for a cannabis retailer:

34.27 (i) an application fee of \$2,500;

34.28 (ii) an initial license fee of \$2,500; and

34.29 (iii) a renewal license fee of \$5,000;

- 35.1 (6) for a cannabis wholesaler:
- 35.2 (i) an application fee of \$5,000;
- 35.3 (ii) an initial license fee of \$5,000; and
- 35.4 (iii) a renewal license fee of \$10,000;
- 35.5 (7) for a cannabis transporter:
- 35.6 (i) an application fee of \$250;
- 35.7 (ii) an initial license fee of \$500; and
- 35.8 (iii) a renewal license fee of \$1,000;
- 35.9 (8) for a cannabis testing facility:
- 35.10 (i) an application fee of \$250;
- 35.11 (ii) an initial license fee of \$0; and
- 35.12 (iii) a renewal license fee of \$0;
- 35.13 (9) for a cannabis delivery service:
- 35.14 (i) an application fee of \$250;
- 35.15 (ii) an initial license fee of \$500; and
- 35.16 (iii) a renewal license fee of \$1,000;
- 35.17 (10) for a cannabis event organizer:
- 35.18 (i) an application fee of \$750; and
- 35.19 (ii) an initial license fee of \$750;
- 35.20 (11) for a lower-potency hemp edible manufacturer:
- 35.21 (i) an application fee of \$250;
- 35.22 (ii) an initial license fee of \$500; and
- 35.23 (iii) a renewal license fee of \$500;
- 35.24 (12) for a lower-potency hemp retailer:
- 35.25 (i) an application fee of \$250;
- 35.26 (ii) an initial license fee of \$500; and
- 35.27 (iii) a renewal license fee of \$500;

36.1 (13) for a medical cannabis cultivator:

36.2 (i) an application fee of \$250;

36.3 (ii) an initial license fee of \$0; and

36.4 (iii) a renewal license fee of \$0;

36.5 (14) for a medical cannabis processor:

36.6 (i) an application fee of \$250;

36.7 (ii) an initial license fee of \$0; and

36.8 (iii) a renewal license fee of \$0; and

36.9 (15) for a medical cannabis retailer:

36.10 (i) an application fee of \$250;

36.11 (ii) an initial license fee of \$0; and

36.12 (iii) a renewal license fee of \$0.

36.13 **Sec. 12. [342.12] LICENSES; TRANSFERS; ADJUSTMENTS.**

36.14 (a) Licenses issued under this chapter may not be transferred. A new license must be
36.15 obtained when:

36.16 (1) the form of the licensee's legal business structure converts or changes to a different
36.17 type of legal business structure;

36.18 (2) the licensee dissolves, consolidates, or merges with another legal organization;

36.19 (3) within the previous 24 months, 50 percent or more of the licensee is transferred by
36.20 a single transaction or multiple transactions to:

36.21 (i) another person or legal organization; or

36.22 (ii) a person or legal organization who had less than a five percent ownership interest
36.23 in the licensee at the time of the first transaction; or

36.24 (4) any other event or combination of events that results in a substitution, elimination,
36.25 or withdrawal of the licensee's responsibility for the operation of the licensee.

36.26 (b) Licenses must be renewed annually.

36.27 (c) License holders may petition the office to adjust the tier of a license issued within a
36.28 license category provided that the license holder meets all applicable requirements.

(d) The office by rule may permit relocation of a licensed cannabis business, adopt requirements for the submission of a license relocation application, establish standards for the approval of a relocation application, and charge a fee not to exceed \$250 for reviewing and processing relocation applications. Relocation of a licensed premises pursuant to this paragraph does not extend or otherwise modify the license term of the license subject to relocation.

Sec. 13. **[342.13] LOCAL CONTROL.**

(a) A local unit of government may not prohibit the possession, transportation, or use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products authorized under this chapter.

(b) Except as provided in section 342.22, a local unit of government may not prohibit the establishment or operation of a cannabis business or hemp business licensed under this chapter.

(c) A local unit of government may adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business or hemp business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses or hemp businesses. A local unit of government may prohibit the operation of a cannabis business within 1,000 feet of a school, day care, the Capitol or Capitol grounds, or a public park that includes a playground, athletic field, or other attraction regularly used by minors.

(d) The office shall work with local units of government to:

(1) develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of a cannabis business or hemp business;

(2) develop standardized forms and procedures for the issuance of a retail registration pursuant to section 342.22; and

(3) develop model policies and procedures for the performance of compliance checks required under section 342.22.

(e) If a local unit of government is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of a cannabis business, the governing body of the local unit of government may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. Before adopting the interim ordinance, the governing body must hold a public hearing. The interim ordinance

38.1 may regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction
38.2 or a portion thereof until January 1, 2025.

38.3 (f) Within 30 days of receiving a copy of an application from the office, a local unit of
38.4 government shall certify on a form provided by the office whether a proposed cannabis
38.5 business or hemp business complies with local zoning ordinances and, if applicable, whether
38.6 the proposed business complies with the state fire code and building code.

38.7 (g) Upon receipt of an application for a license issued under this chapter, the office shall
38.8 contact the local unit of government in which the business would be located and provide
38.9 the local unit of government with 30 days in which to provide input on the application. The
38.10 local unit of government may provide the office with any additional information it believes
38.11 is relevant to the office's decision on whether to issue a license, including but not limited
38.12 to identifying concerns about the proposed location of a cannabis business or hemp business,
38.13 or sharing public information about an applicant.

38.14 (h) The office by rule shall establish an expedited complaint process to receive, review,
38.15 and respond to complaints made by a local unit of government about a cannabis business
38.16 or hemp business. Complaints may include alleged violations of local ordinances or other
38.17 alleged violations. At a minimum, the expedited complaint process shall require the office
38.18 to provide an initial response to the complaint within seven days and perform any necessary
38.19 inspections within 30 days. Nothing in this paragraphs prohibits a local unit of government
38.20 from enforcing a local ordinance. If a local unit of government notifies the office that a
38.21 cannabis business or hemp business other than a cannabis retailer, cannabis microbusiness
38.22 with a retail operations endorsement, cannabis mezzobusiness, lower-potency hemp edible
38.23 retailer, or medical cannabis retailer poses an immediate threat to the health or safety of the
38.24 public, the office must respond within 24 hours and may take any action described in section
38.25 342.19 or 342.21.

38.26 (i) Notwithstanding the foregoing provisions, the state shall not issue a license to any
38.27 cannabis business to operate in the Indian Country, as defined in United States Code, title
38.28 25, section 1151, of a Minnesota Tribal government without the consent of the Tribal
38.29 government.

38.30 **Sec. 14. [342.14] CANNABIS LICENSE APPLICATION AND RENEWAL.**

38.31 Subdivision 1. **Application; contents.** (a) The office by rule shall establish forms and
38.32 procedures for the processing of cannabis licenses issued under this chapter. At a minimum,
38.33 any application to obtain or renew a cannabis license shall include the following information,
38.34 if applicable:

- 39.1 (1) the name, address, and date of birth of the applicant;
- 39.2 (2) the disclosure of ownership and control required under paragraph (b);
- 39.3 (3) the disclosure of whether the applicant or, if the applicant is a business, any officer,
- 39.4 director, manager, and general partner of the business has ever filed for bankruptcy;
- 39.5 (4) the address and legal property description of the business;
- 39.6 (5) documentation showing legal possession of the premises where the business will
- 39.7 operate;
- 39.8 (6) a diagram of the premises, including a security drawing;
- 39.9 (7) a copy of the security plan;
- 39.10 (8) proof of trade name registration;
- 39.11 (9) a copy of the applicant's business plan showing the expected size of the business;
- 39.12 anticipated growth; the methods of record keeping; the knowledge and experience of the
- 39.13 applicant and any officer, director, manager, and general partner of the business; the
- 39.14 environmental plan; and other relevant financial and operational components;
- 39.15 (10) an attestation signed by a bona fide labor organization stating that the applicant has
- 39.16 entered into a labor peace agreement;
- 39.17 (11) certification that the applicant will comply with the requirements of this chapter
- 39.18 relating to the ownership and operation of a cannabis business;
- 39.19 (12) identification of one or more controlling persons or managerial employees as agents
- 39.20 who shall be responsible for dealing with the office on all matters; and
- 39.21 (13) a statement that the applicant agrees to respond to the office's supplemental requests
- 39.22 for information.
- 39.23 (b) An applicant must file and update as necessary a disclosure of ownership and control.
- 39.24 The office by rule shall establish the contents and form of the disclosure. Except as provided
- 39.25 in paragraph (f), the disclosure shall, at a minimum, include the following:
- 39.26 (1) the management structure, ownership, and control of the applicant or license holder,
- 39.27 including the name of each cooperative member, officer, director, manager, general partner
- 39.28 or business entity; the office or position held by each person; each person's percentage
- 39.29 ownership interest, if any; and, if the business has a parent company, the name of each
- 39.30 owner, board member, and officer of the parent company and the owner's, board member's,
- 39.31 or officer's percentage ownership interest in the parent company and the cannabis business;

(2) a statement from the applicant and, if the applicant is a business, from every officer, director, manager, and general partner of the business, indicating whether that person has previously held, or currently holds, an ownership interest in a cannabis business in Minnesota, any other state or territory of the United States, or any other country;

(3) if the applicant is a corporation, copies of its articles of incorporation and bylaws and any amendments to its articles of incorporation or bylaws;

(4) copies of any partnership agreement, operating agreement, or shareholder agreement;

(5) copies of any promissory notes, security instruments, or other similar agreements;

(6) explanation detailing the funding sources used to finance the business;

(7) a list of operating and investment accounts for the business, including any applicable financial institution and account number; and

(8) a list of each outstanding loan and financial obligation obtained for use in the business, including the loan amount, loan terms, and name and address of the creditor.

(c) An application may include:

(1) proof that the applicant is a social equity applicant;

(2) a description of the training and education that will be provided to any employee;

or

(3) a copy of business policies governing operations to ensure compliance with this chapter.

(d) Commitments made by an applicant in its application, including but not limited to the maintenance of a labor peace agreement, shall be an ongoing material condition of maintaining and renewing the license.

(e) An application on behalf of a corporation or association shall be signed by at least two officers or managing agents of that entity.

(f) The office may, by rule, establish exceptions to the disclosures required under paragraph (b) for members of a cooperative who hold less than a five percent ownership interest in the cooperative.

Subd. 2. **Application; process.** (a) An applicant must submit all required information to the office on the forms and in the manner prescribed by the office.

41.1 (b) If the office receives an application that fails to provide the required information,
41.2 the office shall issue a deficiency notice to the applicant. The applicant shall have ten
41.3 business days from the date of the deficiency notice to submit the required information.

41.4 (c) Failure by an applicant to submit all required information will result in the application
41.5 being rejected.

41.6 (d) Upon receipt of a completed application and fee, the office shall forward a copy of
41.7 the application to the local unit of government in which the business operates or intends to
41.8 operate with a form for certification as to whether a proposed cannabis business or hemp
41.9 business complies with local zoning ordinances and, if applicable, whether the proposed
41.10 business complies with the state fire code and building code.

41.11 (e) Within 90 days of receiving a completed application and the results of any required
41.12 criminal history check, the office shall issue the appropriate license or send the applicant a
41.13 notice of rejection setting forth specific reasons that the office did not approve the application.

41.14 Sec. 15. **[342.15] ADULT-USE CANNABIS BUSINESS; CRIMINAL HISTORY**
41.15 **CHECK AND DISQUALIFICATIONS.**

41.16 Subdivision 1. **Criminal history check.** (a) Upon request by the office, every applicant
41.17 for a cannabis business license and prospective cannabis worker must submit a completed
41.18 criminal history records check consent form, a full set of classifiable fingerprints, and the
41.19 required fees to the office. Upon receipt of this information, the office must submit the
41.20 completed criminal history records check consent form, full set of classifiable fingerprints,
41.21 and required fees to the Bureau of Criminal Apprehension. After receiving this information,
41.22 the bureau must conduct a Minnesota criminal history records check of the license applicant
41.23 or prospective cannabis worker. The bureau may exchange a license applicant's or prospective
41.24 cannabis worker's fingerprints with the Federal Bureau of Investigation to obtain the license
41.25 applicant's or prospective cannabis worker's national criminal history record information.
41.26 The bureau must return the results of the Minnesota and federal criminal history records
41.27 checks to the director to determine if the license applicant or prospective cannabis worker
41.28 is disqualified under rules adopted pursuant to this section.

41.29 (b) The office may, by rule, establish exceptions to the requirement under paragraph (a)
41.30 for members of a cooperative who hold less than a five percent ownership interest in the
41.31 cooperative.

41.32 Subd. 2. **Criminal offenses; disqualifications.** The office may by rule determine whether
41.33 any felony convictions shall disqualify a person from holding or receiving a cannabis

business license issued under this chapter or working for a cannabis business, and the length of any such disqualification. In adopting rules pursuant to this subdivision, the office shall not disqualify a person for a violation of section 152.025.

Subd. 3. **Risk of harm; set aside.** The office may set aside a disqualification under subdivision 2 if the office finds that the person has submitted sufficient information to demonstrate that the person does not pose a risk of harm to any person served by the applicant, license holder, or other entities as provided in this chapter.

Subd. 4. **Exception.** The background check requirements and disqualifications under this section do not apply to an applicant for a hemp business license or to hemp workers.

Sec. 16. [342.16] CANNABIS BUSINESSES; GENERAL OWNERSHIP DISQUALIFICATIONS AND REQUIREMENTS.

(a) A license holder or applicant must meet each of the following requirements, if applicable, to hold or receive a cannabis license issued under this chapter:

(1) be at least 21 years of age;

(2) have completed an application for licensure or application for renewal;

(3) have paid the applicable application fee and license fee;

(4) reside in the state;

(5) if the applicant or license holder is a business entity, be incorporated in the state or otherwise formed or organized under the laws of the state;

(6) if the applicant or license holder is a business entity, at least 75 percent of the business must be owned by Minnesota residents;

(7) not be employed by the office or any state agency with regulatory authority under this chapter or the rules adopted pursuant to this chapter;

(8) not be a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

(9) never have had a license previously issued under this chapter revoked;

(10) have filed any previously required tax returns for a cannabis business;

(11) have paid and remitted any business taxes, gross receipts taxes, interest, or penalties due relating to the operation of a cannabis business;

43.1 (12) have fully and truthfully complied with all information requests of the office relating
43.2 to license application and renewal;

43.3 (13) not be disqualified under section 342.15;

43.4 (14) not employ an individual who is disqualified from working for a cannabis business
43.5 under this chapter; and

43.6 (15) meet the ownership and operational requirements for the type of license and, if
43.7 applicable, endorsement sought or held.

43.8 (b) A health care practitioner who certifies qualifying medical conditions for patients is
43.9 prohibited from:

43.10 (1) holding a direct or indirect economic interest in a cannabis business;

43.11 (2) serving as a cooperative member, director, manager, general partner, or employee
43.12 of a cannabis business; or

43.13 (3) advertising with a cannabis business in any way.

43.14 (c) If the license holder or applicant is a business entity, every officer, director, manager,
43.15 and general partner of the business entity must meet each of the requirements of this section.

43.16 (d) The ownership disqualifications and requirements under this section do not apply to
43.17 a hemp business license holder or applicant.

43.18 Sec. 17. **[342.17] SOCIAL EQUITY APPLICANTS.**

43.19 An individual qualifies as a social equity applicant if the individual is:

43.20 (1) convicted of a cannabis-related offense prior to the effective date of this chapter, or
43.21 had a parent, guardian, child, spouse, or dependent, or was a dependent of an individual
43.22 who, prior to the effective date of this chapter, was convicted of a cannabis-related offense;

43.23 (2) a service-disabled veteran and national guard as well as any military veteran or
43.24 national guard who lost honorable status due to a cannabis-related offense;

43.25 (3) a resident for the last five years of one or more communities disproportionately
43.26 impacted by cannabis enforcement as determined by the study conducted by the office
43.27 pursuant to section 342.04, paragraph (b), and reported in the preliminary report, final report,
43.28 or both;

43.29 (4) socially disadvantaged farmers or ranchers as defined by United States Code, title
43.30 7, section 2003(e)(2); or

(5) a resident for the last five years of one or more census tracts where, as reported in the most recently completed decennial census published by the United States Bureau of the Census, either:

(i) the poverty rate was 20 percent or more; or

(ii) the median family income did not exceed 80 percent of statewide median family income or, if in a metropolitan area, did not exceed the greater of 80 percent of the statewide median family income or 80 percent of the median family income for that metropolitan area.

Sec. 18. **[342.18] LICENSE SELECTION CRITERIA.**

Subdivision 1. **Market stability.** The office shall issue the necessary number of licenses in order to ensure the sufficient supply of cannabis flower and cannabis products to meet demand, provide market stability, ensure a competitive market, and limit the sale of unregulated cannabis flower and cannabis products.

Subd. 2. **Vertical integration prohibited; exceptions.** (a) Except as otherwise provided in this subdivision, the office shall not issue licenses to a single applicant that would result in the applicant being vertically integrated in violation of the provisions of this chapter.

(b) Nothing in this section prohibits or limits the issuance of microbusiness licenses or mezzobusiness licenses, or the issuance of both lower-potency hemp edible manufacturer and lower-potency hemp edible retailer licenses to the same person or entity.

Subd. 3. **Application score; license priority.** (a) The office shall award points to each completed application for a license to operate a cannabis business in the following categories:

(1) status as a social equity applicant or as an applicant who is substantially similar to a social equity applicant as described in paragraph (c);

(2) status as a veteran or retired national guard applicant who does not meet the definition of social equity applicant;

(3) security and record keeping;

(4) employee training plan;

(5) business plan and financial situation;

(6) labor and employment practices;

(7) knowledge and experience; and

(8) environmental plan.

(b) The office may award additional points to an application if the license holder would expand service to an underrepresented market including but not limited to participation in the medical cannabis program.

(c) The office shall establish application materials permitting individual applicants to demonstrate the impact that cannabis prohibition has had on that applicant including but not limited to the arrest or imprisonment of the applicant or a member of the applicant's immediate family, and the office may award points to such applicants in the same manner as points are awarded to social equity applicants.

(d) The office shall establish policies and guidelines, which shall be made available to the public, regarding the number of points available in each category and the basis for awarding those points. Status as a social equity applicant must account for at least 20 percent of the total available points. In determining the number of points to award to a cooperative or business applying as a social equity applicant, the office shall consider the number or ownership percentage of cooperative members, officers, directors, managers, and general partners who qualify as social equity applicants.

(e) Consistent with the goals identified in subdivision 1, the office shall issue licenses in each license category, giving priority to applicants who receive the highest score under paragraphs (a) and (b). If there are insufficient licenses available for entities that receive identical scores, the office shall utilize a lottery to randomly select license recipients from among those entities.

Sec. 19. **[342.19] INSPECTION; LICENSE VIOLATIONS; PENALTIES.**

Subdivision 1. **Authority to inspect.** (a) In order to carry out the purposes of this chapter, the office, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized to:

(1) enter any cannabis business or hemp business without delay and at reasonable times;

(2) inspect and investigate during regular working hours and at other reasonable times, within reasonable limits and in a reasonable manner, any cannabis business or hemp business and all relevant conditions, equipment, records, and materials therein; and

(3) question privately any employer, owner, operator, agent, or employee of a cannabis business or hemp business.

(b) An employer, owner, operator, agent, or employee must not refuse the office entry or otherwise deter or prohibit the office from taking action under paragraph (a).

46.1 Subd. 2. **Powers of office.** (a) In making inspections and investigations under this chapter,
46.2 the office shall have the power to administer oaths, certify as to official acts, take and cause
46.3 to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses
46.4 and production of papers, books, documents, records, and testimony. In case of failure of
46.5 any person to comply with any subpoena lawfully issued, or on the refusal of any witness
46.6 to produce evidence or to testify to any matter regarding which the person may be lawfully
46.7 interrogated, the district court shall, upon application of the office, compel obedience
46.8 proceedings for contempt, as in the case of disobedience of the requirements of a subpoena
46.9 issued by the court or a refusal to testify therein.

46.10 (b) If the office finds probable cause to believe that any cannabis plant, cannabis flower,
46.11 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
46.12 hemp-derived consumer product is being distributed in violation of this chapter or rules
46.13 adopted under this chapter, the office shall affix to the item a tag, withdrawal from
46.14 distribution order, or other appropriate marking providing notice that the cannabis plant,
46.15 cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp
46.16 edible, or hemp-derived consumer product is, or is suspected of being, distributed in violation
46.17 of this chapter, and has been detained or embargoed, and warning all persons not to remove
46.18 or dispose of the item by sale or otherwise until permission for removal or disposal is given
46.19 by the office or the court. It is unlawful for a person to remove or dispose of detained or
46.20 embargoed cannabis plant, cannabis flower, cannabis product, artificially derived
46.21 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product by sale or
46.22 otherwise without the office's or a court's permission and each transaction is a separate
46.23 violation of this section.

46.24 (c) If any cannabis plant, cannabis flower, cannabis product, artificially derived
46.25 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product has been
46.26 found by the office to be in violation of this chapter, the office shall petition the district
46.27 court in the county in which the item is detained or embargoed for an order and decree for
46.28 the condemnation of the item. The office shall release the cannabis plant, cannabis flower,
46.29 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
46.30 hemp-derived consumer product when this chapter and rules adopted under this chapter
46.31 have been complied with or the item is found not to be in violation of this chapter or rules
46.32 adopted under this chapter.

46.33 (d) If the court finds that detained or embargoed cannabis plant, cannabis flower, cannabis
46.34 product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived

47.1 consumer product is in violation of this chapter or rules adopted under this chapter, the
47.2 following remedies are available:

47.3 (1) after entering a decree, the cannabis plant, cannabis flower, cannabis product,
47.4 artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer
47.5 product may be destroyed at the expense of the claimant under the supervision of the office,
47.6 and all court costs, fees, storage, and other proper expenses must be assessed against the
47.7 claimant of the cannabis plant, cannabis flower, cannabis product, artificially derived
47.8 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product or the claimant's
47.9 agent; and

47.10 (2) if the violation can be corrected by proper labeling or processing of the cannabis
47.11 plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency
47.12 hemp edible, or hemp-derived consumer product, the court, after entry of the decree and
47.13 after costs, fees, and expenses have been paid, and a good and sufficient bond conditioned
47.14 that the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid,
47.15 lower-potency hemp edible, or hemp-derived consumer product must be properly labeled
47.16 or processed has been executed, may by order direct that the cannabis plant, cannabis flower,
47.17 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
47.18 hemp-derived consumer product be delivered to the claimant for proper labeling or processing
47.19 under the supervision of the office. The office's supervision expenses must be paid by the
47.20 claimant. The cannabis plant, cannabis flower, cannabis product, artificially derived
47.21 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product must be
47.22 returned to the claimant and the bond must be discharged on representation to the court by
47.23 the office that the cannabis plant, cannabis flower, cannabis product, artificially derived
47.24 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product is no longer
47.25 in violation and that the office's supervision expenses have been paid.

47.26 (e) If the office finds in any room, building, piece of equipment, vehicle of transportation,
47.27 or other structure any cannabis plant, cannabis flower, cannabis product, artificially derived
47.28 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product that is unsound
47.29 or contains any filthy, decomposed, or putrid substance, or that may be poisonous or
47.30 deleterious to health or otherwise unsafe, the office shall condemn or destroy the item or
47.31 in any other manner render the item as unsalable, and no one has any cause of action against
47.32 the office on account of the office's action.

47.33 (f) The office may enter into an agreement with the commissioner of agriculture to
47.34 analyze and examine samples or other articles furnished by the office for the purpose of
47.35 determining whether the sample or article violates this chapter or rules adopted under this

chapter. A copy of the examination or analysis report for any such article, duly authenticated under oath by the laboratory analyst making the determination or examination, shall be prima facie evidence in all courts of the matters and facts contained in the report.

Subd. 3. **Aiding of inspection.** Subject to rules issued by the office, a representative of a cannabis business or hemp business shall be given an opportunity to accompany the office during the physical inspection of any cannabis business or hemp business for the purpose of aiding such inspection.

Subd. 4. **Complaints and reports; priority of inspection.** (a) The office may conduct inspections of any licensed cannabis business or hemp business at any time to ensure compliance with the ownership and operation requirements of this chapter.

(b) Any person may report a suspected violation of a safety or health standard. If upon receipt of such notification the office determines that there are reasonable grounds to believe that such violation or danger exists, the office shall make a special inspection as soon as practicable to determine if such danger or violation exists.

(c) The office shall prioritize inspections of cannabis businesses and hemp businesses where there are reasonable grounds to believe that a violation poses imminent danger to the public or customers. Inspections must take place within 24 hours of the receipt of a credible report.

(d) The office shall promptly inspect cannabis businesses and hemp businesses that are the subject of complaint by a local unit of government.

Subd. 5. **Violations; administrative orders and penalties.** (a) The office may issue an administrative order to any licensed cannabis business or hemp business that the office determines has committed a violation of this chapter or rules adopted pursuant to this chapter. The administrative order may require the business to correct the violation or to cease and desist from committing the violation. The order must state the deficiencies that constitute the violation and the time by which the violation must be corrected. If the business believes that the information in the administrative order is in error, the business may ask the office to consider the parts of the order that are alleged to be in error. The request must be in writing, delivered to the office by certified mail within seven days after receipt of the order, and provide documentation to support the allegation of error. The office must respond to a request for reconsideration within 15 days after receiving the request. A request for reconsideration does not stay the correction order unless the office issues a supplemental order granting additional time. The office's disposition of a request for reconsideration is final.

(b) For each violation of this chapter or rules adopted pursuant to this chapter, the office may issue to each cannabis business or hemp business a monetary penalty of up to \$10,000, an amount that deprives the business of any economic advantage gained by the violation, or both.

(c) An administrative penalty may be recovered in a civil action in the name of the state brought in the district court of the county where the violation is alleged to have occurred or the district court where the office is housed.

(d) In addition to penalties listed in this subdivision, a person or business who violates the provisions of this chapter is subject to any applicable criminal penalty.

Sec. 20. **[342.20] DATA PRACTICES.**

Subdivision 1. **Not public data.** The following data collected, created, or maintained by the office are classified as nonpublic data, as defined by section 13.02, subdivision 9, or as private data on individuals, as defined by section 13.02, subdivision 12:

(1) application data submitted by an applicant for a cannabis business license or hemp business license, other than the data listed in subdivision 2;

(2) the identity of a complainant who has made a report concerning a license holder or applicant that appears in inactive complaint data unless the complainant consents to the disclosure;

(3) the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action;

(4) the record of any disciplinary proceeding except as limited by subdivision 9;

(5) data identifying retail or wholesale customers of a cannabis business or hemp business; and

(6) data identifying cannabis workers or hemp workers.

Subd. 2. **Public data on license applicants.** (a) The following application data submitted by an applicant for a cannabis business license or hemp business license are public data:

(1) the applicant's name and designated address;

(2) data disclosing the ownership and control of the applicant;

(3) proof of trade name registration;

(4) data showing the legal possession of the premises where the business will operate;

50.1 (5) data describing whether volatile chemicals will be used in any methods of extraction
50.2 or concentration;

50.3 (6) environmental plans;

50.4 (7) the type and number of other cannabis business licenses or hemp business licenses
50.5 held by the applicant; and

50.6 (8) the name, address, location, dates, and hours of where any proposed cannabis event
50.7 will take place.

50.8 (b) Scoring and other data generated by the office in its review of an applicant for a
50.9 cannabis business license or hemp business license are public data.

50.10 Subd. 3. **Public application data on license holders.** Once an applicant for a cannabis
50.11 business license or hemp business license becomes a license holder, all of the application
50.12 data that the license holder had previously submitted to the office are public data except
50.13 that the following data remain classified as nonpublic data or private data on individuals:

50.14 (1) data identifying retail or wholesale customers of a cannabis business or hemp business;

50.15 (2) data identifying cannabis workers or hemp workers;

50.16 (3) tax returns, bank account statements, and other financial account information;

50.17 (4) business plans; and

50.18 (5) security information and trade secret information, as defined by section 13.37.

50.19 Subd. 4. **Public disciplinary data.** Minutes, orders for hearings, findings of fact,
50.20 conclusions of law, and specification of the final disciplinary action contained in the record
50.21 of the disciplinary action are classified as public data. If there is a public hearing concerning
50.22 the disciplinary action, the entire record concerning the disciplinary action is public data.
50.23 If the license holder and the office agree to resolve a complaint without a hearing, the
50.24 agreement and the specific reasons for the agreement are public data.

50.25 Subd. 5. **Data practices administration.** (a) The office must establish written procedures
50.26 to ensure that only individuals authorized by law may enter, update, or access data maintained
50.27 by the office and classified as nonpublic or private data on individuals. An authorized
50.28 individual's ability to enter, update, or access not public data must correspond to the official
50.29 duties or training level of the individual and to the statutory authorization granting access
50.30 for that purpose. All queries and responses, and all actions in which not public data are
50.31 entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail.

51.1 Data contained in the audit trail have the same classification as the underlying data tracked
51.2 by the audit trail.

51.3 (b) The office must not share data classified as nonpublic or private data on individuals
51.4 under this section or other data identifying an individual applicant or license holder with
51.5 any federal agency, federal department, or federal entity unless specifically ordered to do
51.6 so by a state or federal court.

51.7 (c) The office must arrange for an independent audit to verify compliance with this
51.8 section. The audit must be completed annually for the first two years following establishment
51.9 of the office and biennially thereafter. The results of the audit are public. No later than 30
51.10 days following completion of the audit, the office must provide a report summarizing the
51.11 audit results to the chairs and ranking minority members of the committees and divisions
51.12 of the house of representatives and the senate with jurisdiction over commerce and data
51.13 practices, and the Legislative Commission on Data Practices and Personal Data Privacy.
51.14 The report must be submitted as required under section 3.195, except that printed copies
51.15 are not required.

51.16 **Sec. 21. [342.21] LICENSE SUSPENSION OR REVOCATION; HEARING.**

51.17 Subdivision 1. **License revocation and nonrenewal.** The office may revoke or not
51.18 renew a license when the office has cause to believe that a cannabis business or hemp
51.19 business has violated an ownership or operational requirement in this chapter or rules adopted
51.20 pursuant to this chapter. The office must notify the license holder in writing, specifying the
51.21 grounds for revocation or nonrenewal and fixing a time of at least 20 days thereafter for a
51.22 hearing on the matter.

51.23 Subd. 2. **Hearing; written findings.** (a) Before the office revokes or does not renew a
51.24 license, the office must provide the license holder with a statement of the complaints made
51.25 against the license holder, and the office must hold a hearing to determine whether the office
51.26 should revoke the license or deny renewal of the license. The license holder shall receive
51.27 notice at least 20 days before the date of the hearing and notice may be served either by
51.28 certified mail addressed to the address of the license holder as shown in the license
51.29 application or in the manner provided by law for the service of a summons. At the time and
51.30 place fixed for the hearing, the office, or any office employee or agent authorized by the
51.31 office to conduct the hearing, shall receive evidence, administer oaths, and examine witnesses.

51.32 (b) After the hearing held pursuant to paragraph (a), or upon the failure of the license
51.33 holder to appear at the hearing, the office must take action as is deemed advisable and issue

52.1 written findings that the office must mail to the license holder. An action of the office under
52.2 this paragraph is subject to judicial review pursuant to chapter 14.

52.3 Subd. 3. **Temporary suspension.** The office may temporarily, without hearing, suspend
52.4 the license and operating privilege of any business licensed under this chapter for up to 90
52.5 days if continuing the operation of the business would threaten the health or safety of any
52.6 person. The office may extend the period for an additional 90 days if the office notified the
52.7 business that the office intends to revoke or not renew a license and the hearing required
52.8 under subdivision 2 has not taken place.

52.9 Sec. 22. **[342.22] RETAILERS; LOCAL REGISTRATION AND ENFORCEMENT.**

52.10 Subdivision 1. **Registration required.** Before making retail sales to customers or patients,
52.11 a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness
52.12 with a retail operations endorsement, cannabis retailer, medical cannabis retailer, or
52.13 lower-potency hemp edible retailer must register with the local unit of government in which
52.14 the retail establishment is located.

52.15 Subd. 2. **Registration fee.** (a) A local unit of government may impose an initial retail
52.16 registration fee of up to half the amount of the applicable initial license fee under section
52.17 342.11. The local unit of government may also impose a renewal retail registration fee of
52.18 up to half the amount of the applicable renewal license fee under section 342.11. The initial
52.19 license fee shall include the fee for initial registration and the first annual renewal. Any
52.20 renewal fee imposed by the local unit of government shall be charged at the time of the
52.21 second renewal and each subsequent annual renewal thereafter.

52.22 (b) The local unit of government may not charge an application fee.

52.23 (c) A cannabis business with a cannabis retailer license and a medical cannabis retailer
52.24 license for the same location may only be charged a single registration fee.

52.25 (d) Registration fees are nonrefundable.

52.26 Subd. 3. **Issuance of registration.** (a) A local unit of government shall issue a retail
52.27 registration to a cannabis microbusiness with a retail operations endorsement, cannabis
52.28 mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis
52.29 retailer, or lower-potency hemp edible retailer that:

52.30 (1) has a valid license issued by the office;

52.31 (2) has paid the registration fee or renewal fee pursuant to subdivision 2;

53.1 (3) is found to be in compliance with the requirements of this chapter at any preliminary
53.2 compliance check that the local unit of government performs; and

53.3 (4) if applicable, is current on all property taxes and assessments at the location where
53.4 the retail establishment is located.

53.5 (b) Before issuing a retail registration, the local unit of government may conduct a
53.6 preliminary compliance check to ensure that the cannabis business or hemp business is in
53.7 compliance with the applicable operation requirements and the limits on the types of cannabis
53.8 flower, cannabinoid products, and hemp-derived consumer products that may be sold.

53.9 (c) A local unit of government shall renew the retail registration of a cannabis business
53.10 or hemp business when the office renews the license of the cannabis business or hemp
53.11 business.

53.12 (d) A retail registration issued under this section may not be transferred.

53.13 Subd. 4. **Compliance checks.** (a) A local unit of government shall conduct compliance
53.14 checks of every cannabis business and hemp business with a retail registration issued by
53.15 the local unit of government. The checks shall assess compliance with age verification
53.16 requirements; the applicable operation requirements; and the applicable limits on the types
53.17 of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
53.18 consumer products being sold.

53.19 (b) The local unit of government must conduct unannounced age verification compliance
53.20 checks at least once each calendar year. Age verification compliance checks must involve
53.21 persons at least 17 years of age, but under the age of 21, who, with the prior written consent
53.22 of a parent or guardian if the person is under the age of 18, attempt to purchase cannabis
53.23 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
53.24 under the direct supervision of a law enforcement officer or an employee of the local unit
53.25 of government.

53.26 (c) Checks to ensure compliance with the applicable operation requirements and the
53.27 limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and
53.28 hemp-derived consumer products that may be sold must be performed at least once each
53.29 calendar year and may be performed by a law enforcement officer or an employee of the
53.30 local unit of government.

53.31 Subd. 5. **Registration suspension and cancellation; notice to office; penalties.** (a) If
53.32 a local unit of government determines that a cannabis business or hemp business with a
53.33 retail registration issued by the local unit of government is not operating in compliance with

the requirements of this chapter or that the operation of the business poses an immediate threat to the health or safety of the public, the local unit of government may suspend the retail registration of the cannabis business or hemp business. The local unit of government must immediately notify the office of the suspension and shall include a description of the grounds for the suspension.

(b) The office shall review the retail registration suspension and may order reinstatement of the retail registration or take any action described in section 342.19 or 342.21.

(c) The retail registration suspension must be for up to 30 days unless the office suspends the license and operating privilege of the cannabis business or hemp business for a longer period or revokes the license.

(d) The local unit of government may reinstate the retail registration if the local unit of government determines that any violation has been cured. The local unit of government must reinstate the retail registration if the office orders reinstatement.

(e) No cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis retailer, or lower-potency hemp edible retailer may make any sale to a customer or patient without a valid retail registration. A local unit of government may impose a civil penalty of up to \$2,000 for each violation of this paragraph.

Sec. 23. [342.23] CANNABIS BUSINESSES AND HEMP BUSINESSES; GENERAL OPERATIONAL REQUIREMENTS.

Subdivision 1. **Records.** (a) Cannabis businesses and hemp businesses must retain financial records for the current and previous tax years at the primary business location and must make those records available for inspection by the office at any time during regular business hours.

(b) When applicable, a cannabis business or hemp business must maintain financial records for the previous ten tax years and must make those records available for inspection within one business day of receiving a request for inspection by the office.

(c) The office may require a cannabis business or hemp business to submit to an audit of its business records. The office may select or approve the auditor and the cannabis business or hemp business must provide the auditor with access to all business records. The cost of the audit must be paid by the cannabis business or hemp business.

Subd. 2. **Disposal; loss documentation.** (a) Cannabis businesses and hemp businesses must dispose of cannabis plants, cannabis flower, cannabis products, artificially derived

55.1 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are
55.2 damaged, have a broken seal, have been contaminated, or have not been sold by the expiration
55.3 date on the label.

55.4 (b) Disposal must be conducted in a manner approved by the office.

55.5 (c) Disposal of any cannabis plants, cannabis flower, cannabis products, artificially
55.6 derived cannabinoids, and hemp-derived consumer products that are required to be entered
55.7 into the statewide monitoring system must be documented in the statewide monitoring
55.8 system.

55.9 (d) Loss or theft of any cannabis plants, cannabis flower, cannabis products, artificially
55.10 derived cannabinoids, or hemp-derived consumer products that are required to be entered
55.11 into the statewide monitoring system must be reported to local law enforcement and a
55.12 business must log any such loss or theft in the statewide monitoring system as soon as the
55.13 loss or theft is discovered.

55.14 Subd. 3. **Sale of approved products.** Cannabis businesses and hemp businesses may
55.15 only sell cannabis plants, cannabis flower, cannabis products, artificially derived
55.16 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are
55.17 a type approved by the office and that comply with this chapter and rules adopted pursuant
55.18 to this chapter regarding the testing, packaging, and labeling of cannabis plants, cannabis
55.19 flower, cannabis products, artificially derived cannabinoids, lower-potency hemp edibles,
55.20 and hemp-derived consumer products.

55.21 Subd. 4. **Financial relationship.** (a) Except for the lawful sale of cannabis plants,
55.22 cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp
55.23 edibles, and hemp-derived consumer products in the ordinary course of business and as
55.24 otherwise provided in this subdivision, no cannabis business or hemp business may offer,
55.25 give, accept, receive, or borrow money or anything else of value or accept or receive credit
55.26 from any other cannabis business. This prohibition applies to offering or receiving a benefit
55.27 in exchange for preferential placement by a retailer, including preferential placement on
55.28 the retailer's shelves, display cases, or website. This prohibition applies to every cooperative
55.29 member or every director, manager, and general partner of a cannabis business or hemp
55.30 business.

55.31 (b) This prohibition does not apply to merchandising credit in the ordinary course of
55.32 business for a period not to exceed 30 days.

55.33 (c) This prohibition does not apply to free samples of usable cannabis flower, cannabis
55.34 products, lower-potency hemp edibles, or hemp-derived consumer products packaged in a

sample jar protected by a plastic or metal mesh screen to allow customers to smell the cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product before purchase. A sample jar may not contain more than eight grams of usable cannabis flower, more than eight grams of a cannabis concentrate, an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol, a lower-potency hemp edible infused with more than 50 milligrams of tetrahydrocannabinol, or a hemp-derived consumer product with a total weight of more than eight grams.

(d) This prohibition does not apply to free samples of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products provided to a retailer or cannabis wholesaler for the purposes of quality control and to allow retailers to determine whether to offer a product for sale. A sample provided for these purposes may not contain more than eight grams of usable cannabis flower, more than eight grams of a cannabis concentrate, an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol, a lower-potency hemp edible infused with more than 50 milligrams of tetrahydrocannabinol, or a hemp-derived consumer product with a total weight of more than eight grams.

(e) This prohibition does not apply to any fee charged by a licensed cannabis event organizer to a cannabis business or hemp business for participation in a cannabis event.

Subd. 5. **Customer privacy.** Cannabis businesses and hemp businesses must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court.

Sec. 24. [342.24] CANNABIS BUSINESSES; GENERAL OPERATIONAL REQUIREMENTS.

Subdivision 1. **Individuals under 21 years of age.** (a) A cannabis business may not employ an individual under 21 years of age and may not contract with an individual under 21 years of age if the individual's scope of work involves the handling of cannabis plants, cannabis flower, artificially derived cannabinoids, or cannabinoid products.

(b) A cannabis business may not permit an individual under 21 years of age to enter the business premises other than entry by a patient enrolled in the registry program.

(c) A cannabis business may not sell or give cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to an individual under 21 years of age unless the individual is a patient; registered designated caregiver; or a parent,

57.1 legal guardian, or spouse of a patient who is authorized to use, possess, or transport medical
57.2 cannabis flower or medical cannabinoid products.

57.3 **Subd. 2. Use of cannabis flower and products within a licensed cannabis business. (a)**

57.4 A cannabis business may not permit an individual who is not an employee to consume
57.5 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
57.6 products within its licensed premises unless the business is licensed to permit on-site
57.7 consumption.

57.8 (b) Except as otherwise provided in this subdivision, a cannabis business may not permit
57.9 an employee to consume cannabis flower, cannabis products, lower-potency hemp edibles,
57.10 or hemp-derived consumer products within its licensed premises or while the employee is
57.11 otherwise engaged in activities within the course and scope of employment.

57.12 (c) A cannabis business may permit an employee to use medical cannabis flower and
57.13 medical cannabinoid products if that individual is a patient.

57.14 (d) For quality control, employees of a licensed cannabis business may sample cannabis
57.15 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.
57.16 Employees may not interact directly with customers for at least three hours after sampling
57.17 a product. Employees may not consume more than three samples in a single 24-hour period.
57.18 All samples must be recorded in the statewide monitoring system.

57.19 **Subd. 3. Restricted access. (a)** Except as otherwise provided in this subdivision, a
57.20 cannabis business may not permit any individual to enter a restricted area unless the cannabis
57.21 business records the individual's name, time of entry, time of exit, and authorization to enter
57.22 the restricted area through use of an electronic or manual entry log and the individual:

57.23 (1) is a cannabis worker employed by or contracted with the cannabis business;

57.24 (2) is an employee of the office or another enforcement agency;

57.25 (3) is a contractor of the cannabis business, including but not limited to an electrician,
57.26 a plumber, an engineer, or an alarm technician, whose scope of work will not involve the
57.27 handling of cannabis flower, cannabis products, or hemp-derived consumer products and,
57.28 if the individual is working in an area with immediate access to cannabis flower, cannabis
57.29 products, or hemp-derived consumer products, the individual is supervised at all times by
57.30 a cannabis worker employed by or contracted with the cannabis business; or

57.31 (4) has explicit authorization from the office to enter a restricted area and, if the individual
57.32 is in an area with immediate access to cannabis flower, cannabis products, or hemp-derived

58.1 consumer products, the individual is supervised at all times by a cannabis worker employed
58.2 by or contracted with the cannabis business.

58.3 (b) A cannabis business shall ensure that all areas of entry to restricted areas within its
58.4 licensed premises are conspicuously marked and cannot be entered without recording the
58.5 individual's name, time of entry, time of exit, and authorization to enter the restricted area.

58.6 Subd. 4. **Ventilation and filtration.** A cannabis business must maintain a ventilation
58.7 and filtration system sufficient to meet the requirements for odor control established by the
58.8 office.

58.9 Subd. 5. **Use of statewide monitoring system.** (a) A cannabis business must use the
58.10 statewide monitoring system for integrated cannabis tracking, inventory, and verification
58.11 to track all cannabis plants, cannabis flower, cannabis products, and hemp-derived consumer
58.12 products the cannabis business has in its possession to the point of disposal, transfer, or
58.13 sale.

58.14 (b) For the purposes of this subdivision, a cannabis business possesses the cannabis
58.15 plants and cannabis flower that the business cultivates from seed or immature plant, if
58.16 applicable, or receives from another cannabis business, and possesses the cannabis products
58.17 and hemp-derived consumer products that the business manufactures or receives from
58.18 another cannabis business.

58.19 (c) Sale and transfer of cannabis plants, cannabis flower, cannabis products, and
58.20 hemp-derived consumer products must be recorded in the statewide monitoring system
58.21 within the time established by rule.

58.22 Subd. 6. **Security.** A cannabis business must maintain and follow a security plan to deter
58.23 and prevent the theft or diversion of cannabis plants, cannabis flower, cannabis products,
58.24 and hemp-derived consumer products, unauthorized entry into the cannabis business, and
58.25 the theft of currency.

58.26 Subd. 7. **Remuneration.** A cannabis business is prohibited from:

58.27 (1) accepting or soliciting any form of remuneration from a health care practitioner who
58.28 certifies qualifying medical conditions for patients; or

58.29 (2) offering any form of remuneration to a health care practitioner who certifies qualifying
58.30 medical conditions for patients.

58.31 Subd. 8. **Exclusions.** The requirements under this section do not apply to hemp
58.32 businesses.

59.1 Sec. 25. **[342.25] CULTIVATION OF CANNABIS; GENERAL REQUIREMENTS.**

59.2 **Subdivision 1. Applicability.** Every cannabis business with a license or endorsement
59.3 authorizing the cultivation of cannabis must comply with the requirements of this section.

59.4 **Subd. 2. Cultivation records.** A business licensed or authorized to cultivate cannabis
59.5 must prepare a cultivation record for each batch of cannabis plants and cannabis flower in
59.6 the form required by the office and must maintain each record for at least five years. The
59.7 cultivation record must include the quantity and timing, where applicable, of each pesticide,
59.8 fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any
59.9 other information required by the office in rule. The cannabis business must present
59.10 cultivation records to the office, the commissioner of agriculture, or the commissioner of
59.11 health upon request.

59.12 **Subd. 3. Agricultural chemicals and other inputs.** A business licensed or authorized
59.13 to cultivate cannabis is subject to rules promulgated by the office governing the use of
59.14 pesticides, fertilizers, soil amendments, plant amendments, and other inputs to cultivate
59.15 cannabis.

59.16 **Subd. 4. Cultivation plan.** A business licensed or authorized to cultivate cannabis must
59.17 prepare, maintain, and execute an operating plan and a cultivation plan as directed by the
59.18 office in rule, which must include but is not limited to:

59.19 (1) water usage;

59.20 (2) recycling;

59.21 (3) solid waste disposal; and

59.22 (4) a pest management protocol that incorporates integrated pest management principles
59.23 to control or prevent the introduction of pests to the cultivation site.

59.24 **Subd. 5. Pesticides; pollinator protection.** (a) A business licensed or authorized to
59.25 cultivate cannabis must comply with chapters 18B, 18D, 18E, and any other pesticide laws
59.26 and rules enforced by the commissioner of agriculture.

59.27 (b) A business licensed or authorized to cultivate cannabis must not apply pesticides
59.28 when pollinators are present or allow pesticides to drift to flowering plants that are attractive
59.29 to pollinators.

59.30 **Subd. 6. Adulteration prohibited.** A business licensed or authorized to cultivate cannabis
59.31 must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance

60.1 or compound that has the effect or intent of altering the color, appearance, weight, or smell
60.2 of the cannabis.

60.3 Subd. 7. **Indoor, outdoor cultivation authorized; security.** A business licensed or
60.4 authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject
60.5 to the security, fencing, lighting, and any other requirements imposed by the office in rule.

60.6 Subd. 8. **Seed limitation.** The commissioner of agriculture must not issue a genetically
60.7 engineered agriculturally related organism permit under chapter 18F for cannabis seed or
60.8 cannabis plants. A cannabis cultivator must not cultivate a cannabis plant that is a genetically
60.9 engineered organism as defined in section 18F.02, subdivision 5.

60.10 Subd. 9. **Exception.** Nothing in this section applies to the cultivation of hemp plants.

60.11 Sec. 26. **[342.26] MANUFACTURE OF CANNABIS PRODUCTS; GENERAL**
60.12 **REQUIREMENTS.**

60.13 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement
60.14 authorizing the creation of cannabis concentrate and manufacture of cannabis products and
60.15 hemp-derived consumer products for public consumption must comply with the requirements
60.16 of this section.

60.17 Subd. 2. **All manufacturer operations.** (a) Cannabis manufacturing must take place in
60.18 an enclosed, locked facility that is used exclusively for the manufacture of cannabis products,
60.19 creation of hemp concentrate, creation of artificially derived cannabinoids, creation of
60.20 lower-potency hemp edibles, or creation of hemp-derived consumer products, except that
60.21 a business that also holds a cannabis cultivator license may operate in a facility that shares
60.22 general office space, bathrooms, entryways, and walkways.

60.23 (b) Cannabis manufacturing must take place on equipment that is used exclusively for
60.24 the manufacture of cannabis products, creation of hemp concentrate, creation of artificially
60.25 derived cannabinoids, creation of lower-potency hemp edibles, or creation of hemp-derived
60.26 consumer products.

60.27 (c) A business licensed or authorized to manufacture cannabis products must comply
60.28 with all applicable packaging, labeling, and health and safety requirements.

60.29 Subd. 3. **Extraction and concentration.** (a) A business licensed or authorized to
60.30 manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or
60.31 artificially derived cannabinoids must obtain an endorsement from the office.

61.1 (b) A business licensed or authorized to manufacture cannabis products must inform the
61.2 office of all methods of extraction and concentration that the manufacturer intends to use
61.3 and identify the volatile chemicals, if any, that will be involved in the creation of cannabis
61.4 concentrate or hemp concentrate. A cannabis manufacturer may not use a method of
61.5 extraction and concentration or a volatile chemical without approval by the office.

61.6 (c) A business licensed or authorized to manufacture cannabis products must inform the
61.7 office of all methods of conversion that the manufacturer will use, including any specific
61.8 catalysts that the manufacturer will employ, to create artificially derived cannabinoids and
61.9 the molecular nomenclature of all cannabinoids or other chemical compounds that the
61.10 manufacturer will create. A business licensed or authorized to manufacture cannabis products
61.11 may not use a method of conversion or a catalyst without approval by the office.

61.12 (d) A business licensed or authorized to manufacture cannabis products must obtain a
61.13 certification from an independent third-party industrial hygienist or professional engineer
61.14 approving:

61.15 (1) all electrical, gas, fire suppression, and exhaust systems; and

61.16 (2) the plan for safe storage and disposal of hazardous substances, including but not
61.17 limited to any volatile chemicals.

61.18 (e) A business licensed or authorized to manufacture cannabis products that manufactures
61.19 cannabis concentrate from cannabis flower received from an unlicensed person who is at
61.20 least 21 years of age must comply with all health and safety requirements established by
61.21 the office. At a minimum, the office shall require the manufacturer to:

61.22 (1) store the cannabis flower in an area that is segregated from cannabis flower and hemp
61.23 plant parts received from a licensed cannabis business;

61.24 (2) perform the extraction and concentration on equipment that is used exclusively for
61.25 extraction or concentration of cannabis flower received from unlicensed individuals;

61.26 (3) store any cannabis concentrate in an area that is segregated from cannabis concentrate,
61.27 hemp concentrate, or artificially derived cannabinoids derived or manufactured from cannabis
61.28 flower or hemp plant parts received from a licensed cannabis business; and

61.29 (4) provide any cannabis concentrate only to the person who provided the cannabis
61.30 flower.

61.31 (f) Upon the sale of cannabis concentrate, hemp concentrate, or artificially derived
61.32 cannabinoids to any person, cooperative, or business, a business licensed or authorized to
61.33 manufacture cannabis products must provide a statement to the buyer that discloses the

62.1 method of extraction and concentration or conversion used and any solvents, gases, or
62.2 catalysts, including but not limited to any volatile chemicals, involved in that method.

62.3 Subd. 4. **Production of consumer products.** (a) A business licensed or authorized to
62.4 manufacture cannabis products that produces edible cannabis products or lower-potency
62.5 hemp edibles must obtain an edible cannabinoid product handler endorsement from the
62.6 office.

62.7 (b) A business licensed or authorized to manufacture cannabis products must obtain an
62.8 endorsement from the office to produce:

62.9 (1) cannabis products other than edible cannabis products; or

62.10 (2) hemp-derived consumer products other than lower-potency hemp edibles.

62.11 (c) All areas within the licensed premises of a business licensed or authorized to
62.12 manufacture cannabis products producing cannabis products, lower-potency hemp edibles,
62.13 or hemp-derived consumer products must meet the sanitary standards specified in rules
62.14 adopted by the office.

62.15 (d) A business licensed or authorized to manufacture cannabis products may only add
62.16 chemicals or compounds approved by the office to cannabis concentrate, hemp concentrate,
62.17 or artificially derived cannabinoids.

62.18 (e) Upon the sale of any cannabis product, lower-potency hemp edible, or hemp-derived
62.19 consumer product to a cannabis business or hemp business, a business licensed or authorized
62.20 to manufacture cannabis products must provide a statement to the buyer that discloses the
62.21 product's ingredients, including but not limited to any chemicals or compounds and any
62.22 major food allergens declared by name.

62.23 (f) A business licensed or authorized to manufacture cannabis products shall not add
62.24 any cannabis flower, cannabis concentrate, artificially derived cannabinoid, hemp plant
62.25 part, or hemp concentrate to a product where the manufacturer of the product holds a
62.26 trademark to the product's name, except that a business licensed or authorized to manufacture
62.27 cannabis products may use a trademarked food product if the manufacturer uses the product
62.28 as a component or as part of a recipe and where the business licensed or authorized to
62.29 manufacture cannabis products does not state or advertise to the customer that the final
62.30 retail cannabis product, lower-potency hemp edible, or hemp-derived consumer product
62.31 contains a trademarked food product.

62.32 Subd. 5. **Exception.** Nothing in this section applies to the operations of a lower-potency
62.33 hemp edible manufacturer.

Sec. 27. **[342.27] RETAIL SALE OF CANNABIS FLOWER AND PRODUCTS;
GENERAL REQUIREMENTS.**

Subdivision 1. Applicability. Every cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products must comply with the requirements of this section.

Subd. 2. Sale of cannabis and cannabinoid products. (a) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may only sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to individuals who are at least 21 years of age.

(b) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products that:

(1) are obtained from a business licensed under this chapter; and

(2) meet all applicable packaging and labeling requirements.

(c) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell up to two ounces of adult-use cannabis flower or hemp-derived consumer products consisting primarily of hemp plant parts, up to eight grams of adult-use cannabis concentrate or hemp-derived consumer products consisting primarily of hemp concentrate or artificially derived cannabinoids, and edible cannabis products and lower-potency hemp edibles infused with up to 800 milligrams of tetrahydrocannabinol during a single transaction to a customer.

(d) Edible cannabis products and hemp-derived consumer products intended to be eaten or consumed as a beverage may not include more than ten milligrams of tetrahydrocannabinol per serving and a single package may not include more than a total of 100 milligrams of tetrahydrocannabinol. A package may contain multiple servings of ten milligrams of tetrahydrocannabinol provided that each serving is indicated by scoring, wrapping, or other indicators designating the individual serving size.

Subd. 3. Sale of other products. (a) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell cannabis paraphernalia, including but not limited to childproof packaging containers and other devices designed to ensure the safe storage and monitoring of cannabis flower, cannabis products,

64.1 lower-potency hemp edibles, and hemp-derived consumer products in the home to prevent
64.2 access by individuals under 21 years of age.

64.3 (b) A cannabis business with a license or endorsement authorizing the retail sale of
64.4 cannabis flower or cannabis products may sell hemp-derived topical products.

64.5 (c) A cannabis business with a license or endorsement authorizing the retail sale of
64.6 cannabis flower or cannabis products may sell the following products that do not contain
64.7 cannabis flower, cannabis concentrate, hemp concentrate, artificially derived cannabinoids,
64.8 or tetrahydrocannabinol:

64.9 (1) drinks that do not contain alcohol and are packaged in sealed containers labeled for
64.10 retail sale;

64.11 (2) books and videos on the cultivation and use of cannabis flower and products that
64.12 contain cannabinoids;

64.13 (3) magazines and other publications published primarily for information and education
64.14 on cannabis plants, cannabis flower, and products that contain cannabinoids;

64.15 (4) multiple-use bags designed to carry purchased items;

64.16 (5) clothing marked with the specific name, brand, or identifying logo of the retailer;
64.17 and

64.18 (6) hemp fiber products and products that contain hemp grain.

64.19 Subd. 4. **Age verification.** (a) Prior to initiating a sale, an employee of a cannabis
64.20 business with a license or endorsement authorizing the retail sale of cannabis flower or
64.21 cannabis products must verify that the customer is at least 21 years of age.

64.22 (b) Proof of age may be established only by one of the following:

64.23 (1) a valid driver's license or identification card issued by Minnesota, another state, or
64.24 a province of Canada, and including the photograph and date of birth of the licensed person;

64.25 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

64.26 (3) a valid passport issued by the United States;

64.27 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
64.28 purchase adult-use cannabis or adult-use cannabinoid products, that includes a photograph
64.29 and the date of birth of the person issued the permit; or

64.30 (5) in the case of a foreign national, by a valid passport.

(c) A retailer may seize a form of identification listed under paragraph (b) if the cannabis retailer has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A retailer that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency within 24 hours of seizing it.

Subd. 5. **Display of cannabis flower and products.** (a) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products must designate a retail area where customers are permitted. The retail area shall include the portion of the premises where samples of cannabis flower and cannabis products available for sale are displayed. All other cannabis flower and cannabis products must be stored in the secure storage area.

(b) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may display one sample of each type of cannabis flower or cannabis product available for sale. Samples of cannabis flower and cannabis products must be stored in a sample jar or display case and be accompanied by a label or notice containing the information required to be affixed to the packaging or container containing cannabis flower and cannabis products sold to customers. A sample may not contain more than eight grams of adult-use cannabis flower or adult-use cannabis concentrate or an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the cannabis flower or cannabis product before purchase.

(c) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may not sell cannabis flower or cannabis products used as a sample for display. If the retailer uses display samples of lower-potency hemp edibles or hemp-derived consumer products, the retailer may not sell the product used as a sample for display.

Subd. 6. **Posting of notices.** A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products must post all notices as required by the office, including but not limited to:

(1) information about any product recall;

(2) a statement that operating a motor vehicle under the influence of intoxicating cannabinoids is illegal; and

66.1 (3) a statement that cannabis flower, cannabis products, lower-potency hemp edibles,
66.2 and hemp-derived consumer products are only intended for consumption by individuals
66.3 who are at least 21 years of age.

66.4 Subd. 7. **Hours of operation.** (a) Except as provided by paragraph (b), a cannabis
66.5 business with a license or endorsement authorizing the retail sale of cannabis flower or
66.6 cannabis products may not sell cannabis flower, cannabis products, lower-potency hemp
66.7 edibles, or hemp-derived consumer products between 2:00 a.m. and 8:00 a.m. on the days
66.8 of Monday through Saturday nor between 2:00 a.m. and 10:00 a.m. on Sunday.

66.9 (b) A city or county may adopt an ordinance to prohibit sales for any period between
66.10 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days
66.11 of Monday through Saturday.

66.12 (c) A cannabis business with a license or endorsement authorizing the retail sale of
66.13 cannabis flower or cannabis products may not be open to the public or sell any other products
66.14 at times when the cannabis business is prohibited from selling cannabis flower, cannabis
66.15 products, lower-potency hemp edibles, and hemp-derived consumer products.

66.16 Subd. 8. **Building conditions.** (a) A cannabis business with a license or endorsement
66.17 authorizing the retail sale of cannabis flower or cannabis products shall maintain compliance
66.18 with state and local building, fire, and zoning requirements or regulations.

66.19 (b) A cannabis business with a license or endorsement authorizing the retail sale of
66.20 cannabis flower or cannabis products shall ensure that the licensed premises is maintained
66.21 in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

66.22 Subd. 9. **Security.** A cannabis business with a license or endorsement authorizing the
66.23 retail sale of cannabis flower or cannabis products shall maintain compliance with security
66.24 requirements established by the office, including but not limited to requirements for
66.25 maintaining video surveillance records, using specific locking mechanisms, establishing
66.26 secure entries, and the number of employees working at all times.

66.27 Subd. 10. **Lighting.** A cannabis business with a license or endorsement authorizing the
66.28 retail sale of cannabis flower or cannabis products must keep all lighting outside and inside
66.29 the dispensary in good working order and sufficient wattage for security cameras.

66.30 Subd. 11. **Deliveries.** A cannabis business with a license or endorsement authorizing
66.31 the retail sale of cannabis flower or cannabis products may only accept deliveries of cannabis
66.32 flower, cannabis products, and hemp-derived consumer products in a limited access area.

67.1 Deliveries may not be accepted through the public access areas unless otherwise approved
67.2 by the office.

67.3 Subd. 12. **Prohibitions.** A cannabis business with a license or endorsement authorizing
67.4 the retail sale of cannabis flower or cannabis products shall not:

67.5 (1) sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
67.6 consumer products to a person who is visibly intoxicated;

67.7 (2) knowingly sell more cannabis flower, cannabis products, lower-potency hemp edibles,
67.8 or hemp-derived consumer products than a customer is legally permitted to possess;

67.9 (3) give away immature cannabis plants or seedlings, cannabis flower, cannabis products,
67.10 lower-potency hemp edibles, or hemp-derived consumer products;

67.11 (4) operate a drive-through window;

67.12 (5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
67.13 lower-potency hemp edibles, or hemp-derived consumer products in vending machines; or

67.14 (6) sell cannabis plants, cannabis flower, or cannabis products if the cannabis retailer
67.15 knows that any required security or statewide monitoring systems are not operational.

67.16 Subd. 13. **Adult-use and medical cannabis; colocation.** (a) A cannabis business with
67.17 a license or endorsement authorizing the retail sale of adult-use cannabis flower or adult-use
67.18 cannabis products that is also a licensed medical cannabis retailer may sell medical cannabis
67.19 flower and medical cannabinoid products on a portion of the business's premises.

67.20 (b) The portion of the premises of the cannabis business where medical cannabis flower
67.21 and medical cannabinoid products are sold must be definite and distinct from all other areas
67.22 of the cannabis retailer and must provide an appropriate space for a pharmacist employee
67.23 of the medical cannabis retailer to consult with a patient to determine the proper type of
67.24 medical cannabis flower and medical cannabinoid products and proper dosage for the patient.

67.25 Subd. 14. **Exception.** Nothing in this section applies to the operations of a lower-potency
67.26 hemp edible retailer.

67.27 Sec. 28. **[342.28] CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.**

67.28 Subdivision 1. **Authorized actions.** A cannabis microbusiness license, consistent with
67.29 the specific license endorsement or endorsements, entitles the license holder to perform any
67.30 or all of the following within the limits established by this section:

- 68.1 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
68.2 cannabis flower from a mature plant;
- 68.3 (2) make cannabis concentrate;
- 68.4 (3) make hemp concentrate, including hemp concentrate with a delta-9
68.5 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- 68.6 (4) manufacture artificially derived cannabinoids;
- 68.7 (5) manufacture adult-use cannabis products, lower-potency hemp edibles, and
68.8 hemp-derived consumer products for public consumption;
- 68.9 (6) purchase immature cannabis plants and seedlings, cannabis flower, and hemp plant
68.10 parts from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis
68.11 manufacturer, a cannabis wholesaler, or an industrial hemp grower;
- 68.12 (7) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids
68.13 from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer,
68.14 a cannabis wholesaler, or a licensed hemp grower for use in manufacturing adult-use cannabis
68.15 products, lower-potency hemp edibles, or hemp-derived consumer products;
- 68.16 (8) package and label adult-use cannabis flower, adult-use cannabis products,
68.17 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- 68.18 (9) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
68.19 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
68.20 other products authorized by law to other cannabis businesses and to customers;
- 68.21 (10) operate an establishment that permits on-site consumption of edible cannabis
68.22 products and lower-potency hemp edibles; and
- 68.23 (11) perform other actions approved by the office.
- 68.24 Subd. 2. **Size limitations.** (a) A cannabis microbusiness that cultivates cannabis at an
68.25 indoor facility may cultivate up to 2,000 square feet of plant canopy unless the office, by
68.26 rule, increases that limit. The office may, by rule, increase the limit on plant canopy to no
68.27 more than 5,000 square feet if the office determines that expansion is consistent with the
68.28 goals identified in section 342.02, subdivision 1. Limitations on plant canopy apply to the
68.29 area in which mature, flowering plants are cultivated. A cannabis microbusiness may not
68.30 operate multiple tiers of cultivation.
- 68.31 (b) A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate
68.32 up to one-half acre of mature, flowering plants unless the office, by rule, increases that limit.

69.1 The office may, by rule, increase the limit to no more than one acre if the office determines
69.2 that expansion is consistent with the goals identified in section 342.02, subdivision 1.

69.3 (c) The office shall, by rule, establish a limit on the manufacturing of cannabis products,
69.4 lower-potency hemp edibles, or hemp-derived consumer products a cannabis microbusiness
69.5 that manufactures such products may perform. The limit must be equivalent to the amount
69.6 of cannabis flower that can be harvested from a facility with a plant canopy of 2,000 square
69.7 feet in a year, but may be increased to the amount that can be harvested from a facility with
69.8 up to 5,000 square feet of plant canopy if the office expands the allowable area of cultivation
69.9 under paragraph (a).

69.10 (d) A cannabis microbusiness with the appropriate endorsement may operate one retail
69.11 location.

69.12 Subd. 3. **Additional information required.** In addition to the information required to
69.13 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
69.14 a person, cooperative, or business seeking a cannabis microbusiness license must submit
69.15 the following information in a form approved by the office:

69.16 (1) an operating plan demonstrating the proposed layout of the facility, including a
69.17 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
69.18 any cultivation or manufacturing activities; plans for providing electricity, water, and other
69.19 utilities necessary for the normal operation of any cultivation or manufacturing activities;
69.20 plans for compliance with applicable building codes and federal and state environmental
69.21 and workplace safety requirements and policies; and plans to avoid sales to unlicensed
69.22 cannabis businesses and individuals under 21 years of age;

69.23 (2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
69.24 cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
69.25 cultivation facility that will be used exclusively for cultivation, including the total amount
69.26 of plant canopy;

69.27 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
69.28 concentrate, or artificial cannabinoids, information identifying all methods of extraction,
69.29 concentration, or conversion that the applicant intends to use and the volatile chemicals and
69.30 catalysts, if any, that will be involved in extraction, concentration, or creation; and

69.31 (4) evidence that the applicant will comply with the applicable operation requirements
69.32 for the license being sought.

70.1 Subd. 4. **Exception.** The requirement of an attestation signed by a bona fide labor
70.2 organization stating that the applicant has entered into a labor peace agreement is not required
70.3 as part of an application for a cannabis microbusiness license.

70.4 Subd. 5. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
70.5 cannabis microbusiness license may also hold a cannabis event organizer license.

70.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
70.7 cannabis microbusiness license may own or operate any other cannabis business or hemp
70.8 business or hold more than one cannabis microbusiness license.

70.9 (c) For purposes of this subdivision, a restriction on the number or type of license that
70.10 a business may hold applies to every cooperative member or every director, manager, and
70.11 general partner of a cannabis business.

70.12 Subd. 6. **Cultivation endorsement.** A cannabis microbusiness that cultivates cannabis
70.13 plants and harvests cannabis flower must comply with the requirements in section 342.25.

70.14 Subd. 7. **Extraction and concentration endorsement.** A cannabis microbusiness that
70.15 creates cannabis concentrate must comply with the requirements in section 342.26,
70.16 subdivisions 2 and 3.

70.17 Subd. 8. **Production of customer products endorsement.** A cannabis microbusiness
70.18 that manufacturers edible cannabis products, lower-potency hemp products, or hemp-derived
70.19 consumer products must comply with the requirements in section 342.26, subdivisions 2
70.20 and 4.

70.21 Subd. 9. **Retail operations endorsement.** A cannabis microbusiness that operates a
70.22 retail location must comply with the requirements in section 342.27.

70.23 Subd. 10. **On-site consumption endorsement.** (a) A cannabis microbusiness may permit
70.24 on-site consumption of edible cannabis products and lower-potency hemp edibles on a
70.25 portion of its premises.

70.26 (b) The portion of the premises of the cannabis microbusiness where on-site consumption
70.27 is permitted must be definite and distinct from all other areas of the microbusiness and must
70.28 be accessed through a distinct entrance.

70.29 (c) Edible cannabis products and lower-potency hemp edibles sold for on-site
70.30 consumption must comply with this chapter and rules adopted pursuant to this chapter
70.31 regarding the testing, packaging, and labeling of cannabinoid products.

71.1 (d) Edible cannabinoid products and lower-potency hemp edibles sold for on-site
71.2 consumption must be served in the required packaging but may be removed from the
71.3 products' packaging by customers and consumed on site.

71.4 (e) Food and beverages not otherwise prohibited by this subdivision may be prepared
71.5 and sold on site provided that the cannabis microbusiness complies with all relevant state
71.6 and local laws, ordinances, licensing requirements, and zoning requirements.

71.7 (f) A cannabis microbusiness shall ensure that the display and consumption of any edible
71.8 cannabis product or lower-potency hemp edible is not visible from outside of the licensed
71.9 premises of the business.

71.10 (g) A cannabis microbusiness may offer recorded or live entertainment, provided that
71.11 the cannabis microbusiness complies with all relevant state and local laws, ordinances,
71.12 licensing requirements, and zoning requirements.

71.13 (h) A cannabis microbusiness may not:

71.14 (1) sell an edible cannabis product or a lower-potency hemp edible to an individual who
71.15 is under 21 years of age;

71.16 (2) permit an individual who is under 21 years of age to enter the premises;

71.17 (3) sell more than one single serving of an edible cannabis product or a lower-potency
71.18 hemp edible to a customer;

71.19 (4) sell an edible cannabis product or a lower-potency hemp edible to a person who is
71.20 visibly intoxicated;

71.21 (5) sell or allow the sale or consumption of alcohol or tobacco on the premises;

71.22 (6) sell products that are intended to be eaten or consumed as a drink, other than packaged
71.23 and labeled edible cannabis products and lower-potency hemp edibles, that contain cannabis
71.24 flower or hemp plant parts or are infused with cannabis concentrate, hemp concentrate, or
71.25 artificially derived cannabinoids;

71.26 (7) permit edible cannabis products or lower-potency hemp edibles sold in the portion
71.27 of the area designated for on-site consumption to be removed from that area;

71.28 (8) permit adult-use cannabis flower, adult-use cannabis products, hemp-derived consumer
71.29 products, or tobacco to be consumed through smoking or a vaporized delivery method on
71.30 the premises; or

71.31 (9) distribute or allow free samples of cannabis flower, cannabis products, lower-potency
71.32 hemp edibles, or hemp-derived consumer products.

72.1 Sec. 29. **[342.29] CANNABIS MEZZOBUSINESS LICENSING AND OPERATIONS.**

72.2 Subdivision 1. **Authorized actions.** A cannabis mezzobusiness license, consistent with
72.3 the specific license endorsement or endorsements, entitles the license holder to perform any
72.4 or all of the following within the limits established by this section:

72.5 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
72.6 cannabis flower from a mature plant;

72.7 (2) make cannabis concentrate;

72.8 (3) make hemp concentrate, including hemp concentrate with a delta-9
72.9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

72.10 (4) manufacture artificially derived cannabinoids;

72.11 (5) manufacture adult-use cannabis products, lower-potency hemp edibles, and
72.12 hemp-derived consumer products for public consumption;

72.13 (6) purchase immature cannabis plants and seedlings, cannabis flower, and hemp plant
72.14 parts from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis
72.15 manufacturer, a cannabis wholesaler, or an industrial hemp grower;

72.16 (7) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids
72.17 from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis manufacturer,
72.18 a cannabis wholesaler, or a licensed hemp grower for use in manufacturing adult-use cannabis
72.19 products, lower-potency hemp edibles, or hemp-derived consumer products;

72.20 (8) package and label adult-use cannabis flower, adult-use cannabis products,
72.21 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;

72.22 (9) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
72.23 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
72.24 other products authorized by law to other cannabis businesses and to customers; and

72.25 (10) perform other actions approved by the office.

72.26 Subd. 2. **Size limitations.** (a) A cannabis mezzobusiness that cultivates cannabis at an
72.27 indoor facility may cultivate up to 5,000 square feet of plant canopy unless the office, by
72.28 rule, increases that limit. The office may, by rule, increase the limit on plant canopy to no
72.29 more than 15,000 cubic feet if the office determines that expansion is consistent with the
72.30 goals identified in section 342.02, subdivision 1. Limitations on plant canopy apply to the
72.31 area in which mature, flowering plants are cultivated. A cannabis mezzobusiness may not
72.32 operate multiple tiers of cultivation unless authorized by the office.

(b) A cannabis mezzobusiness that cultivates cannabis at an outdoor location may cultivate up to one acre of mature, flowering plants unless the office, by rule, increases that limit. The office may, by rule, increase the limit to no more than three acres if the office determines that expansion is consistent with the goals identified in section 342.02, subdivision 1.

(c) The office shall, by rule, establish a limit on the manufacturing of cannabis products, lower-potency hemp edibles, or hemp-derived consumer products a cannabis mezzobusiness that manufactures such products may perform. The limit must be equivalent to the amount of cannabis flower that can be harvested from a facility with a plant canopy of 5,000 square feet in a year but may be increased to the amount that can be harvested from a facility with up to 15,000 cubic feet of plant canopy if the office expands the allowable area of cultivation under paragraph (a).

(d) A cannabis mezzobusiness with the appropriate endorsement may operate up to three retail locations.

Subd. 3. **Additional information required.** In addition to the information required to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis mezzobusiness license must submit the following information in a form approved by the office:

(1) an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems; plans for wastewater and waste disposal for any cultivation or manufacturing activities; plans for providing electricity, water, and other utilities necessary for the normal operation of any cultivation or manufacturing activities; plans for compliance with applicable building code and federal and state environmental and workplace safety requirements and policies; and plans to avoid sales to unlicensed cannabis businesses and individuals under 21 years of age;

(2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest cannabis flower, a cultivation plan demonstrating the proposed size and layout of the cultivation facility that will be used exclusively for cultivation, including the total amount of plant canopy;

(3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp concentrate, or artificial cannabinoids, information identifying all methods of extraction, concentration, or conversion that the applicant intends to use and the volatile chemicals and catalysts, if any, that will be involved in extraction, concentration, or creation; and

74.1 (4) evidence that the applicant will comply with the applicable operation requirements
74.2 for the license being sought.

74.3 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
74.4 cannabis mezzobusiness license may also hold a cannabis event organizer license.

74.5 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
74.6 cannabis mezzobusiness license may own or operate any other cannabis business or hemp
74.7 business or hold more than one cannabis mezzobusiness license.

74.8 (d) For purposes of this subdivision, a restriction on the number or type of license that
74.9 a business may hold applies to every cooperative member or every director, manager, and
74.10 general partner of a cannabis business.

74.11 Subd. 5. **Cultivation endorsement.** A cannabis mezzobusiness that cultivates cannabis
74.12 plants and harvests cannabis flower must comply with the requirements in section 342.25.

74.13 Subd. 6. **Extraction and concentration endorsement.** A cannabis mezzobusiness that
74.14 creates cannabis concentrate must comply with the requirements in section 342.26,
74.15 subdivisions 2 and 3.

74.16 Subd. 7. **Production of customer products endorsement.** A cannabis mezzobusiness
74.17 that manufacturers edible cannabis products, lower-potency hemp products, or hemp-derived
74.18 consumer products must comply with the requirements in section 342.26, subdivisions 2
74.19 and 4.

74.20 Subd. 8. **Retail operations endorsement.** A cannabis mezzobusiness that operates a
74.21 retail location must comply with the requirements in section 342.27.

74.22 Sec. 30. **[342.30] CANNABIS CULTIVATOR LICENSING AND OPERATIONS.**

74.23 Subdivision 1. **Authorized actions.** A cannabis cultivator license entitles the license
74.24 holder to grow cannabis plants within the approved amount of space from seed or immature
74.25 plant to mature plant, harvest cannabis flower from a mature plant, package and label
74.26 immature cannabis plants and seedlings and cannabis flower for sale to other cannabis
74.27 businesses, transport cannabis flower to a cannabis manufacturer located on the same
74.28 premises, and perform other actions approved by the office.

74.29 Subd. 2. **Size limitations.** (a) A cannabis cultivator that cultivates cannabis at an indoor
74.30 facility may cultivate up to 15,000 square feet of plant canopy unless the office, by rule,
74.31 increases that limit. The office may, by rule, increase the limit on plant canopy to no more
74.32 than 30,000 cubic feet if the office determines that expansion is consistent with the goals

75.1 identified in section 342.02, subdivision 1. Limitations on plant canopy apply to the area
75.2 in which mature, flowering plants are cultivated. A cannabis cultivator may not operate
75.3 multiple tiers of cultivation unless authorized by the office.

75.4 (b) A cannabis cultivator that cultivates cannabis at an outdoor location may cultivate
75.5 up to two acres of mature, flowering plants unless the office, by rule, increases that limit.
75.6 The office may, by rule, increase the limit to no more than four acres if the office determines
75.7 that expansion is consistent with the goals identified in section 342.02, subdivision 1.

75.8 Subd. 3. **Additional information required.** In addition to the information required to
75.9 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
75.10 a person, cooperative, or business seeking a cannabis cultivator license must submit the
75.11 following information in a form approved by the office:

75.12 (1) an operating plan demonstrating the proposed size and layout of the cultivation
75.13 facility; plans for wastewater and waste disposal for the cultivation facility; plans for
75.14 providing electricity, water, and other utilities necessary for the normal operation of the
75.15 cultivation facility; and plans for compliance with the applicable building code and federal
75.16 and state environmental and workplace safety requirements;

75.17 (2) a cultivation plan demonstrating the proposed size and layout of the cultivation
75.18 facility that will be used exclusively for cultivation including the total amount of plant
75.19 canopy; and

75.20 (3) evidence that the business will comply with the applicable operation requirements
75.21 for the license being sought.

75.22 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
75.23 cannabis cultivator license may also hold a cannabis manufacturing license, medical cannabis
75.24 cultivator license, medical cannabis producer license, license to grow industrial hemp, and
75.25 cannabis event organizer license.

75.26 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
75.27 cannabis cultivator license may own or operate any other cannabis business or hemp business.
75.28 This prohibition does not prevent the transportation of cannabis flower from a cannabis
75.29 cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
75.30 and located on the same premises.

75.31 (c) The office by rule may limit the number of cannabis cultivator licenses a person,
75.32 cooperative, or business may hold.

(d) For purposes of this subdivision, a restriction on the number or type of license a business may hold applies to every cooperative member or every director, manager, and general partner of a cannabis business.

Subd. 5. **Cultivation operations.** A cannabis cultivator must comply with the requirements in section 342.25.

Sec. 31. **[342.31] CANNABIS MANUFACTURER LICENSING AND OPERATIONS.**

Subdivision 1. **Authorized actions.** A cannabis manufacturer license, consistent with the specific license endorsement or endorsements, entitles the license holder to:

(1) purchase cannabis flower, cannabis products, hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis microbusiness, a cannabis mezzobusiness, a cannabis cultivator, another cannabis manufacturer, a cannabis wholesaler, or an industrial hemp grower;

(2) accept cannabis flower from unlicensed persons who are at least 21 years of age provided that the cannabis manufacturer does not accept more than two ounces from an individual on a single occasion;

(3) make cannabis concentrate;

(4) make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

(5) manufacture artificially derived cannabinoids;

(6) manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;

(7) package and label adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;

(8) sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses; and

(9) perform other actions approved by the office.

Subd. 2. **Size limitations.** The office shall, by rule, establish a limit on the manufacturing of cannabis products, lower-potency hemp edibles, or hemp-derived consumer products a cannabis manufacturer may perform. The limit must be equivalent to the amount of cannabis flower that can be harvested from a facility with a plant canopy of 15,000 square feet in a

77.1 year, but may be increased to the amount that can be harvested from a facility with up to
77.2 30,000 cubic feet of plant canopy if the office expands the allowable area of cultivation
77.3 under section 342.30, subdivision 2.

77.4 Subd. 3. **Additional information required.** In addition to the information required to
77.5 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
77.6 a person, cooperative, or business seeking a cannabis manufacturer license must submit the
77.7 following information in a form approved by the office:

77.8 (1) an operating plan demonstrating the proposed layout of the facility, including a
77.9 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
77.10 the manufacturing facility; plans for providing electricity, water, and other utilities necessary
77.11 for the normal operation of the manufacturing facility; and plans for compliance with
77.12 applicable building code and federal and state environmental and workplace safety
77.13 requirements; and

77.14 (2) evidence that the business will comply with the applicable operation requirements
77.15 for the endorsement being sought.

77.16 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
77.17 cannabis manufacturer license may also hold a cannabis cultivator license, a medical cannabis
77.18 cultivator license, a medical cannabis processor license, and a cannabis event organizer
77.19 license.

77.20 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
77.21 cannabis manufacturer license may own or operate any other cannabis business or hemp
77.22 business. This prohibition does not prevent transportation of cannabis flower from a cannabis
77.23 cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
77.24 and located on the same premises.

77.25 (c) The office by rule may limit the number of cannabis manufacturer licenses that a
77.26 person or business may hold.

77.27 (d) For purposes of this subdivision, a restriction on the number or type of license that
77.28 a business may hold applies to every cooperative member or every director, manager, and
77.29 general partner of a cannabis business.

77.30 Subd. 5. **Cultivation operations.** A cannabis manufacturer must comply with the
77.31 requirements in section 342.26.

78.1 Sec. 32. **[342.32] CANNABIS RETAILER LICENSING AND OPERATIONS.**

78.2 **Subdivision 1. Authorized actions.** A cannabis retailer license entitles the license holder
78.3 to:

78.4 (1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products,
78.5 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
78.6 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
78.7 cannabis wholesalers, and industrial hemp growers;

78.8 (2) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
78.9 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
78.10 other products authorized by law to customers; and

78.11 (3) perform other actions approved by the office.

78.12 **Subd. 2. Size limitations.** A cannabis retailer may operate up to five retail locations.

78.13 **Subd. 3. Additional information required.** In addition to the information required to
78.14 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
78.15 a person, cooperative, or business seeking a cannabis retail license must submit the following
78.16 information in a form approved by the office:

78.17 (1) a list of every retail license held by the applicant and, if the applicant is a business,
78.18 every retail license held, either as an individual or as part of another business, by each
78.19 officer, director, manager, and general partner of the cannabis business;

78.20 (2) an operating plan demonstrating the proposed layout of the facility, including a
78.21 diagram of ventilation and filtration systems; policies to avoid sales to individuals who are
78.22 under 21 years of age; identification of a restricted area for storage; and plans to prevent
78.23 the visibility of cannabis flower, cannabinoid products, and hemp-derived consumer products
78.24 to individuals outside the retail location; and

78.25 (3) evidence that the business will comply with the applicable operation requirements
78.26 for the license being sought.

78.27 **Subd. 4. Multiple licenses; limits.** (a) A person, cooperative, or business holding a
78.28 cannabis retailer license may also hold a cannabis delivery service license, a medical cannabis
78.29 retailer license, and a cannabis event organizer license.

78.30 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
78.31 cannabis retailer license may own or operate any other cannabis business or hemp business.

(c) No person, cooperative, or business may hold a license to own or operate more than one cannabis retail business in one city or county.

(d) The office by rule may limit the number of cannabis retailer licenses a person, cooperative, or business may hold.

(e) For purposes of this subdivision, a restriction on the number or type of license a business may hold applies to every cooperative member or every director, manager, and general partner of a cannabis business.

Subd. 5. **Municipal or county cannabis store.** A city or county may establish, own, and operate a municipal cannabis store subject to the restrictions in this chapter.

Sec. 33. **[342.33] CANNABIS WHOLESALER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis wholesaler license entitles the license holder to:

(1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, lower-potency hemp edible manufacturers, and industrial hemp growers;

(2) sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers;

(3) sell lower-potency hemp edibles to lower-potency hemp edible retailers;

(4) import lower-potency hemp edibles and hemp-derived consumer products that contain hemp concentrate or artificially derived cannabinoids that are derived from hemp plants or hemp plant parts; and

(5) perform other actions approved by the office.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis wholesaler license must submit the following information in a form approved by the office:

(1) an operating plan demonstrating the proposed layout of the facility including a diagram of ventilation and filtration systems and policies to avoid sales to unlicensed cannabis businesses; and

80.1 (2) evidence that the business will comply with the applicable operation requirements
80.2 for the license being sought.

80.3 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
80.4 cannabis wholesaler license may also hold a cannabis transporter license, a cannabis delivery
80.5 service license, and a cannabis event organizer license.

80.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
80.7 cannabis wholesaler license may own or operate any other cannabis business or hemp
80.8 business.

80.9 (c) The office by rule may limit the number of cannabis wholesaler licenses a person or
80.10 business may hold.

80.11 (d) For purposes of this subdivision, a restriction on the number or type of license a
80.12 business may hold applies to every cooperative member or every director, manager, and
80.13 general partner of a cannabis business.

80.14 Sec. 34. **[342.34] CANNABIS WHOLESALER OPERATIONS.**

80.15 Subdivision 1. **Separation of products.** A cannabis wholesaler must ensure that cannabis
80.16 plants, cannabis flower, and cannabis products are physically separated from all other
80.17 products, including but not limited to lower-potency hemp edibles and hemp-derived
80.18 consumer products, in a manner that prevents any cross-contamination.

80.19 Subd. 2. **Records and labels.** A cannabis wholesaler must maintain accurate records
80.20 and ensure that appropriate labels remain affixed to cannabis plants, cannabis flower,
80.21 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

80.22 Subd. 3. **Building conditions.** (a) A cannabis wholesaler shall maintain compliance
80.23 with state and local building, fire, and zoning requirements or regulations.

80.24 (b) A cannabis wholesaler shall ensure that the licensed premises is maintained in a
80.25 clean and sanitary condition, free from infestation by insects, rodents, or other pests.

80.26 Subd. 4. **Sale of other products.** A cannabis wholesaler may purchase and sell other
80.27 products or items for which the cannabis wholesaler has a license or authorization or that
80.28 do not require a license or authorization. Products for which no license or authorization is
80.29 required include but are not limited to industrial hemp products, products that contain hemp
80.30 grain, hemp-derived topical products, and cannabis paraphernalia, including but not limited
80.31 to childproof packaging containers and other devices designed to ensure the safe storage

81.1 and monitoring of cannabis flower and cannabis products in the home to prevent access by
81.2 individuals under 21 years of age.

81.3 Subd. 5. **Importation of hemp-derived products.** (a) A cannabis wholesaler that imports
81.4 lower-potency hemp edibles or hemp-derived consumer products that are manufactured
81.5 outside the boundaries of the state of Minnesota with the intent to sell the products to a
81.6 cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or lower-potency hemp
81.7 edible retailer must obtain a hemp-derived product importer endorsement from the office.

81.8 (b) A cannabis wholesaler with a hemp-derived product importer endorsement may sell
81.9 products manufactured outside the boundaries of the state of Minnesota if:

81.10 (1) the manufacturer is licensed in another jurisdiction and subject to regulations designed
81.11 to protect the health and safety of consumers that the office determines are substantially
81.12 similar to the regulations in this state; or

81.13 (2) the cannabis wholesaler establishes, to the satisfaction of the office, that the
81.14 manufacturer engages in practices that are substantially similar to the practices required for
81.15 licensure of manufacturers in this state.

81.16 (c) The cannabis wholesaler must enter all relevant information regarding an imported
81.17 hemp-derived consumer product into the statewide monitoring system before the product
81.18 may be distributed. Relevant information includes information regarding the cultivation,
81.19 processing, and testing of the industrial hemp used in the manufacture of the product and
81.20 information regarding the testing of the hemp-derived consumer product. If information
81.21 regarding the industrial hemp or hemp-derived consumer product was submitted to a
81.22 statewide monitoring system used in another state, the office may require submission of
81.23 any information provided to that statewide monitoring system and shall assist in the transfer
81.24 of data from another state as needed and in compliance with any data classification
81.25 established by either state.

81.26 (d) The office may suspend, revoke, or cancel the endorsement of a distributor who is
81.27 prohibited from distributing products containing cannabinoids in any other jurisdiction,
81.28 convicted of an offense involving the distribution of products containing cannabinoids in
81.29 any other jurisdiction, or found liable for distributing any product that injured customers in
81.30 any other jurisdiction. A cannabis wholesaler shall disclose all relevant information related
81.31 to actions in another jurisdiction. Failure to disclose relevant information may result in
81.32 disciplinary action by the office, including the suspension, revocation, or cancellation of
81.33 an endorsement or license.

(e) Notwithstanding any law to the contrary, it shall not be a defense in any civil or criminal action that a licensed wholesaler relied on information on a product label or otherwise provided by a manufacturer who is not licensed in this state.

Sec. 35. **[342.35] CANNABIS TRANSPORTER LICENSING.**

Subdivision 1. **Authorized actions.** A cannabis transporter license entitles the license holder to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis processors, and medical cannabis retailers and perform other actions approved by the office.

Subd. 2. **Additional information required.** In addition to the information required to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a cannabis transporter license must submit the following information in a form approved by the office:

(1) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than \$300,000, for loss of or damage to cargo;

(2) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amount of not less than \$1,000,000, for injury to one or more persons in any one accident and, if an accident has resulted in injury to or destruction of property, of not less than \$100,000 because of such injury to or destruction of property of others in any one accident;

(3) the number and type of equipment the business will use to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products;

(4) a loading, transporting, and unloading plan;

(5) a description of the applicant's experience in the distribution or security business; and

83.1 (6) evidence that the business will comply with the applicable operation requirements
83.2 for the license being sought.

83.3 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
83.4 cannabis transporter license may also hold a cannabis wholesaler license, a cannabis delivery
83.5 service license, and a cannabis event organizer license.

83.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
83.7 cannabis transporter license may own or operate any other cannabis business.

83.8 (c) The office by rule may limit the number of cannabis transporter licenses a person or
83.9 business may hold.

83.10 (d) For purposes of this subdivision, restrictions on the number or type of license a
83.11 business may hold apply to every cooperative member or every director, manager, and
83.12 general partner of a cannabis business.

83.13 Sec. 36. **[342.36] CANNABIS TRANSPORTER OPERATIONS.**

83.14 Subdivision 1. **Manifest required.** Before transporting immature cannabis plants and
83.15 seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant
83.16 parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products,
83.17 a cannabis transporter shall obtain a shipping manifest on a form established by the office.
83.18 The manifest must be kept with the products at all times and the cannabis transporter must
83.19 maintain a copy of the manifest in its records.

83.20 Subd. 2. **Records of transportation.** Records of transportation must be kept for a
83.21 minimum of three years at the cannabis transporter's place of business and are subject to
83.22 inspection upon request by the office or law enforcement agency. Records of transportation
83.23 include the following:

83.24 (1) copies of transportation manifests for all deliveries;

83.25 (2) a transportation log documenting the chain of custody for each delivery, including
83.26 every employee and vehicle used during transportation; and

83.27 (3) financial records showing payment for transportation services.

83.28 Subd. 3. **Storage compartment.** Immature cannabis plants and seedlings, cannabis
83.29 flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp
83.30 concentrate, lower-potency hemp edibles, and hemp-derived consumer products must be
83.31 transported in a locked, safe, and secure storage compartment that is part of the motor vehicle

84.1 or in a locked storage container that has a separate key or combination pad. Items being
84.2 transported may not be visible from outside the motor vehicle.

84.3 Subd. 4. **Identifying logos or business names prohibited.** No vehicle or trailer may
84.4 contain an image depicting the types of items being transported, including but not limited
84.5 to an image depicting a cannabis or hemp leaf, or a name suggesting that the vehicle is used
84.6 in transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
84.7 artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp
84.8 edibles, or hemp-derived consumer products.

84.9 Subd. 5. **Randomized deliveries.** A cannabis transporter shall ensure that all delivery
84.10 times and routes are randomized.

84.11 Subd. 6. **Multiple employees.** All cannabis transporter vehicles transporting immature
84.12 cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived
84.13 cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
84.14 hemp-derived consumer products must be staffed with a minimum of two employees. At
84.15 least one delivery team member shall remain with the motor vehicle at all times that the
84.16 motor vehicle contains immature cannabis plants and seedlings, cannabis flower, cannabis
84.17 products, artificially derived cannabinoids, hemp plant parts, hemp concentrate,
84.18 lower-potency hemp edibles, or hemp-derived consumer products.

84.19 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by
84.20 or contracted with the cannabis transporter and who is at least 21 years of age may transport
84.21 immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially
84.22 derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
84.23 hemp-derived consumer products. All passengers in a vehicle must be cannabis workers
84.24 employed by or contracted with the cannabis transporter.

84.25 Subd. 8. **Drivers license required.** All drivers must carry a valid driver's license with
84.26 the proper endorsements when operating a vehicle transporting immature cannabis plants
84.27 and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp
84.28 plant parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer
84.29 products.

84.30 Subd. 9. **Vehicles subject to inspection.** Any vehicle assigned for the purposes of
84.31 transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
84.32 artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp
84.33 edibles, or hemp-derived consumer products is subject to inspection and may be stopped
84.34 or inspected at any licensed cannabis business or while en route during transportation.

85.1 Sec. 37. **[342.37] CANNABIS TESTING FACILITY LICENSING.**

85.2 Subdivision 1. **Authorized actions.** A cannabis testing facility license entitles the license
85.3 holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis
85.4 products, hemp plant parts, hemp concentrate, artificially derived cannabinoids,
85.5 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
85.6 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
85.7 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis
85.8 cultivators, medical cannabis processors, and industrial hemp growers.

85.9 Subd. 2. **Additional information required.** In addition to the information required to
85.10 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
85.11 a person, cooperative, or business seeking a cannabis testing facility license must submit
85.12 the following information in a form approved by the office:

85.13 (1) an operating plan demonstrating the proposed layout of the facility, including a
85.14 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed
85.15 businesses;

85.16 (2) proof of accreditation by a laboratory accrediting organization approved by the office
85.17 that, at a minimum, requires a laboratory to operate formal management systems under the
85.18 International Organization for Standardization; and

85.19 (3) evidence that the business will comply with the applicable operation requirements
85.20 for the license being sought.

85.21 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
85.22 cannabis testing facility license may not own or operate, or be employed by, any other
85.23 cannabis business or hemp business.

85.24 (b) The office by rule may limit the number of cannabis testing facility licenses a person
85.25 or business may hold.

85.26 (c) For purposes of this subdivision, a restriction on the number of licenses a business
85.27 may hold applies to every cooperative member or every director, manager, and general
85.28 partner of a cannabis business.

85.29 Sec. 38. **[342.38] CANNABIS TESTING FACILITY OPERATIONS.**

85.30 Subdivision 1. **Testing services.** A cannabis testing facility shall provide some or all
85.31 testing services required under section 342.61 and rules adopted pursuant to that section.

86.1 Subd. 2. **Testing protocols.** A cannabis testing facility shall follow all testing protocols,
86.2 standards, and criteria adopted by rule by the office for the testing of different forms of
86.3 cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp
86.4 edibles, hemp-derived consumer products, hemp plant parts, hemp concentrate, and artificially
86.5 derived cannabinoids; determining batch size; sampling; testing validity; and approval and
86.6 disapproval of tested items.

86.7 Subd. 3. **Records.** Records of all business transactions and testing results; records
86.8 required to be maintained pursuant to any applicable standards for accreditation; and records
86.9 relevant to testing protocols, standards, and criteria adopted by the office must be kept for
86.10 a minimum of three years at the cannabis testing facility's place of business and are subject
86.11 to inspection upon request by the office or law enforcement agency.

86.12 Subd. 4. **Disposal of cannabis flower and products.** A testing facility shall dispose of
86.13 or destroy used, unused, and waste cannabis plants and seedlings, cannabis flower, cannabis
86.14 products, lower-potency hemp edibles, hemp-derived consumer products, hemp plant parts,
86.15 hemp concentrate, and artificially derived cannabinoids pursuant to rules adopted by the
86.16 office.

86.17 Sec. 39. **[342.39] CANNABIS EVENT ORGANIZER LICENSING.**

86.18 Subdivision 1. **Authorized actions.** A cannabis event organizer license entitles the
86.19 license holder to organize a temporary cannabis event lasting no more than four days.

86.20 Subd. 2. **Additional information required.** (a) In addition to the information required
86.21 to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that
86.22 section, a person, cooperative, or business seeking a cannabis event organizer license must
86.23 submit the following information in a form approved by the office:

86.24 (1) the type and number of any other cannabis business license held by the applicant;

86.25 (2) the address and location where the temporary cannabis event will take place;

86.26 (3) the name of the temporary cannabis event;

86.27 (4) a diagram of the physical layout of the temporary cannabis event showing where the
86.28 event will take place on the grounds, all entrances and exits that will be used by participants
86.29 during the event, all cannabis consumption areas, all cannabis retail areas where cannabis
86.30 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
86.31 will be sold, the location where cannabis waste will be stored, and any location where
86.32 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
86.33 products will be stored;

87.1 (5) a list of the name, number, and type of cannabis businesses and hemp businesses
87.2 that will sell cannabis plants, adult-use cannabis flower, adult-use cannabis products,
87.3 lower-potency hemp edibles, and hemp-derived consumer products at the event, which may
87.4 be supplemented or amended within 72 hours of the time at which the cannabis event begins;

87.5 (6) the dates and hours during which the cannabis event will take place;

87.6 (7) proof of local approval for the cannabis event; and

87.7 (8) evidence that the business will comply with the applicable operation requirements
87.8 for the license being sought.

87.9 (b) A person, cooperative, or business seeking a cannabis event organizer license may
87.10 also disclose whether the person or any officer, director, manager, and general partner of a
87.11 cannabis business is serving or has previously served in the military.

87.12 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
87.13 cannabis event organizer license may not hold a cannabis testing facility license, a
87.14 lower-potency hemp edible manufacturer license, or a lower-potency hemp edible retailer
87.15 license.

87.16 (b) The office by rule may limit the number of cannabis event licenses that a person or
87.17 business may hold.

87.18 (c) For purposes of this subdivision, restrictions on the number or type of license that a
87.19 business may hold apply to every cooperative member or every director, manager, and
87.20 general partner of a cannabis business.

87.21 Sec. 40. **[342.40] CANNABIS EVENT ORGANIZER OPERATIONS.**

87.22 Subdivision 1. **Local approval.** A cannabis event organizer must receive local approval,
87.23 including obtaining any necessary permits or licenses issued by a local unit of government,
87.24 before holding a cannabis event.

87.25 Subd. 2. **Charging fees.** (a) A cannabis event organizer may charge an entrance fee to
87.26 a cannabis event.

87.27 (b) A cannabis event organizer may charge a fee to a cannabis business or hemp business
87.28 in exchange for space to display and sell cannabis plants, adult-use cannabis flower, adult-use
87.29 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. Any
87.30 fee paid for participation in a cannabis event shall not be based on or tied to the sale of
87.31 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
87.32 hemp edibles, or hemp-derived consumer products.

88.1 Subd. 3. **Security.** A cannabis event organizer must hire or contract for licensed security
88.2 personnel to provide security services at the cannabis event. All security personnel hired or
88.3 contracted for shall be at least 21 years of age and present on the licensed event premises
88.4 at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products,
88.5 lower-potency hemp edibles, or hemp-derived consumer products are available for sale or
88.6 consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
88.7 edibles, or hemp-derived consumer products is allowed. The security personnel shall not
88.8 consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
88.9 consumer products for at least 24 hours before the event or during the event.

88.10 Subd. 4. **Limited access to event.** A cannabis event organizer shall ensure that access
88.11 to an event is limited to individuals who are at least 21 years of age. At or near each public
88.12 entrance to any area where the sale or consumption of adult-use cannabis flower, adult-use
88.13 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is
88.14 allowed, a cannabis event organizer shall maintain a clearly visible and legible sign consisting
88.15 of the following statement: "No persons under 21 allowed." The lettering of the sign shall
88.16 be not less than one inch in height.

88.17 Subd. 5. **Cannabis waste.** A cannabis event organizer shall ensure that all used, unused,
88.18 and waste cannabis plants, adult-use cannabis flower, adult-use cannabis products,
88.19 lower-potency hemp edibles, and hemp-derived consumer products that are not removed
88.20 by a customer, cannabis business, or hemp business are disposed of in a manner approved
88.21 by the office.

88.22 Subd. 6. **Transportation of cannabis plants, flower, and products.** All transportation
88.23 of cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
88.24 hemp edibles, and hemp-derived consumer products intended for display or sale and all
88.25 such items used for display or not sold during the cannabis event must be transported to
88.26 and from the cannabis event by a licensed cannabis transporter.

88.27 Subd. 7. **Cannabis event sales.** (a) Cannabis microbusinesses with a retail endorsement,
88.28 cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and lower-potency
88.29 hemp edible retailers, including the cannabis event organizer, may be authorized to sell
88.30 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
88.31 hemp edibles, and hemp-derived consumer products to customers at a cannabis event.

88.32 (b) All sales of cannabis plants, adult-use cannabis flower, adult-use cannabis products,
88.33 lower-potency hemp edibles, and hemp-derived consumer products at a cannabis event must
88.34 take place in a retail area as designated in the premises diagram.

89.1 (c) Authorized retailers may only conduct sales within their specifically assigned area.

89.2 (d) Authorized retailers must verify the age of all customers pursuant to section 342.27,
89.3 subdivision 4, before completing a sale and may not sell cannabis plants, adult-use cannabis
89.4 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
89.5 products to an individual under 21 years of age.

89.6 (e) Authorized retailers may display one sample of each type of cannabis plant, adult-use
89.7 cannabis flower, adult-use cannabis product, lower-potency hemp edible, and hemp-derived
89.8 consumer product available for sale. Samples of adult-use cannabis and adult-use cannabis
89.9 products must be stored in a sample jar or display case and be accompanied by a label or
89.10 notice containing the information required to be affixed to the packaging or container
89.11 containing adult-use cannabis flower and adult-use cannabis products sold to customers. A
89.12 sample may not consist of more than eight grams of adult-use cannabis flower or adult-use
89.13 cannabis concentrate, or an edible cannabis product infused with more than 100 milligrams
89.14 of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the adult-use
89.15 cannabis flower or adult-use cannabis product before purchase.

89.16 (f) The notice requirements under section 342.27, subdivision 6, apply to authorized
89.17 retailers offering cannabis plants, adult-use cannabis flower, adult-use cannabinoid products,
89.18 and hemp-derived consumer products for sale at a cannabis event.

89.19 (g) Authorized retailers may not:

89.20 (1) sell adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
89.21 edibles, or hemp-derived consumer products to a person who is visibly intoxicated;

89.22 (2) knowingly sell more cannabis plants, adult-use cannabis flower, adult-use cannabis
89.23 products, lower-potency hemp edibles, or hemp-derived consumer products than a customer
89.24 is legally permitted to possess;

89.25 (3) sell medical cannabis flower or medical cannabinoid products;

89.26 (4) give away cannabis plants, cannabis flower, cannabis products, lower-potency hemp
89.27 edibles, or hemp-derived consumer products; or

89.28 (5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
89.29 lower-potency hemp edibles, or hemp-derived consumer products in vending machines.

89.30 (h) Except for samples of a cannabis plant, adult-use cannabis flower, adult-use cannabis
89.31 product, lower-potency hemp edible, and hemp-derived consumer product, all cannabis
89.32 plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,
89.33 and hemp-derived consumer products for sale at a cannabis event must be stored in a secure,

90.1 locked container that is not accessible to the public. Such items being stored at a cannabis
90.2 event shall not be left unattended.

90.3 (i) All cannabis plants, adult-use cannabis flower, adult-use cannabis products,
90.4 lower-potency hemp edibles, and hemp-derived consumer products for sale at a cannabis
90.5 event must comply with this chapter and rules adopted pursuant to this chapter regarding
90.6 the testing, packaging, and labeling of those items.

90.7 (j) All cannabis plants, adult-use cannabis flower, and adult-use cannabis products sold,
90.8 damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring
90.9 system.

90.10 Subd. 8. **Cannabis event on-site consumption.** (a) If approved by the local unit of
90.11 government, a cannabis event may designate an area for consumption of adult-use cannabis
90.12 flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer
90.13 products, or any combination of those items.

90.14 (b) Access to areas where consumption of adult-use cannabis flower, adult-use cannabis
90.15 products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall
90.16 be restricted to individuals who are at least 21 years of age.

90.17 (c) The cannabis event organizer shall ensure that consumption of adult-use cannabis
90.18 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
90.19 products within a designated consumption area is not visible from any public place.

90.20 (d) The cannabis event organizer shall not permit consumption of alcohol or tobacco.

90.21 Sec. 41. **[342.41] CANNABIS DELIVERY SERVICE LICENSING.**

90.22 Subdivision 1. **Authorized actions.** A cannabis delivery service license entitles the
90.23 license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles,
90.24 and hemp-derived consumer products from licensed cannabis microbusinesses with a retail
90.25 endorsement, cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and
90.26 medical cannabis retailers; transport and deliver cannabis flower, cannabis products,
90.27 lower-potency hemp edibles, and hemp-derived consumable products to customers; and
90.28 perform other actions approved by the office.

90.29 Subd. 2. **Additional information required.** In addition to the information required to
90.30 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
90.31 a person, cooperative, or business seeking a cannabis delivery service license must submit
90.32 the following information in a form approved by the office:

91.1 (1) a list of all vehicles to be used in the delivery of cannabis flower, cannabis products,
91.2 lower-potency hemp edibles, and hemp-derived consumer products including:

91.3 (i) the vehicle make, model, and color;

91.4 (ii) the vehicle identification number; and

91.5 (iii) the license plate number;

91.6 (2) proof of insurance for each vehicle;

91.7 (3) a business plan demonstrating policies to avoid sales of cannabis flower, cannabis
91.8 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
91.9 who are under 21 years of age and plans to prevent the visibility of cannabis flower, cannabis
91.10 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
91.11 outside the delivery vehicle; and

91.12 (4) evidence that the business will comply with the applicable operation requirements
91.13 for the license being sought.

91.14 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
91.15 cannabis delivery service license may also hold a cannabis retailer license, a cannabis
91.16 wholesaler license, a cannabis transporter license, a cannabis event organizer license, and
91.17 a medical cannabis retailer license subject to the ownership limitations that apply to those
91.18 licenses.

91.19 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
91.20 cannabis delivery service license may own or operate any other cannabis business or hemp
91.21 business.

91.22 (c) The office by rule may limit the number of cannabis delivery service licenses that a
91.23 person or business may hold.

91.24 (d) For purposes of this subdivision, a restriction on the number or type of license that
91.25 a business may hold applies to every cooperative member or every director, manager, and
91.26 general partner of a cannabis business.

91.27 Sec. 42. **[342.42] CANNABIS DELIVERY SERVICE OPERATIONS.**

91.28 Subdivision 1. **Age or registry verification.** Prior to completing a delivery, a cannabis
91.29 delivery service shall verify that the customer is at least 21 years of age or is enrolled in the
91.30 registry program. Section 342.27, subdivision 4, applies to the verification of a customer's
91.31 age. Registry verification issued by the Division of Medical Cannabis may be considered
91.32 evidence that the person is enrolled in the registry program.

92.1 Subd. 2. **Records.** The office by rule shall establish record-keeping requirements for a
92.2 cannabis delivery service, including but not limited to proof of delivery to individuals who
92.3 are at least 21 years of age or enrolled in the registry program.

92.4 Subd. 3. **Amount to be transported.** The office by rule shall establish limits on the
92.5 amount of cannabis flower, cannabis products, lower-potency hemp edibles, and
92.6 hemp-derived consumer products that a cannabis delivery service may transport.

92.7 Subd. 4. **Statewide monitoring system.** Receipt of cannabis flower and cannabis products
92.8 by the cannabis delivery service and a delivery to a customer must be recorded in the
92.9 statewide monitoring system within the time established by rule.

92.10 Subd. 5. **Storage compartment.** Cannabis flower, cannabis products, lower-potency
92.11 hemp edibles, and hemp-derived consumer products must be transported in a locked, safe,
92.12 and secure storage compartment that is part of the cannabis delivery service vehicle or in a
92.13 locked storage container that has a separate key or combination pad. Cannabis flower,
92.14 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products may
92.15 not be visible from outside the cannabis delivery service vehicle.

92.16 Subd. 6. **Identifying logos or business names prohibited.** No cannabis delivery service
92.17 vehicle or trailer may contain an image depicting the types of items being transported,
92.18 including but not limited to an image depicting a cannabis or hemp leaf, or a name suggesting
92.19 that the cannabis delivery service vehicle is used for transporting cannabis flower, cannabis
92.20 products, lower-potency hemp edibles, and hemp-derived consumer products.

92.21 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by
92.22 or contracted with the cannabis delivery service and who is at least 21 years of age may
92.23 transport cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
92.24 consumer products. All passengers in a cannabis delivery service vehicle must be cannabis
92.25 workers employed by or contracted with the cannabis delivery service.

92.26 Subd. 8. **Vehicles subject to inspection.** Any cannabis delivery service vehicle is subject
92.27 to inspection and may be stopped or inspected at any licensed cannabis business or while
92.28 en route during transportation.

92.29 Sec. 43. **[342.43] HEMP BUSINESS LICENSE TYPES; MULTIPLE LICENSES.**

92.30 Subdivision 1. **License types.** The office shall issue the following types of hemp business
92.31 licenses:

92.32 (1) lower-potency hemp edible manufacturer; and

93.1 (2) lower-potency hemp edible retailer.

93.2 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business may hold both
93.3 a lower-potency hemp edible manufacturer and lower-potency hemp edible retailer license.

93.4 (b) Nothing in this section prohibits a person, cooperative, or business from holding a
93.5 lower-potency hemp edible manufacturer license, a lower-potency hemp edible retailer
93.6 license, or both, and also holding a license to cultivate industrial hemp issued pursuant to
93.7 chapter 18K.

93.8 (c) Nothing in this section prohibits a person, cooperative, or business from holding a
93.9 lower-potency hemp edible manufacturer license, a lower-potency hemp edible retailer
93.10 license, or both, and also holding any other license, including but not limited to a license
93.11 to prepare or sell food; sell tobacco, tobacco-related devices, electronic delivery devices as
93.12 defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as
93.13 described in section 609.6855; or manufacture or sell alcoholic beverages as defined in
93.14 section 340A.101, subdivision 2.

93.15 (d) A person, cooperative, or business holding a lower-potency hemp edible manufacturer
93.16 license, a lower-potency hemp edible retailer license, or both, may not hold a cannabis
93.17 business license.

93.18 Sec. 44. **[342.44] HEMP BUSINESS LICENSES; APPLICATIONS AND ISSUANCE.**

93.19 Subdivision 1. **Application; contents.** (a) Except as otherwise provided in this
93.20 subdivision, the provisions of this chapter relating to license applications, license selection
93.21 criteria, general ownership disqualifications and requirements, and general operational
93.22 requirements do not apply to hemp businesses.

93.23 (b) The office, by rule, shall establish forms and procedures for the processing of hemp
93.24 licenses issued under this chapter. At a minimum, any application to obtain or renew a hemp
93.25 license shall include the following information, if applicable:

93.26 (1) the name, address, and date of birth of the applicant;

93.27 (2) the address and legal property description of the business;

93.28 (3) proof of trade name registration;

93.29 (4) certification that the applicant will comply with the requirements of this chapter
93.30 relating to the ownership and operation of a hemp business;

93.31 (5) identification of one or more controlling persons or managerial employees as agents
93.32 who shall be responsible for dealing with the office on all matters; and

94.1 (6) a statement that the applicant agrees to respond to the office's supplemental requests
94.2 for information.

94.3 (c) An application on behalf of a corporation or association shall be signed by at least
94.4 two officers or managing agents of that entity.

94.5 Subd. 2. **Issuance; eligibility; prohibition on transfer.** (a) The office may issue a hemp
94.6 license to an applicant who:

94.7 (1) is at least 21 years of age;

94.8 (2) has completed an application for licensure or application for renewal and has fully
94.9 and truthfully complied with all information requests relating to license application and
94.10 renewal;

94.11 (3) has paid the applicable application and license fees pursuant to section 342.11;

94.12 (4) is not employed by the office or any state agency with regulatory authority over this
94.13 chapter; and

94.14 (5) does not hold any cannabis business license.

94.15 (b) Licenses must be renewed annually.

94.16 (c) Licenses may not be transferred.

94.17 Sec. 45. **[342.45] LOWER-POTENCY HEMP EDIBLE MANUFACTURER.**

94.18 Subdivision 1. **Authorized actions.** A lower-potency hemp edible manufacturer license
94.19 entitles the license holder to:

94.20 (1) purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids
94.21 from cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis
94.22 wholesalers, other lower-potency hemp edible manufacturers, and industrial hemp growers;

94.23 (2) make hemp concentrate;

94.24 (3) manufacture artificially derived cannabinoids;

94.25 (4) manufacture lower-potency hemp edibles for public consumption;

94.26 (5) package and label lower-potency hemp edibles for sale to customers;

94.27 (6) sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp
94.28 edibles to other cannabis businesses and hemp businesses; and

94.29 (7) perform other actions approved by the office.

95.1 Subd. 2. **All manufacturer operations.** (a) All hemp manufacturing must take place in
95.2 a facility and on equipment that meets the applicable health and safety requirements
95.3 established by the office, including requirements for cleaning and testing machinery between
95.4 production of different products.

95.5 (b) A lower-potency hemp edible manufacturer must comply with all applicable
95.6 packaging, labeling, and testing requirements.

95.7 Subd. 3. **Extraction and concentration.** (a) A lower-potency hemp edible manufacturer
95.8 that creates hemp concentrate or artificially derived cannabinoids must obtain an endorsement
95.9 from the office.

95.10 (b) A lower-potency hemp edible manufacturer seeking an endorsement to create hemp
95.11 concentrate must inform the office of all methods of extraction and concentration that the
95.12 manufacturer intends to use and identify the volatile chemicals, if any, that will be involved
95.13 in the creation of hemp concentrate. A lower-potency hemp edible manufacturer may not
95.14 use a method of extraction and concentration or a volatile chemical without approval by
95.15 the office.

95.16 (c) A lower-potency hemp edible manufacturer seeking an endorsement to create
95.17 artificially derived cannabinoids must inform the office of all methods of conversion that
95.18 the manufacturer will use, including any specific catalysts that the manufacturer will employ,
95.19 to create artificially derived cannabinoids and the molecular nomenclature of all cannabinoids
95.20 or other chemical compounds that the manufacturer will create. A business licensed or
95.21 authorized to manufacture lower-potency hemp edibles may not use a method of conversion
95.22 or a catalyst without approval by the office.

95.23 (d) A lower-potency hemp edible manufacturer must obtain a certification from an
95.24 independent third-party industrial hygienist or professional engineer approving:

95.25 (1) all electrical, gas, fire suppression, and exhaust systems; and

95.26 (2) the plan for safe storage and disposal of hazardous substances, including but not
95.27 limited to any volatile chemicals.

95.28 (e) Upon the sale of hemp concentrate or artificially derived cannabinoids to any person,
95.29 cooperative, or business, a lower-potency hemp edible manufacturer must provide a statement
95.30 to the buyer that discloses the method of extraction and concentration or conversion used
95.31 and any solvents, gases, or catalysts, including but not limited to any volatile chemicals
95.32 involved in that method.

96.1 Subd. 4. **Production of consumer products.** (a) A lower-potency hemp edible
96.2 manufacturer that produces lower-potency hemp edibles must obtain an edible cannabinoid
96.3 product handler endorsement from the office.

96.4 (b) All areas within the premises of a lower-potency hemp edible manufacturer used for
96.5 producing lower-potency hemp edibles must meet the sanitary standards specified in rules
96.6 adopted by the office.

96.7 (c) A lower-potency hemp edible manufacturer may only add chemicals or compounds
96.8 approved by the office to hemp concentrate or artificially derived cannabinoids.

96.9 (d) Upon the sale of any lower-potency hemp edible to a cannabis business or hemp
96.10 business, a lower-potency hemp edible manufacturer must provide a statement to the buyer
96.11 that discloses the product's ingredients, including but not limited to any chemicals or
96.12 compounds and any major food allergens declared by name.

96.13 (e) A lower-potency hemp edible manufacturer shall not add any artificially derived
96.14 cannabinoid, hemp plant part, or hemp concentrate to a product if the manufacturer of the
96.15 product holds a trademark to the product's name, except that a lower-potency hemp edible
96.16 manufacturer may use a trademarked food product if the manufacturer uses the product as
96.17 a component or as part of a recipe and if the lower-potency hemp edible manufacturer does
96.18 not state or advertise to the customer that the final retail lower-potency hemp edible contains
96.19 a trademarked food product.

96.20 (f) A lower-potency hemp edible manufacturer shall not add any cannabis flower,
96.21 cannabis concentrate, or cannabinoid derived from cannabis flower or cannabis concentrate
96.22 to a product.

96.23 Subd. 5. **Transportation of hemp concentrate, artificially derived cannabinoids,**
96.24 **and lower-potency hemp edibles.** (a) A lower-potency hemp edible manufacturer may
96.25 transport hemp concentrate, artificially derived cannabinoids, and lower-potency hemp
96.26 edibles on public roadways provided:

96.27 (1) the artificially derived cannabinoids, hemp concentrate, or lower-potency hemp
96.28 edibles are in a locked, safe, and secure storage compartment that is part of the motor vehicle
96.29 or in a locked storage container that has a separate key or combination pad;

96.30 (2) the artificially derived cannabinoids, hemp concentrate, or lower-potency hemp
96.31 edibles are packaged in tamper-evident containers that are not visible or recognizable from
96.32 outside the transporting vehicle;

97.1 (3) the lower-potency hemp edible manufacturer has a shipping manifest in the
97.2 lower-potency hemp edible manufacturer's possession that describes the contents of all
97.3 tamper-evident containers;

97.4 (4) the transporting vehicle does not bear any markings to indicate that the vehicle
97.5 contains artificially derived cannabinoids, hemp concentrate, or lower-potency hemp edibles
97.6 and does not bear the name or logo of the lower-potency hemp edible manufacturer;

97.7 (5) all departures, arrivals, and stops are appropriately documented;

97.8 (6) at least two designated employees staff any vehicle used to transport artificially
97.9 derived cannabinoids, hemp concentrate, or lower-potency hemp edibles and at least one
97.10 employee remains with the vehicle at all times that the vehicle is transporting artificially
97.11 derived cannabinoids, hemp concentrate, or lower-potency hemp edibles;

97.12 (7) no person other than a designated employee enters a vehicle at any time that the
97.13 vehicle is transporting artificially derived cannabinoids, hemp concentrate, or lower-potency
97.14 hemp edibles; and

97.15 (8) the lower-potency hemp edible manufacturer complies with any other rules adopted
97.16 by the office.

97.17 (b) Any vehicle assigned for the purposes of transporting artificially derived cannabinoids,
97.18 hemp concentrate, or lower-potency hemp edibles is subject to inspection and may be
97.19 stopped or inspected at any point of delivery or while en route during transportation.

97.20 Sec. 46. **[342.46] LOWER-POTENCY HEMP EDIBLE RETAILER.**

97.21 Subdivision 1. Sale of lower-potency hemp edibles. (a) A lower-potency hemp edible
97.22 retailer may sell lower-potency hemp edibles to individuals who are at least 21 years of age.

97.23 (b) A lower-potency hemp edible retailer may sell lower-potency hemp edibles that:

97.24 (1) are obtained from a licensed Minnesota cannabis microbusiness, cannabis
97.25 mezzobusiness, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible
97.26 manufacturer; and

97.27 (2) meet all applicable packaging and labeling requirements.

97.28 Subd. 2. Sale of other products. A lower-potency hemp edible retailer may sell other
97.29 products or items for which the lower-potency hemp edible retailer has a license or
97.30 authorization or that do not require a license or authorization.

98.1 Subd. 3. **Age verification.** Prior to initiating a sale, an employee of the lower-potency
98.2 hemp edible retailer must verify that the customer is at least 21 years of age. Section 342.27,
98.3 subdivision 4, applies to the verification of a customer's age.

98.4 Subd. 4. **Display and storage of lower-potency hemp edibles.** A lower-potency hemp
98.5 edible retailer shall ensure that all lower-potency hemp edibles are displayed behind a
98.6 checkout counter where the public is not permitted. All lower-potency hemp edibles that
98.7 are not displayed must be stored in a secure area.

98.8 Subd. 5. **Transportation of lower-potency hemp edibles.** (a) A lower-potency hemp
98.9 edible retailer may transport lower-potency hemp edibles on public roadways provided:

98.10 (1) the lower-potency hemp edibles are in final packaging;

98.11 (2) the lower-potency hemp edibles are packaged in tamper-evident containers that are
98.12 not visible or recognizable from outside the transporting vehicle;

98.13 (3) the lower-potency hemp edible retailer has a shipping manifest in the lower-potency
98.14 hemp edible retailer's possession that describes the contents of all tamper-evident containers;

98.15 (4) the transporting vehicle does not bear any markings to indicate that the vehicle
98.16 contains lower-potency hemp edibles and does not bear the name or logo of the lower-potency
98.17 hemp edible retailer;

98.18 (5) all departures, arrivals, and stops are appropriately documented;

98.19 (6) at least two designated employees staff any vehicle used to transport lower-potency
98.20 hemp edibles and at least one employee remains with the vehicle at all times that the vehicle
98.21 is transporting lower-potency hemp edibles;

98.22 (7) no person other than a designated employee enters a vehicle at any time that the
98.23 vehicle is transporting lower-potency hemp edibles; and

98.24 (8) the lower-potency hemp edible retailer complies with any other rules adopted by the
98.25 office.

98.26 (b) Any vehicle assigned for the purposes of transporting lower-potency hemp edibles
98.27 is subject to inspection and may be stopped or inspected at any point of delivery or while
98.28 en route during transportation.

98.29 Subd. 6. **Compliant products.** (a) A lower-potency hemp edible retailer shall ensure
98.30 that all lower-potency hemp edibles offered for sale comply with the limits on the amount
98.31 and types of cannabinoids that a lower-potency hemp edible can contain, including but not
98.32 limited to the requirement that lower-potency hemp edibles:

99.1 (1) consist of servings that contain no more than five milligrams of delta-9
99.2 tetrahydrocannabinol, no more than 25 milligrams of cannabidiol, no more than 25 milligrams
99.3 of cannabigerol, or any combination of those cannabinoids that does not exceed the identified
99.4 amounts;

99.5 (2) do not contain more than a combined total of 0.5 milligrams of all other cannabinoids
99.6 per serving; and

99.7 (3) do not contain an artificially derived cannabinoid other than delta-9
99.8 tetrahydrocannabinol.

99.9 (b) If a lower-potency hemp edible is packaged in a manner that includes more than a
99.10 single serving, the lower-potency edible product must indicate each serving by scoring,
99.11 wrapping, or other indicators that appear on the lower-potency hemp edible designating the
99.12 individual serving size. If the lower-potency hemp edible is meant to be consumed as a
99.13 beverage or it is not possible to indicate a single serving by scoring or use of another indicator
99.14 that appears on the product, the lower-potency hemp edible may not be packaged in a manner
99.15 that includes more than a single serving in each container.

99.16 (c) A single package containing multiple servings of a lower-potency edible product
99.17 must contain no more than 50 milligrams of delta-9 tetrahydrocannabinol, 250 milligrams
99.18 of cannabidiol, 250 milligrams of cannabigerol, or any combination of those cannabinoids
99.19 that does not exceed the identified amounts.

99.20 Subd. 7. **Prohibitions.** A lower-potency edible product retailer may not:

99.21 (1) sell lower-potency hemp edibles to an individual who is under 21 years of age;

99.22 (2) sell a lower-potency hemp edible to a person who is visibly intoxicated;

99.23 (3) sell cannabis flower, cannabis products, or hemp-derived consumer products;

99.24 (4) allow for the dispensing of lower-potency hemp edibles in vending machines; or

99.25 (5) distribute or allow free samples of lower-potency hemp edibles.

99.26 Subd. 8. **On-site consumption.** (a) A lower-potency hemp edible retailer may permit
99.27 on-site consumption of lower-potency hemp edibles on a portion of its premises if it has an
99.28 on-site consumption endorsement.

99.29 (b) The office shall issue an on-site consumption endorsement to any lower-potency
99.30 hemp edible retailer that also holds an on-sale license issued under chapter 340A.

100.1 (c) A lower-potency hemp edible retailer must ensure that lower-potency hemp edibles
100.2 sold for on-site consumption comply with this chapter and rules adopted pursuant to this
100.3 chapter regarding testing.

100.4 (d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency
100.5 hemp edibles that are intended to be consumed as a beverage, must be served in the required
100.6 packaging, but may be removed from the products' packaging by customers and consumed
100.7 on site.

100.8 (e) Lower-potency hemp edibles that are intended to be consumed as a beverage may
100.9 be served outside of their packaging provided that the information that is required to be
100.10 contained on the label of a lower-potency hemp edible is posted or otherwise displayed by
100.11 the lower-potency hemp edible retailer. Hemp workers who serve beverages under this
100.12 paragraph are not required to obtain an edible cannabinoid product handler endorsement
100.13 under section 342.07, subdivision 3.

100.14 (f) Food and beverages not otherwise prohibited by this subdivision may be prepared
100.15 and sold on site provided that the lower-potency hemp edible retailer complies with all
100.16 relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

100.17 (g) A lower-potency hemp edible retailer may offer recorded or live entertainment
100.18 provided that the lower-potency hemp edible retailer complies with all relevant state and
100.19 local laws, ordinances, licensing requirements, and zoning requirements.

100.20 (h) In addition to the prohibitions under subdivision 6, a lower-potency hemp edible
100.21 retailer with an on-site consumption endorsement may not:

100.22 (1) sell lower-potency hemp edibles to a customer who the lower-potency hemp edible
100.23 retailer knows or reasonably should know has consumed alcohol sold or provided by the
100.24 lower-potency hemp edible retailer within the previous five hours;

100.25 (2) sell lower-potency hemp edibles that are designed or reasonably expected to be mixed
100.26 with an alcoholic beverage; or

100.27 (3) permit lower-potency hemp edibles that have been removed from the products'
100.28 packaging to be removed from the premises of the lower-potency hemp edible retailer.

100.29 Subd. 9. **Posting of notices.** A lower-potency hemp edible retailer must post all notices
100.30 as provided in section 342.27, subdivision 6.

100.31 Subd. 10. **Building conditions.** (a) A lower-potency hemp edible retailer shall maintain
100.32 compliance with state and local building, fire, and zoning codes, requirements, or regulations.

101.1 (b) A lower-potency hemp edible retailer shall ensure that the licensed premises is
101.2 maintained in a clean and sanitary condition, free from infestation by insects, rodents, or
101.3 other pests.

101.4 Subd. 11. **Enforcement.** The office shall inspect lower-potency hemp edible retailers
101.5 and take enforcement action as provided in sections 342.19 and 342.21.

101.6 Sec. 47. **[342.47] MEDICAL CANNABIS BUSINESS LICENSES.**

101.7 Subdivision 1. **License types.** (a) The office shall issue the following types of medical
101.8 cannabis business licenses:

101.9 (1) medical cannabis cultivator;

101.10 (2) medical cannabis processor; and

101.11 (3) medical cannabis retailer.

101.12 (b) The Division of Medical Cannabis may oversee the licensing and regulation of
101.13 medical cannabis businesses.

101.14 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business holding:

101.15 (1) a medical cannabis cultivator license may also hold a medical cannabis processor
101.16 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event
101.17 organizer license subject to the ownership limitations that apply to those licenses;

101.18 (2) a medical cannabis processor license may also hold a medical cannabis cultivator
101.19 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event
101.20 organizer license subject to the ownership limitations that apply to those licenses; or

101.21 (3) a medical cannabis retailer license may also hold a cannabis retailer license, a cannabis
101.22 delivery service license, and a cannabis event organizer license subject to the ownership
101.23 limitations that apply to those licenses.

101.24 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
101.25 medical cannabis license may own or operate any other cannabis business or hemp business.

101.26 (c) The office by rule may limit the number of medical cannabis business licenses that
101.27 a person or business may hold.

101.28 (d) For purposes of this subdivision, a restriction on the number of licenses or type of
101.29 license that a business may hold applies to every cooperative member or every director,
101.30 manager, and general partner of a medical cannabis business.

Subd. 3. **Registered medical cannabis manufacturers.** (a) As used in this subdivision, "medical cannabis manufacturer" means either of the two in-state manufacturers of medical cannabis registered with the commissioner of health pursuant to section 152.25 as of July 1, 2023.

(b) Notwithstanding any law to the contrary, the registration or reregistration period of a medical cannabis manufacturer expires on July 1, 2024.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 48. **[342.48] MEDICAL CANNABIS BUSINESS APPLICATIONS.**

In addition to the information required to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a medical cannabis business license must submit the following information in a form approved by the office:

(1) for medical cannabis cultivator license applicants:

(i) an operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility; and plans for compliance with applicable building code and federal and state environmental and workplace safety requirements;

(ii) a cultivation plan demonstrating the proposed size and layout of the cultivation facility that will be used exclusively for cultivation for medical cannabis, including the total amount of plant canopy; and

(iii) evidence that the business will comply with the applicable operation requirements for the license being sought;

(2) for medical cannabis processor license applicants:

(i) an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems; plans for wastewater and waste disposal for the manufacturing facility; plans for providing electricity, water, and other utilities necessary for the normal operation of the manufacturing facility; and plans for compliance with applicable building code and federal and state environmental and workplace safety requirements;

(ii) all methods of extraction and concentration that the applicant intends to use and the volatile chemicals, if any, that are involved in extraction or concentration;

(iii) if the applicant is seeking an endorsement to manufacture products infused with cannabinoids for consumption by patients enrolled in the registry program, proof of an edible cannabinoid product handler endorsement from the office; and

(iv) evidence that the applicant will comply with the applicable operation requirements for the license being sought; or

(3) for medical cannabis retailer license applicants:

(i) a list of every retail license held by the applicant and, if the applicant is a business, every retail license held, either as an individual or as part of another business, by each officer, director, manager, and general partner of the cannabis business;

(ii) an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems, policies to avoid sales to individuals who are not authorized to receive the distribution of medical cannabis flower or medical cannabinoid products, identification of a restricted area for storage, and plans to prevent the visibility of cannabis flower and cannabinoid products;

(iii) if the applicant holds or is applying for a cannabis retailer license, a diagram showing the portion of the premises in which medical cannabis flower and medical cannabinoid products will be sold and distributed and identifying an area that is definite and distinct from all other areas of the cannabis retailer, is accessed through a distinct entrance, and contains an appropriate space for a pharmacist employee of the medical cannabis retailer to consult with the patient to determine the proper type of medical cannabis flower and medical cannabinoid products and proper dosage for the patient; and

(iv) evidence that the applicant will comply with the applicable operation requirements for the license being sought.

Sec. 49. [342.49] MEDICAL CANNABIS CULTIVATORS.

(a) A medical cannabis cultivator license entitles the license holder to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to medical cannabis processors and medical cannabis retailers, transport medical cannabis flower to a medical cannabis processor located on the same premises, and perform other actions approved by the office.

(b) The office may, by rule, establish limits on the plant canopy in which a medical cannabis cultivator can grow cannabis plants and on the use of tiers within the approved plant canopy.

104.1 (c) A medical cannabis cultivator license holder must comply with all requirements of
104.2 section 342.25.

104.3 (d) A medical cannabis cultivator license holder must verify that every batch of medical
104.4 cannabis flower has passed safety, potency, and consistency testing at a cannabis testing
104.5 facility approved by the office for the testing of medical cannabis flower before the medical
104.6 cannabis cultivator may package, label, or sell the medical cannabis flower to any other
104.7 entity.

104.8 **EFFECTIVE DATE.** This section is effective January 1, 2024.

104.9 Sec. 50. **[342.50] MEDICAL CANNABIS PROCESSORS.**

104.10 (a) A medical cannabis processor license, consistent with the specific license endorsement
104.11 or endorsements, entitles the license holder to:

104.12 (1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts,
104.13 and hemp concentrate from medical cannabis cultivators, other medical cannabis processors,
104.14 and industrial hemp growers;

104.15 (2) make cannabis concentrate from medical cannabis flower;

104.16 (3) make hemp concentrate, including hemp concentrate with a delta-9
104.17 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

104.18 (4) manufacture medical cannabinoid products;

104.19 (5) package and label medical cannabinoid products for sale to other medical cannabis
104.20 processors and to medical cannabis retailers; and

104.21 (6) perform other actions approved by the office.

104.22 (b) A medical cannabis processor license holder must comply with all requirements of
104.23 section 342.26, including requirements to obtain specific license endorsements.

104.24 (c) A medical cannabis processor license holder must verify that every batch of medical
104.25 cannabinoid product has passed safety, potency, and consistency testing at a cannabis testing
104.26 facility approved by the office for the testing of medical cannabinoid products before the
104.27 medical cannabis processor may package, label, or sell the medical cannabinoid product to
104.28 any other entity.

104.29 **EFFECTIVE DATE.** This section is effective January 1, 2024.

Sec. 51. **[342.51] MEDICAL CANNABIS RETAILERS.**

Subdivision 1. Authorized actions. (a) A medical cannabis retailer license entitles the license holder to purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

(b) A medical cannabis retailer license holder must verify that all medical cannabis flower and medical cannabinoid products have passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for the testing of medical cannabis flower and medical cannabinoid products before the medical cannabis retailer may distribute the medical cannabis flower or medical cannabinoid product to any person authorized to receive medical cannabis flower or medical cannabinoid products.

Subd. 2. Distribution requirements. (a) Prior to distribution of medical cannabis flower or medical cannabinoid products, a medical cannabis retailer licensee must:

(1) review and confirm the patient's registry verification;

(2) verify that the person requesting the distribution of medical cannabis flower or medical cannabinoid products is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse using the procedures specified in section 152.11, subdivision 2d;

(3) ensure that a pharmacist employee of the medical cannabis retailer has consulted with the patient if required according to subdivision 3; and

(4) apply a patient-specific label on the medical cannabis flower or medical cannabinoid product that includes recommended dosage requirements and other information as required by rules adopted by the office.

(b) A medical cannabis retailer may not deliver medical cannabis flower or medical cannabinoid products unless the medical cannabis retailer also holds a cannabis delivery service license. Delivery of medical cannabis flower and medical cannabinoid products are subject to the provisions of section 342.42.

Subd. 3. Final approval for distribution of medical cannabis flower and medical cannabinoid products. (a) A cannabis worker who is employed by a medical cannabis retailer and who is licensed as a pharmacist pursuant to chapter 151 shall be the only person who may give final approval for the distribution of medical cannabis flower and medical cannabinoid products. Prior to the distribution of medical cannabis flower or medical

cannabinoid products, a pharmacist employed by the medical cannabis retailer must consult with the patient to determine the proper type of medical cannabis flower, medical cannabinoid product, or medical cannabis paraphernalia and proper dosage for the patient after reviewing the range of chemical compositions of medical cannabis flower or medical cannabinoid product. For purposes of this subdivision, a consultation may be conducted remotely by secure videoconference, telephone, or other remote means, as long as:

(1) the pharmacist engaging in the consultation is able to confirm the identity of the patient; and

(2) the consultation adheres to patient privacy requirements that apply to health care services delivered through telemedicine.

(b) Notwithstanding paragraph (a), a pharmacist consultation is not required prior to the distribution of medical cannabis flower or medical cannabinoid products when a medical cannabis retailer is distributing medical cannabis flower or medical cannabinoid products to a patient according to a patient-specific dosage plan established with that medical cannabis retailer and is not modifying the dosage or product being distributed under that plan. Medical cannabis flower or medical cannabinoid products distributed under this paragraph must be distributed by a pharmacy technician employed by the medical cannabis retailer.

Subd. 4. **90-day supply.** A medical cannabis retailer shall not distribute more than a 90-day supply of medical cannabis flower or medical cannabinoid products to a patient, registered designated caregiver, or parent, legal guardian, or spouse of a patient according to the dosages established for the individual patient.

Subd. 5. **Distribution to recipient in a motor vehicle.** A medical cannabis retailer may distribute medical cannabis flower and medical cannabinoid products to a patient, registered designated caregiver, or parent, legal guardian, or spouse of a patient who is at a dispensary location but remains in a motor vehicle, provided that:

(1) staff receive payment and distribute medical cannabis flower and medical cannabinoid products in a designated zone that is as close as feasible to the front door of the facility;

(2) the medical cannabis retailer ensures that the receipt of payment and distribution of medical cannabis flower and medical cannabinoid products are visually recorded by a closed-circuit television surveillance camera and provides any other necessary security safeguards;

(3) the medical cannabis retailer does not store medical cannabis flower or medical cannabinoid products outside a restricted access area and staff transport medical cannabis

107.1 flower and medical cannabinoid products from a restricted access area to the designated
107.2 zone for distribution only after confirming that the patient, designated caregiver, or parent,
107.3 guardian, or spouse has arrived in the designated zone;

107.4 (4) the payment and distribution of medical cannabis flower and medical cannabinoid
107.5 products take place only after a pharmacist consultation takes place, if required under
107.6 subdivision 3;

107.7 (5) immediately following distribution of medical cannabis flower or medical cannabinoid
107.8 products, staff enter the transaction in the statewide monitoring system; and

107.9 (6) immediately following distribution of medical cannabis flower and medical
107.10 cannabinoid products, staff take the payment received into the facility.

107.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

107.12 Sec. 52. **[342.52] PATIENT REGISTRY PROGRAM.**

107.13 Subdivision 1. **Administration.** The Division of Medical Cannabis must administer the
107.14 medical cannabis registry program.

107.15 Subd. 2. **Application procedure for patients.** (a) A patient seeking to enroll in the
107.16 registry program must submit to the Division of Medical Cannabis an application established
107.17 by the Division of Medical Cannabis and a copy of the certification specified in paragraph
107.18 (b) or, if the patient is a veteran who receives care from the United States Department of
107.19 Veterans Affairs, the information required pursuant to subdivision 3. The patient must
107.20 provide at least the following information in the application:

107.21 (1) the patient's name, mailing address, and date of birth;

107.22 (2) the name, mailing address, and telephone number of the patient's health care
107.23 practitioner;

107.24 (3) the name, mailing address, and date of birth of the patient's registered designated
107.25 caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian,
107.26 or spouse will be acting as the patient's caregiver;

107.27 (4) a disclosure signed by the patient that includes:

107.28 (i) a statement that, notwithstanding any law to the contrary, the Office of Cannabis
107.29 Management, the Division of Medical Cannabis, or an employee of the Office of Cannabis
107.30 Management or Division of Medical Cannabis may not be held civilly or criminally liable
107.31 for any injury, loss of property, personal injury, or death caused by an act or omission while
107.32 acting within the employee's scope of office or employment under this section; and

108.1 (ii) the patient's acknowledgment that enrollment in the registry program is conditional
108.2 on the patient's agreement to meet all other requirements of this section; and

108.3 (5) all other information required by the Division of Medical Cannabis.

108.4 (b) As part of the application under this subdivision, a patient must submit a copy of a
108.5 certification from the patient's health care practitioner that is dated within 90 days prior to
108.6 the submission of the application and that certifies that the patient has been diagnosed with
108.7 a qualifying medical condition.

108.8 (c) A patient's health care practitioner may submit a statement to the Division of Medical
108.9 Cannabis declaring that the patient is no longer diagnosed with a qualifying medical
108.10 condition. Within 30 days after receipt of a statement from a patient's health care practitioner,
108.11 the Division of Medical Cannabis must provide written notice to a patient stating that the
108.12 patient's enrollment in the registry program will be revoked in 30 days unless the patient
108.13 submits a certification from a health care practitioner that the patient is currently diagnosed
108.14 with a qualifying medical condition or, if the patient is a veteran, the patient submits
108.15 confirmation that the patient is currently diagnosed with a qualifying medical condition in
108.16 a form and manner consistent with the information required for an application made pursuant
108.17 to subdivision 3. If the Division of Medical Cannabis revokes a patient's enrollment in the
108.18 registry program pursuant to this paragraph, the division must provide notice to the patient
108.19 and to the patient's health care practitioner.

108.20 Subd. 3. **Application procedure for veterans.** (a) The Division of Medical Cannabis
108.21 shall establish an alternative certification procedure for veterans who receive care from the
108.22 United States Department of Veterans Affairs to confirm that the veteran has been diagnosed
108.23 with a qualifying medical condition.

108.24 (b) A patient who is also a veteran and is seeking to enroll in the registry program must
108.25 submit to the Division of Medical Cannabis an application established by the Division of
108.26 Medical Cannabis that includes the information identified in subdivision 2, paragraph (a),
108.27 and the additional information required by the Division of Medical Cannabis to certify that
108.28 the patient has been diagnosed with a qualifying medical condition.

108.29 Subd. 4. **Enrollment; denial of enrollment; revocation.** (a) Within 30 days after the
108.30 receipt of an application and certification or other documentation of a diagnosis with a
108.31 qualifying medical condition, the Division of Medical Cannabis must approve or deny a
108.32 patient's enrollment in the registry program. If the Division of Medical Cannabis approves
108.33 a patient's enrollment in the registry program, the office must provide notice to the patient
108.34 and to the patient's health care practitioner.

109.1 (b) A patient's enrollment in the registry program must only be denied if the patient:

109.2 (1) does not submit a certification from a health care practitioner or, if the patient is a
109.3 veteran, the documentation required under subdivision 3 that the patient has been diagnosed
109.4 with a qualifying medical condition;

109.5 (2) has not signed the disclosure required in subdivision 2;

109.6 (3) does not provide the information required by the Division of Medical Cannabis;

109.7 (4) provided false information on the application; or

109.8 (5) at the time of application, is also enrolled in a federally approved clinical trial for
109.9 the treatment of a qualifying medical condition with medical cannabis.

109.10 (c) If the Division of Medical Cannabis denies a patient's enrollment in the registry
109.11 program, the Division of Medical Cannabis must provide written notice to a patient of all
109.12 reasons for denying enrollment. Denial of enrollment in the registry program is considered
109.13 a final decision of the office and is subject to judicial review under chapter 14.

109.14 (d) A patient's enrollment in the registry program may be revoked only:

109.15 (1) pursuant to subdivision 2, paragraph (c);

109.16 (2) upon the death of the patient;

109.17 (3) if the patient's certifying health care practitioner has filed a declaration under
109.18 subdivision 2, paragraph (c), that the patient's qualifying diagnosis no longer exists and the
109.19 patient does not submit another certification within 30 days;

109.20 (4) if the patient does not comply with subdivision 6; or

109.21 (5) if the patient intentionally sells or diverts medical cannabis flower or medical
109.22 cannabinoid products in violation of this chapter.

109.23 If a patient's enrollment in the registry program has been revoked due to a violation of
109.24 subdivision 6, the patient may apply for enrollment 12 months after the date on which the
109.25 patient's enrollment was revoked. The office must process such an application in accordance
109.26 with this subdivision.

109.27 Subd. 5. **Registry verification.** When a patient is enrolled in the registry program, the
109.28 Division of Medical Cannabis must assign the patient a patient registry number and must
109.29 issue the patient and the patient's registered designated caregiver, parent, legal guardian, or
109.30 spouse, if applicable, a registry verification. The Division of Medical Cannabis must also

110.1 make the registry verification available to medical cannabis retailers. The registry verification
110.2 must include:

110.3 (1) the patient's name and date of birth;

110.4 (2) the patient registry number assigned to the patient; and

110.5 (3) the name and date of birth of the patient's registered designated caregiver, if any, or
110.6 the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or
110.7 spouse will act as a caregiver.

110.8 Subd. 6. **Conditions of continued enrollment.** As conditions of continued enrollment,
110.9 a patient must:

110.10 (1) continue to receive regularly scheduled treatment for the patient's qualifying medical
110.11 condition from the patient's health care practitioner; and

110.12 (2) report changes in the patient's qualifying medical condition to the patient's health
110.13 care practitioner.

110.14 Subd. 7. **Enrollment period.** Enrollment in the registry program is valid for one year.
110.15 To re-enroll, a patient must submit the information required in subdivision 2 and a patient
110.16 who is also a veteran must submit the information required in subdivision 3.

110.17 Subd. 8. **Allowable delivery methods.** A patient in the registry program may receive
110.18 medical cannabis flower and medical cannabinoid products. The office may approve
110.19 additional delivery methods to expand the types of products that qualify as medical
110.20 cannabinoid products.

110.21 Subd. 9. **Registered designated caregiver.** (a) The Division of Medical Cannabis must
110.22 register a designated caregiver for a patient if the patient requires assistance in administering
110.23 medical cannabis flower or medical cannabinoid products or in obtaining medical cannabis
110.24 flower, medical cannabinoid products, or medical cannabis paraphernalia from a medical
110.25 cannabis retailer.

110.26 (b) In order to serve as a designated caregiver, a person must:

110.27 (1) be at least:

110.28 (i) 18 years of age to obtain or assist with medical cannabinoid products or medical
110.29 cannabis paraphernalia; and

110.30 (ii) 21 years of age to obtain or assist with medical cannabis flower;

111.1 (2) agree to only possess the patient's medical cannabis flower and medical cannabinoid
111.2 products for purposes of assisting the patient; and

111.3 (3) agree that if the application is approved, the person will not serve as a registered
111.4 designated caregiver for more than six registered patients at one time. Patients who reside
111.5 in the same residence count as one patient.

111.6 (c) The office shall conduct a criminal background check on the designated caregiver
111.7 prior to registration to ensure that the person does not have a conviction for a disqualifying
111.8 felony offense. Any cost of the background check shall be paid by the person seeking
111.9 registration as a designated caregiver. A designated caregiver must have the criminal
111.10 background check renewed every two years.

111.11 (d) Nothing in this section shall be construed to prevent a registered designated caregiver
111.12 from being enrolled in the registry program as a patient and possessing and administering
111.13 medical cannabis flower or medical cannabinoid products as a patient.

111.14 Subd. 10. **Parents, legal guardians, spouses.** A parent, legal guardian, or spouse of a
111.15 patient may act as the caregiver for a patient. The parent, legal guardian, or spouse who is
111.16 acting as a caregiver must follow all requirements for parents, legal guardians, and spouses
111.17 under this chapter. Nothing in this section limits any legal authority that a parent, legal
111.18 guardian, or spouse may have for the patient under any other law.

111.19 Subd. 11. **Notice of change of name or address.** Patients and registered designated
111.20 caregivers must notify the Division of Medical Cannabis of any address or name change
111.21 within 30 days of the change having occurred. A patient or registered designated caregiver
111.22 is subject to a \$100 fine for failure to notify the office of the change.

111.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

111.24 Sec. 53. **[342.53] DUTIES OF OFFICE OF CANNABIS MANAGEMENT;**
111.25 **REGISTRY PROGRAM.**

111.26 The office may add an allowable form of medical cannabinoid product, and may add or
111.27 modify a qualifying medical condition upon its own initiative, upon a petition from a member
111.28 of the public or from the Cannabis Advisory Council or as directed by law. The office must
111.29 evaluate all petitions and must make the addition or modification if the office determines
111.30 that the addition or modification is warranted by the best available evidence and research.
111.31 If the office wishes to add an allowable form or add or modify a qualifying medical condition,
111.32 the office must notify the chairs and ranking minority members of the legislative committees
111.33 and divisions with jurisdiction over health finance and policy by January 15 of the year in

which the change becomes effective. In this notification, the office must specify the proposed addition or modification, the reasons for the addition or modification, any written comments received by the office from the public about the addition or modification, and any guidance received from the Cannabis Advisory Council. An addition or modification by the office under this subdivision becomes effective on August 1 of that year unless the legislature by law provides otherwise.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 54. **[342.54] DUTIES OF DIVISION OF MEDICAL CANNABIS; REGISTRY PROGRAM.**

Subdivision 1. Duties related to health care practitioners. The Division of Medical Cannabis must:

(1) provide notice of the registry program to health care practitioners in the state;

(2) allow health care practitioners to participate in the registry program if they request to participate and meet the program's requirements;

(3) provide explanatory information and assistance to health care practitioners to understand the nature of the therapeutic use of medical cannabis flower and medical cannabinoid products within program requirements;

(4) make available to participating health care practitioners a certification form in which a health care practitioner certifies that a patient has a qualifying medical condition; and

(5) supervise the participation of health care practitioners in the registry reporting system in which health care practitioners report patient treatment and health records information to the office in a manner that ensures stringent security and record keeping requirements and that prevents the unauthorized release of private data on individuals as defined in section 13.02.

Subd. 2. Duties related to the registry program. The Division of Medical Cannabis must:

(1) administer the registry program according to section 342.52;

(2) provide information to patients enrolled in the registry program on the existence of federally approved clinical trials for the treatment of the patient's qualifying medical condition with medical cannabis flower or medical cannabinoid products as an alternative to enrollment in the registry program;

(3) maintain safety criteria with which patients must comply as a condition of participation in the registry program to prevent patients from undertaking any task under the influence of medical cannabis flower or medical cannabinoid products that would constitute negligence or professional malpractice;

(4) review and publicly report on existing medical and scientific literature regarding the range of recommended dosages for each qualifying medical condition, the range of chemical compositions of medical cannabis flower and medical cannabinoid products that will likely be medically beneficial for each qualifying medical condition, and any risks of noncannabis drug interactions. This information must be updated by December 1 of each year. The office may consult with an independent laboratory under contract with the office or other experts in reporting and updating this information; and

(5) annually consult with cannabis businesses about medical cannabis that the businesses cultivate, manufacture, and offer for sale and post on the Division of Medical Cannabis website a list of the medical cannabis flower and medical cannabinoid products offered for sale by each medical cannabis retailer.

Subd. 3. **Research.** (a) The Division of Medical Cannabis must conduct or contract with a third party to conduct research and studies using data from health records submitted to the registry program under section 342.55, subdivision 2, and data submitted to the registry program under section 342.52, subdivisions 2 and 3. If the division contracts with a third party for research and studies, the third party must provide the division with access to all research and study results. The division must submit reports on intermediate or final research results to the legislature and major scientific journals. All data used by the division or a third party under this subdivision must be used or reported in an aggregated nonidentifiable form as part of a scientific peer-reviewed publication of research or in the creation of summary data, as defined in section 13.02, subdivision 19.

(b) The Division of Medical Cannabis may submit medical research based on the data collected under sections 342.55, subdivision 2, and data collected through the statewide monitoring system to any federal agency with regulatory or enforcement authority over medical cannabis flower and medical cannabinoid products to demonstrate the effectiveness of medical cannabis flower or medical cannabinoid products for treating or alleviating the symptoms of a qualifying medical condition.

EFFECTIVE DATE. This section is effective January 1, 2024.

114.1 Sec. 55. **[342.55] DUTIES OF HEALTH CARE PRACTITIONERS; REGISTRY**
114.2 **PROGRAM.**

114.3 **Subdivision 1. Health care practitioner duties before patient enrollment.** Before a
114.4 patient's enrollment in the registry program, a health care practitioner must:

114.5 (1) determine, in the health care practitioner's medical judgment, whether a patient has
114.6 a qualifying medical condition and, if so determined, provide the patient with a certification
114.7 of that diagnosis;

114.8 (2) advise patients, registered designated caregivers, and parents, legal guardians, and
114.9 spouses acting as caregivers of any nonprofit patient support groups or organizations;

114.10 (3) provide to patients explanatory information from the Division of Medical Cannabis,
114.11 including information about the experimental nature of the therapeutic use of medical
114.12 cannabis flower and medical cannabinoid products; the possible risks, benefits, and side
114.13 effects of the proposed treatment; and the application and other materials from the office;

114.14 (4) provide to patients a Tennessean warning as required under section 13.04, subdivision
114.15 2; and

114.16 (5) agree to continue treatment of the patient's qualifying medical condition and to report
114.17 findings to the Division of Medical Cannabis.

114.18 **Subd. 2. Duties upon patient's enrollment in registry program.** Upon receiving
114.19 notification from the Division of Medical Cannabis of the patient's enrollment in the registry
114.20 program, a health care practitioner must:

114.21 (1) participate in the patient registry reporting system under the guidance and supervision
114.22 of the Division of Medical Cannabis;

114.23 (2) report to the Division of Medical Cannabis patient health records throughout the
114.24 patient's ongoing treatment in a manner determined by the office and in accordance with
114.25 subdivision 4;

114.26 (3) determine on a yearly basis if the patient continues to have a qualifying medical
114.27 condition and, if so, issue the patient a new certification of that diagnosis. The patient
114.28 assessment conducted under this clause may be conducted via telehealth, as defined in
114.29 section 62A.673, subdivision 2; and

114.30 (4) otherwise comply with requirements established by the Office of Cannabis
114.31 Management and the Division of Medical Cannabis.

Subd. 3. **Participation not required.** Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 4. **Data.** Data on patients collected by a health care practitioner and reported to the registry program, including data on patients who are veterans who receive care from the United States Department of Veterans Affairs, are health records under section 144.291 and are private data on individuals under section 13.02 but may be used or reported in an aggregated nonidentifiable form as part of a scientific peer-reviewed publication of research conducted under section 342.54 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Subd. 5. **Exception.** The requirements of this section do not apply to a patient who is a veteran who receives care from the United States Department of Veterans Affairs or a health care practitioner employed by the United States Department of Veterans Affairs. Such a patient must meet the certification requirements developed pursuant to section 342.52, subdivision 3, before the patient's enrollment in the registry program. The Division of Medical Cannabis may establish policies and procedures to obtain medical records and other relevant data from a health care practitioner employed by the United States Department of Veterans Affairs, provided that those policies and procedures are consistent with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 56. **[342.56] LIMITATIONS.**

Subdivision 1. **Limitations on consumption; locations of consumption.** Nothing in sections 342.47 to 342.60 permits any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for:

(1) undertaking a task under the influence of medical cannabis flower or medical cannabinoid products that would constitute negligence or professional malpractice;

(2) possessing or consuming medical cannabis flower or medical cannabinoid products:

(i) on a school bus or van;

(ii) in a correctional facility;

(iii) in a state-operated treatment program, including the Minnesota sex offender program;

or

(iv) on the grounds of a child care facility or family or group family day care program;

(3) vaporizing or smoking medical cannabis;

116.1 (i) on any form of public transportation;

116.2 (ii) where the vapor would be inhaled by a nonpatient minor or where the smoke would
116.3 be inhaled by a minor; or

116.4 (iii) in any public place, including any indoor or outdoor area used by or open to the
116.5 general public or a place of employment, as defined in section 144.413, subdivision 1b; and

116.6 (4) operating, navigating, or being in actual physical control of a motor vehicle, aircraft,
116.7 train, or motorboat or working on transportation property, equipment, or facilities while
116.8 under the influence of medical cannabis flower or a medical cannabinoid product.

116.9 Subd. 2. **Health care facilities.** (a) Health care facilities licensed under chapter 144A;
116.10 hospice providers licensed under chapter 144A; boarding care homes or supervised living
116.11 facilities licensed under section 144.50; assisted living facilities licensed under chapter
116.12 144G; facilities owned, controlled, managed, or under common control with hospitals
116.13 licensed under chapter 144; and other health care facilities licensed by the commissioner
116.14 of health may adopt reasonable restrictions on the use of medical cannabis flower or medical
116.15 cannabinoid products by a patient enrolled in the registry program who resides at or is
116.16 actively receiving treatment or care at the facility. The restrictions may include a provision
116.17 that the facility must not store or maintain a patient's supply of medical cannabis flower or
116.18 medical cannabinoid products, that the facility is not responsible for providing medical
116.19 cannabis flower or medical cannabinoid products for patients, and that medical cannabis
116.20 flower or medical cannabinoid products are used only in a location specified by the facility
116.21 or provider.

116.22 (b) An employee or agent of a facility or provider listed in this subdivision or a person
116.23 licensed under chapter 144E is not violating this chapter or chapter 152 for the possession
116.24 of medical cannabis flower or medical cannabinoid products while carrying out employment
116.25 duties, including providing or supervising care to a patient enrolled in the registry program,
116.26 or distribution of medical cannabis flower or medical cannabinoid products to a patient
116.27 enrolled in the registry program who resides at or is actively receiving treatment or care at
116.28 the facility or from the provider with which the employee or agent is affiliated. Nothing in
116.29 this subdivision requires facilities and providers listed in this subdivision to adopt such
116.30 restrictions. No facility or provider listed in this subdivision may unreasonably limit a
116.31 patient's access to or use of medical cannabis flower or medical cannabinoid products to
116.32 the extent that such use is authorized under sections 342.47 to 342.60.

116.33 **EFFECTIVE DATE.** This section is effective January 1, 2024.

117.1 Sec. 57. **[342.57] PROTECTIONS FOR REGISTRY PROGRAM PARTICIPANTS.**

117.2 Subdivision 1. **Presumption.** There is a presumption that a patient enrolled in the registry
117.3 program is engaged in the authorized use of medical cannabis flower and medical cannabinoid
117.4 products. This presumption may be rebutted by evidence that the patient's use of medical
117.5 cannabis flower or medical cannabinoid products was not for the purpose of treating or
117.6 alleviating the patient's qualifying medical condition or symptoms associated with the
117.7 patient's qualifying medical condition.

117.8 Subd. 2. **Criminal and civil protections.** (a) Subject to section 342.56, the following
117.9 are not violations of this chapter or chapter 152:

117.10 (1) use or possession of medical cannabis flower, medical cannabinoid products, or
117.11 medical cannabis paraphernalia by a patient enrolled in the registry program or by a visiting
117.12 patient to whom medical cannabis flower or medical cannabinoid products are distributed
117.13 under section 342.51, subdivision 5;

117.14 (2) possession of medical cannabis flower, medical cannabinoid products, or medical
117.15 cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or
117.16 spouse of a patient enrolled in the registry program; or

117.17 (3) possession of medical cannabis flower, medical cannabinoid products, or medical
117.18 cannabis paraphernalia by any person while carrying out duties required under sections
117.19 342.47 to 342.60.

117.20 (b) The Office of Cannabis Management, members of the Cannabis Advisory Council,
117.21 Office of Cannabis Management employees, agents or contractors of the Office of Cannabis
117.22 Management, and health care practitioners participating in the registry program are not
117.23 subject to any civil penalties or disciplinary action by the Board of Medical Practice, the
117.24 Board of Nursing, or any business, occupational, or professional licensing board or entity
117.25 solely for participating in the registry program either in a professional capacity or as a
117.26 patient. A pharmacist licensed under chapter 151 is not subject to any civil penalties or
117.27 disciplinary action by the Board of Pharmacy when acting in accordance with sections
117.28 342.47 to 342.60 either in a professional capacity or as a patient. Nothing in this section
117.29 prohibits a professional licensing board from taking action in response to a violation of law.

117.30 (c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the
117.31 governor, or an employee of a state agency must not be held civilly or criminally liable for
117.32 any injury, loss of property, personal injury, or death caused by any act or omission while
117.33 acting within the scope of office or employment under sections 342.47 to 342.60.

(d) Federal, state, and local law enforcement authorities are prohibited from accessing the registry except when acting pursuant to a valid search warrant. Notwithstanding section 13.09, a violation of this paragraph is a gross misdemeanor.

(e) Notwithstanding any law to the contrary, the office and employees of the office must not release data or information about an individual contained in any report or document or in the registry and must not release data or information obtained about a patient enrolled in the registry program, except as provided in sections 342.47 to 342.60. Notwithstanding section 13.09, a violation of this paragraph is a gross misdemeanor.

(f) No information contained in a report or document, contained in the registry, or obtained from a patient under sections 342.47 to 342.60 may be admitted as evidence in a criminal proceeding, unless:

(1) the information is independently obtained; or

(2) admission of the information is sought in a criminal proceeding involving a criminal violation of sections 342.47 to 342.60.

(g) Possession of a registry verification or an application for enrollment in the registry program:

(1) does not constitute probable cause or reasonable suspicion;

(2) must not be used to support a search of the person or property of the person with a registry verification or application to enroll in the registry program; and

(3) must not subject the person or the property of the person to inspection by any government agency.

Subd. 3. **School enrollment; rental property.** (a) No school may refuse to enroll a patient as a pupil or otherwise penalize a patient solely because the patient is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

(b) No landlord may refuse to lease to a patient or otherwise penalize a patient solely because the patient is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Subd. 4. **Medical care.** For purposes of medical care, including organ transplants, a patient's use of medical cannabis flower or medical cannabinoid products according to

119.1 sections 342.47 to 342.60 is considered the equivalent of the authorized use of a medication
119.2 used at the discretion of a health care practitioner and does not disqualify a patient from
119.3 needed medical care.

119.4 Subd. 5. **Employment.** (a) Unless a failure to do so would violate federal or state law
119.5 or regulations or cause an employer to lose a monetary or licensing-related benefit under
119.6 federal law or regulations, an employer may not discriminate against a person in hiring,
119.7 termination, or any term or condition of employment, or otherwise penalize a person, if the
119.8 discrimination is based on:

119.9 (1) the person's status as a patient enrolled in the registry program; or

119.10 (2) a patient's positive drug test for cannabis components or metabolites, unless the
119.11 patient used, possessed, sold, transported, or was impaired by medical cannabis flower or
119.12 a medical cannabinoid product on work premises, during working hours, or while operating
119.13 an employer's machinery, vehicle, or equipment.

119.14 (b) An employee who is a patient and whose employer requires the employee to undergo
119.15 drug testing according to section 181.953 may present the employee's registry verification
119.16 as part of the employee's explanation under section 181.953, subdivision 6.

119.17 Subd. 6. **Custody; visitation; parenting time.** A person must not be denied custody of
119.18 a minor child or visitation rights or parenting time with a minor child based solely on the
119.19 person's status as a patient enrolled in the registry program. There must be no presumption
119.20 of neglect or child endangerment for conduct allowed under sections 342.47 to 342.60,
119.21 unless the person's behavior creates an unreasonable danger to the safety of the minor as
119.22 established by clear and convincing evidence.

119.23 Subd. 7. **Action for damages.** In addition to any other remedy provided by law, a patient
119.24 may bring an action for damages against any person who violates subdivision 3, 4, or 5. A
119.25 person who violates subdivision 3, 4, or 5 is liable to a patient injured by the violation for
119.26 the greater of the person's actual damages or a civil penalty of \$100 and reasonable attorney
119.27 fees.

119.28 **EFFECTIVE DATE.** This section is effective January 1, 2024.

119.29 Sec. 58. **[342.58] VIOLATION BY HEALTH CARE PRACTITIONER; CRIMINAL**
119.30 **PENALTY.**

119.31 A health care practitioner who knowingly refers patients to a medical cannabis business
119.32 or to a designated caregiver, who advertises as a retailer or producer of medical cannabis
119.33 flower or medical cannabinoid products, or who issues certifications while holding a financial

120.1 interest in a cannabis retailer or medical cannabis business is guilty of a misdemeanor and
120.2 may be sentenced to imprisonment for not more than 90 days or to payment of not more
120.3 than \$1,000, or both.

120.4 **EFFECTIVE DATE.** This section is effective January 1, 2024.

120.5 Sec. 59. **[342.59] DATA PRACTICES.**

120.6 Subdivision 1. **Data classification.** Patient health records maintained by the Office of
120.7 Cannabis Management or the Division of Medical Cannabis and government data in patient
120.8 health records maintained by a health care practitioner are classified as private data on
120.9 individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in
120.10 section 13.02, subdivision 9.

120.11 Subd. 2. **Allowable use; prohibited use.** Data specified in subdivision 1 may be used
120.12 to comply with chapter 13, to comply with a request from the legislative auditor or the state
120.13 auditor in the performance of official duties, and for purposes specified in sections 342.47
120.14 to 342.60. Data specified in subdivision 1 and maintained by the Office of Cannabis
120.15 Management or Division of Medical Cannabis must not be used for any purpose not specified
120.16 in sections 342.47 to 342.60 and must not be combined or linked in any manner with any
120.17 other list, dataset, or database. Data specified in subdivision 1 must not be shared with any
120.18 federal agency, federal department, or federal entity unless specifically ordered to do so by
120.19 a state or federal court.

120.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

120.21 Sec. 60. **[342.60] CLINICAL TRIALS.**

120.22 The Division of Medical Cannabis may conduct, or award grants to health care providers
120.23 or research organizations to conduct, clinical trials on the safety and efficacy of using
120.24 medical cannabis flower or medical cannabinoid products to treat a specific health condition.
120.25 A health care provider or research organization receiving a grant under this section must
120.26 provide the office with access to all data collected in a clinical trial funded under this section.
120.27 The office may use data from clinical trials conducted or funded under this section as
120.28 evidence to approve additional qualifying medical conditions or additional allowable forms
120.29 of medical cannabis.

120.30 **EFFECTIVE DATE.** This section is effective January 1, 2024.

121.1 Sec. 61. **[342.61] TESTING.**

121.2 Subdivision 1. **Testing required.** Cannabis businesses and hemp businesses shall not
121.3 sell or offer for sale cannabis flower, cannabis products, artificially derived cannabinoids,
121.4 lower-potency hemp edibles, or hemp-derived consumer products to another cannabis
121.5 business or hemp business, or to a customer or patient, or otherwise transfer cannabis flower,
121.6 cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or
121.7 hemp-derived consumer products to another cannabis business or hemp business, unless:

121.8 (1) a representative sample of the batch of cannabis flower, cannabis products, artificially
121.9 derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products
121.10 has been tested according to this section and rules adopted under this chapter;

121.11 (2) the testing was completed by a cannabis testing facility licensed under this chapter;
121.12 and

121.13 (3) the tested sample of cannabis flower, cannabis products, artificially derived
121.14 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products was found
121.15 to meet testing standards established by the office.

121.16 Subd. 2. **Procedures and standards established by office.** (a) The office shall by rule
121.17 establish procedures governing the sampling, handling, testing, storage, and transportation
121.18 of cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency
121.19 hemp edibles, or hemp-derived consumer products tested under this section; the contaminants
121.20 for which cannabis flower, cannabis products, artificially derived cannabinoids,
121.21 lower-potency hemp edibles, or hemp-derived consumer products must be tested; standards
121.22 for potency and homogeneity testing; and procedures applicable to cannabis businesses,
121.23 hemp businesses, and cannabis testing facilities regarding cannabis flower, cannabis products,
121.24 artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer
121.25 products that fail to meet the standards for allowable levels of contaminants established by
121.26 the office, that fail to meet the potency limits in this chapter, or that do not conform with
121.27 the content of the cannabinoid profile listed on the label.

121.28 (b) All testing required under this section must be performed in a manner that is consistent
121.29 with general requirements for testing and calibration activities.

121.30 Subd. 3. **Standards established by Office of Cannabis Management.** The office shall
121.31 by rule establish standards for allowable levels of contaminants in cannabis flower, cannabis
121.32 products, artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived
121.33 consumer products, and growing media. Contaminants for which the office must establish

122.1 allowable levels must include but are not limited to residual solvents, foreign material,
122.2 microbiological contaminants, heavy metals, pesticide residue, and mycotoxins.

122.3 Subd. 4. **Testing of samples; disclosures.** (a) On a schedule determined by the office,
122.4 every cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
122.5 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
122.6 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall
122.7 make each batch of cannabis flower, cannabis products, artificially derived cannabinoids,
122.8 lower-potency hemp edibles, or hemp-derived consumer products grown, manufactured, or
122.9 imported by the cannabis business or hemp business available to a cannabis testing facility.

122.10 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
122.11 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
122.12 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must
122.13 disclose all known information regarding pesticides, fertilizers, solvents, or other foreign
122.14 materials, including but not limited to catalysts used in creating artificially derived
122.15 cannabinoids, applied or added to the batch of cannabis flower, cannabis products, artificially
122.16 derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products
122.17 subject to testing. Disclosure must be made to the cannabis testing facility and must include
122.18 information about all applications by any person, whether intentional or accidental.

122.19 (c) The cannabis testing facility shall select one or more representative samples from
122.20 each batch, test the samples for the presence of contaminants, and test the samples for
122.21 potency and homogeneity and to allow the cannabis flower, cannabis product, artificially
122.22 derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product to be
122.23 accurately labeled with its cannabinoid profile. Testing for contaminants must include testing
122.24 for residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide
122.25 residue, mycotoxins, and any items identified pursuant to paragraph (b), and may include
122.26 testing for other contaminants. A cannabis testing facility must destroy or return to the
122.27 cannabis business or hemp business any part of the sample that remains after testing.

122.28 Subd. 5. **Test results.** (a) If a sample meets the applicable testing standards, a cannabis
122.29 testing facility shall issue a certification to a cannabis microbusiness, cannabis
122.30 mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis wholesaler with an
122.31 endorsement to import products, lower-potency hemp edible manufacturer, medical cannabis
122.32 cultivator, or medical cannabis processor, and the cannabis business or hemp business may
122.33 then sell or transfer the batch of cannabis flower, cannabis products, artificially derived
122.34 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products from which
122.35 the sample was taken to another cannabis business or hemp business, or offer the cannabis

123.1 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
123.2 for sale to customers or patients. If a sample does not meet the applicable testing standards
123.3 or if the testing facility is unable to test for a substance identified pursuant to subdivision
123.4 4, paragraph (b), the batch from which the sample was taken shall be subject to procedures
123.5 established by the office for such batches, including destruction, remediation, or retesting.
123.6 A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
123.7 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
123.8 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must
123.9 maintain the test results for cannabis flower, cannabis products, artificially derived
123.10 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products grown,
123.11 manufactured, or imported by that cannabis business or hemp business for at least five years
123.12 after the date of testing.

123.13 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
123.14 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
123.15 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall
123.16 make test results maintained by that cannabis business or hemp business available for review
123.17 by any member of the public, upon request. Test results made available to the public must
123.18 be in plain language.

123.19 Sec. 62. **[342.62] PACKAGING.**

123.20 Subdivision 1. **General.** All cannabis flower, cannabis products, lower-potency hemp
123.21 edibles, and hemp-derived consumer products sold to customers or patients must be packaged
123.22 as required by this section and rules adopted under this chapter.

123.23 Subd. 2. **Packaging requirements.** (a) Except as provided in paragraph (b), all cannabis
123.24 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
123.25 sold to customers or patients must be:

123.26 (1) prepackaged in packaging or a container that is plain, child-resistant, tamper-evident,
123.27 and opaque; or

123.28 (2) placed in packaging or a container that is plain, child-resistant, tamper-evident, and
123.29 opaque at the final point of sale to a customer.

123.30 (b) The requirement that packaging be child-resistant does not apply to a lower-potency
123.31 hemp edible that is sold pursuant to section 342.46, subdivision 8, paragraph (e), or:

123.32 (1) is intended to be consumed as a beverage;

123.33 (2) contains nonintoxicating cannabinoids;

124.1 (3) does not contain more than a combined total of 0.25 milligrams of intoxicating
124.2 cannabinoids; and

124.3 (4) does not contain an artificially derived cannabinoid.

124.4 (c) If a cannabis product, lower-potency hemp edible, or a hemp-derived consumer
124.5 product is packaged in a manner that includes more than a single serving, each serving must
124.6 be indicated by scoring, wrapping, or other indicators designating the individual serving
124.7 size. If the item is a lower-potency hemp edible, serving indicators must meet the
124.8 requirements of section 342.46, subdivision 6, paragraph (b).

124.9 (d) Edible cannabis products and lower-potency hemp edibles containing more than a
124.10 single serving must be prepackaged or placed at the final point of sale in packaging or a
124.11 container that is resealable.

124.12 Subd. 3. **Packaging prohibitions.** (a) Cannabis flower, cannabis products, lower-potency
124.13 hemp edibles, or hemp-derived consumer products sold to customers or patients must not
124.14 be packaged in a manner that:

124.15 (1) bears a reasonable resemblance to any commercially available product that does not
124.16 contain cannabinoids, whether the manufacturer of the product holds a registered trademark
124.17 or has registered the trade dress; or

124.18 (2) is designed to appeal to persons under 21 years of age.

124.19 (b) Packaging for cannabis flower, cannabis products, lower-potency hemp edibles, and
124.20 hemp-derived consumer products must not contain or be coated with any perfluoroalkyl
124.21 substance.

124.22 (c) Edible cannabis products and lower-potency hemp edibles must not be packaged in
124.23 a material that is not approved by the United States Food and Drug Administration for use
124.24 in packaging food.

124.25 Sec. 63. **[342.63] LABELING.**

124.26 Subdivision 1. **General.** All cannabis flower, cannabis products, lower-potency hemp
124.27 edibles, and hemp-derived consumer products sold to customers or patients must be labeled
124.28 as required by this section and rules adopted under this chapter.

124.29 Subd. 2. **Content of label; cannabis.** All cannabis flower and hemp-derived consumer
124.30 products that consist of hemp plant parts sold to customers or patients must have affixed
124.31 on the packaging or container of the cannabis flower or hemp-derived consumer product a
124.32 label that contains at least the following information:

125.1 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
125.2 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower where the
125.3 cannabis flower or hemp plant part was cultivated;

125.4 (2) the net weight or volume of cannabis flower or hemp plant parts in the package or
125.5 container;

125.6 (3) the batch number;

125.7 (4) the cannabinoid profile;

125.8 (5) a universal symbol established by the office indicating that the package or container
125.9 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a
125.10 hemp-derived consumer product;

125.11 (6) verification that the cannabis flower or hemp plant part was tested according to
125.12 section 342.61 and that the cannabis flower or hemp plant part complies with the applicable
125.13 standards;

125.14 (7) the maximum dose, quantity, or consumption that may be considered medically safe
125.15 within a 24-hour period;

125.16 (8) the following statement: "Keep this product out of reach of children."; and

125.17 (9) any other statements or information required by the office.

125.18 Subd. 3. **Content of label; cannabinoid products.** (a) All cannabis products,
125.19 lower-potency hemp edibles, hemp-derived consumer products other than products subject
125.20 to the requirements under subdivision 2, medical cannabinoid products, and hemp-derived
125.21 topical products sold to customers or patients must have affixed to the packaging or container
125.22 of the cannabis product a label that contains at least the following information:

125.23 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
125.24 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower that cultivated
125.25 the cannabis flower or hemp plant parts used in the cannabis product, lower-potency hemp
125.26 edible, hemp-derived consumer product, or medical cannabinoid product;

125.27 (2) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
125.28 cannabis manufacturer, lower-potency hemp edible manufacturer, medical cannabis
125.29 processor, or industrial hemp grower that manufactured the cannabis concentrate, hemp
125.30 concentrate, or artificially derived cannabinoid and, if different, the name and license number
125.31 of the cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer,

- 126.1 lower-potency hemp edible manufacturer, or medical cannabis processor that manufactured
126.2 the product;
- 126.3 (3) the net weight or volume of the cannabis product, lower-potency hemp edible, or
126.4 hemp-derived consumer product in the package or container;
- 126.5 (4) the type of cannabis product, lower-potency hemp edible, or hemp-derived consumer
126.6 product;
- 126.7 (5) the batch number;
- 126.8 (6) the serving size;
- 126.9 (7) the cannabinoid profile per serving and in total;
- 126.10 (8) a list of ingredients;
- 126.11 (9) a universal symbol established by the office indicating that the package or container
126.12 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a
126.13 hemp-derived consumer product;
- 126.14 (10) a warning symbol developed by the office in consultation with the commissioner
126.15 of health and the Minnesota Poison Control System that:
- 126.16 (i) is at least three-quarters of an inch tall and six-tenths of an inch wide;
- 126.17 (ii) is in a highly visible color;
- 126.18 (iii) includes a visual element that is commonly understood to mean a person should
126.19 stop;
- 126.20 (iv) indicates that the product is not for children; and
- 126.21 (v) includes the phone number of the Minnesota Poison Control System;
- 126.22 (11) verification that the cannabis product, lower-potency hemp edible, hemp-derived
126.23 consumer product, or medical cannabinoid product was tested according to section 342.61
126.24 and that the cannabis product, lower-potency hemp edible, hemp-derived consumer product,
126.25 or medical cannabinoid product complies with the applicable standards;
- 126.26 (12) the maximum dose, quantity, or consumption that may be considered medically
126.27 safe within a 24-hour period;
- 126.28 (13) the following statement: "Keep this product out of reach of children."; and
- 126.29 (14) any other statements or information required by the office.

(b) The office may by rule establish alternative labeling requirements for lower-potency edible products that are imported into the state provided that those requirements provide consumers with information that is substantially similar to the information described in paragraph (a).

Subd. 4. **Additional content of label; medical cannabis flower and medical cannabinoid products.** In addition to the applicable requirements for labeling under subdivision 2 or 3, all medical cannabis flower and medical cannabinoid products must include at least the following information on the label affixed to the packaging or container of the medical cannabis flower or medical cannabinoid product:

(1) the patient's name and date of birth;

(2) the name and date of birth of the patient's registered designated caregiver or, if listed on the registry verification, the name of the patient's parent, legal guardian, or spouse, if applicable; and

(3) the patient's registry identification number.

Subd. 5. **Content of label; hemp-derived topical products.** (a) All hemp-derived topical products sold to customers must have affixed to the packaging or container of the product a label that contains at least the following information:

(1) the manufacturer name, location, phone number, and website;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product;

(3) the net weight or volume of the product in the package or container;

(4) the type of topical product;

(5) the amount or percentage of cannabidiol, cannabigerol, or any other cannabinoid, derivative, or extract of hemp, per serving and in total;

(6) a list of ingredients;

(7) a statement that the product does not claim to diagnose, treat, cure, or prevent any disease and that the product has not been evaluated or approved by the United States Food and Drug Administration, unless the product has been so approved; and

(8) any other statements or information required by the office.

(b) The information required in paragraph (a), clauses (1), (2), and (5), may be provided through the use of a scannable barcode or matrix barcode that links to a page on a website

128.1 maintained by the manufacturer or distributor if that page contains all of the information
128.2 required by this subdivision.

128.3 Subd. 6. **Additional warnings.** The office shall review medical and scientific literature
128.4 to determine whether it is appropriate to require additional health and safety warnings
128.5 regarding the impact of cannabis flower, cannabis products, lower-potency hemp edibles,
128.6 and hemp-derived consumer products. The review must specifically include the identification
128.7 of any risks associated with use by pregnant or breastfeeding women or by women planning
128.8 to become pregnant, and the effects use has on brain development for those under the age
128.9 of 25. Any additional labeling requirement must contain only information that is supported
128.10 by credible science and is helpful to consumers in considering potential health risks.

128.11 Subd. 7. **Additional information.** (a) A cannabis microbusiness, cannabis mezzobusiness,
128.12 cannabis retailer, or medical cannabis retailer must provide customers and patients with the
128.13 following information:

128.14 (1) factual information about impairment effects and the expected timing of impairment
128.15 effects, side effects, adverse effects, and health risks of cannabis flower, cannabis products,
128.16 lower-potency hemp edibles, and hemp-derived consumer products;

128.17 (2) a statement that customers and patients must not operate a motor vehicle or heavy
128.18 machinery while under the influence of cannabis flower, cannabis products, lower-potency
128.19 hemp edibles, and hemp-derived consumer products;

128.20 (3) resources customers and patients may consult to answer questions about cannabis
128.21 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
128.22 products, and any side effects and adverse effects;

128.23 (4) contact information for the poison control center and a safety hotline or website for
128.24 customers to report and obtain advice about side effects and adverse effects of cannabis
128.25 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
128.26 products; and

128.27 (5) any other information specified by the office.

128.28 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or medical
128.29 cannabis retailer may include the information described in paragraph (a) on the label affixed
128.30 to the packaging or container of cannabis flower, cannabis products, lower-potency hemp
128.31 edibles, and hemp-derived consumer products by:

128.32 (1) posting the information in the premises of the cannabis microbusiness, cannabis
128.33 mezzobusiness, cannabis retailer, or medical cannabis retailer; or

129.1 (2) providing the information on a separate document or pamphlet provided to customers
129.2 or patients when the customer purchases cannabis flower, a cannabis product, a lower-potency
129.3 hemp edible, or a hemp-derived consumer product.

129.4 Sec. 64. **[342.64] ADVERTISEMENT.**

129.5 Subdivision 1. **Limitations applicable to all advertisements.** Cannabis businesses,
129.6 hemp businesses, and other persons shall not publish or cause to be published an
129.7 advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product,
129.8 a lower-potency hemp edible, or a hemp-derived consumer product in a manner that:

129.9 (1) contains false or misleading statements;

129.10 (2) contains unverified claims about the health or therapeutic benefits or effects of
129.11 consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a
129.12 hemp-derived consumer product;

129.13 (3) promotes the overconsumption of cannabis flower, a cannabis product, a
129.14 lower-potency hemp edible, or a hemp-derived consumer product;

129.15 (4) depicts a person under 21 years of age consuming cannabis flower, a cannabis product,
129.16 a lower-potency hemp edible, or a hemp-derived consumer product; or

129.17 (5) includes an image designed or likely to appeal to individuals under 21 years of age,
129.18 including cartoons, toys, animals, or children, or any other likeness to images, characters,
129.19 or phrases that is designed to be appealing to individuals under 21 years of age or encourage
129.20 consumption by individuals under 21 years of age.

129.21 Subd. 2. **Outdoor advertisements; cannabis business signs.** (a) Except as provided in
129.22 paragraph (c), an outdoor advertisement of a cannabis business, a hemp business, cannabis
129.23 flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer
129.24 product is prohibited.

129.25 (b) Cannabis businesses and hemp businesses may erect up to two fixed outdoor signs
129.26 on the exterior of the building or property of the cannabis business or hemp business. A
129.27 fixed outdoor sign:

129.28 (1) may contain the name of the cannabis business and the address and nature of the
129.29 cannabis business; and

129.30 (2) shall not include a logo or an image of any kind.

129.31 (c) The prohibition under paragraph (a) does not apply to an outdoor advertisement for
129.32 a hemp business, or the goods or services the business offers, that is not related to the

130.1 manufacture or sale of lower-potency hemp edibles and does not include an image,
130.2 description, or any reference to the manufacture or sale of lower-potency hemp edibles.

130.3 Subd. 3. **Audience under 21 years of age.** Cannabis businesses, hemp businesses, and
130.4 other persons shall not publish or cause to be published an advertisement for a cannabis
130.5 business, a hemp business, cannabis flower, a cannabis product, a lower-potency hemp
130.6 edible, or a hemp-derived consumer product in any print publication or on radio, television,
130.7 or any other medium if 30 percent or more of the audience of that medium is reasonably
130.8 expected to be individuals who are under 21 years of age, as determined by reliable, current
130.9 audience composition data.

130.10 Subd. 4. **Certain unsolicited advertising.** Cannabis businesses, hemp businesses, and
130.11 other persons shall not utilize unsolicited pop-up advertisements on the internet to advertise
130.12 a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency
130.13 hemp edible, or a hemp-derived consumer product.

130.14 Subd. 5. **Advertising using direct, individualized communication or dialogue.** Before
130.15 a cannabis business, hemp business, or another person may advertise a cannabis business,
130.16 a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a
130.17 hemp-derived consumer product through direct, individualized communication or dialogue
130.18 controlled by the cannabis business, hemp business, or other person, the cannabis business,
130.19 hemp business, or other person must use a method of age affirmation to verify that the
130.20 recipient of the direct, individualized communication or dialogue is 21 years of age or older.
130.21 For purposes of this subdivision, the method of age affirmation may include user
130.22 confirmation, birth date disclosure, or another similar registration method.

130.23 Subd. 6. **Advertising using location-based devices.** Cannabis businesses, hemp
130.24 businesses, and other persons shall not advertise a cannabis business, a hemp business,
130.25 cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived
130.26 consumer product with advertising directed toward location-based devices, including but
130.27 not limited to cellular telephones, unless:

130.28 (1) the advertising occurs via a mobile device application that is installed on the device
130.29 by the device's owner and includes a permanent and easy to implement opt-out feature; and

130.30 (2) the owner of the device is 21 years of age or older.

130.31 Subd. 7. **Advertising restrictions for health care practitioners under the medical**
130.32 **cannabis program.** (a) A health care practitioner shall not publish or cause to be published
130.33 an advertisement that:

131.1 (1) contains false or misleading statements about the registry program;

131.2 (2) uses colloquial terms to refer to medical cannabis flower or medical cannabinoid
131.3 products, such as pot, weed, or grass;

131.4 (3) states or implies that the health care practitioner is endorsed by the office, the Division
131.5 of Medical Cannabis, or the registry program;

131.6 (4) includes images of cannabis flower, hemp plant parts, or images of paraphernalia
131.7 commonly used to smoke cannabis flower; or

131.8 (5) contains medical symbols that could reasonably be confused with symbols of
131.9 established medical associations or groups.

131.10 (b) A health care practitioner found by the office to have violated this subdivision is
131.11 prohibited from certifying that patients have a qualifying medical condition for purposes
131.12 of patient participation in the registry program. A decision by the office that a health care
131.13 practitioner has violated this subdivision is a final decision and is not subject to the contested
131.14 case procedures in chapter 14.

131.15 Sec. 65. **[342.65] INDUSTRIAL HEMP.**

131.16 Nothing in this chapter shall limit the ability of a person licensed under chapter 18K to
131.17 grow industrial hemp for commercial or research purposes, process industrial hemp for
131.18 commercial purposes, sell hemp fiber products and hemp grain, manufacture hemp-derived
131.19 topical products, or perform any other actions authorized by the commissioner of agriculture.
131.20 For purposes of this section, "processing" has the meaning given in section 18K.02,
131.21 subdivision 5, and does not include the process of creating artificially derived cannabinoids.

131.22 Sec. 66. **[342.66] HEMP-DERIVED TOPICAL PRODUCTS.**

131.23 Subdivision 1. **Scope.** This section applies to the manufacture, marketing, distribution,
131.24 and sale of hemp-derived topical products.

131.25 Subd. 2. **License; not required.** No license is required to manufacture, market, distribute,
131.26 or sell hemp-derived topical products.

131.27 Subd. 3. **Approved cannabinoids.** (a) Products manufactured, marketed, distributed,
131.28 and sold under this section may contain cannabidiol or cannabigerol. Except as provided
131.29 in paragraph (c), products may not contain any other cannabinoid unless approved by the
131.30 office.

(b) The office may approve any cannabinoid, other than any tetrahydrocannabinol, and authorize its use in manufacturing, marketing, distribution, and sales under this section if the office determines that the cannabinoid is a nonintoxicating cannabinoid.

(c) A product manufactured, marketed, distributed, and sold under this section may contain cannabinoids other than cannabidiol, cannabigerol, or any other cannabinoid approved by the office provided that the cannabinoids are naturally occurring in hemp plants or hemp plant parts and the total of all other cannabinoids present in a product does not exceed one milligram per package.

Subd. 4. **Approved products.** Products sold to consumers under this section may only be manufactured, marketed, distributed, intended, or generally expected to be used by applying the product externally to a part of the body of a human or animal.

Subd. 5. **Labeling.** Hemp-derived topical products must meet the labeling requirements in section 342.63, subdivision 5.

Subd. 6. **Prohibitions.** (a) A product sold to consumers under this section must not be manufactured, marketed, distributed, or intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(2) to affect the structure or any function of the bodies of humans or other animals;

(3) to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product;

(4) to be consumed through chewing; or

(5) to be consumed through injection or application to a mucous membrane or nonintact skin.

(b) A product manufactured, marketed, distributed, or sold to consumers under this section must not:

(1) consist, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) have been produced, prepared, packed, or held under unsanitary conditions where the product may have been rendered injurious to health, or where the product may have been contaminated with filth;

(3) be packaged in a container that is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

133.1 (4) contain any additives or excipients that have been found by the United States Food
133.2 and Drug Administration to be unsafe for human or animal consumption;

133.3 (5) contain a cannabinoid or an amount or percentage of cannabinoids that is different
133.4 than the information stated on the label;

133.5 (6) contain a cannabinoid, other than cannabidiol, cannabigerol, or a cannabinoid
133.6 approved by the office, in an amount that exceeds the standard established in subdivision
133.7 2, paragraph (c); or

133.8 (7) contain any contaminants for which testing is required by the office in amounts that
133.9 exceed the acceptable minimum standards established by the office.

133.10 (c) No product containing any cannabinoid may be sold to any individual who is under
133.11 21 years of age.

133.12 Subd. 7. **Enforcement.** The office may enforce this section under the relevant provisions
133.13 of section 342.19, including but not limited to issuing administrative orders, embargoing
133.14 products, and imposing civil penalties.

133.15 Sec. 67. **[342.67] LEGAL ASSISTANCE TO CANNABIS BUSINESSES AND HEMP**
133.16 **BUSINESSES.**

133.17 An attorney must not be subject to disciplinary action by the Minnesota Supreme Court
133.18 or professional responsibility board for providing legal assistance to prospective or licensed
133.19 cannabis businesses or hemp businesses, or others for activities that do not violate this
133.20 chapter or chapter 152.

133.21 Sec. 68. **[342.70] CANNABIS INDUSTRY COMMUNITY RENEWAL GRANTS.**

133.22 Subdivision 1. **Establishment.** The Office of Cannabis Management shall establish
133.23 CanRenew, a program to award grants to eligible organizations for investments in
133.24 communities where long-term residents are eligible to be social equity applicants.

133.25 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
133.26 meanings given.

133.27 (b) "Community investment" means a project or program designed to improve
133.28 community-wide outcomes or experiences and may include efforts targeting economic
133.29 development, violence prevention, youth development, or civil legal aid, among others.

133.30 (c) "Eligible community" means a community where long-term residents are eligible to
133.31 be social equity applicants.

134.1 (d) "Eligible organization" means any organization able to make an investment in a
134.2 community where long-term residents are eligible to be social equity applicants and may
134.3 include educational institutions, nonprofit organizations, private businesses, community
134.4 groups, units of local government, or partnerships between different types of organizations.

134.5 (e) "Program" means the CanRenew grant program.

134.6 (f) "Social equity applicant" means a person who meets the qualification requirements
134.7 in section 342.16.

134.8 Subd. 3. **Grants to organizations.** (a) The office must award grants to eligible
134.9 organizations through a competitive grant process.

134.10 (b) To receive grant money, an eligible organization must submit a written application
134.11 to the office, using a form developed by the office, explaining the community investment
134.12 the organization wants to make in an eligible community.

134.13 (c) An eligible organization's grant application must also include:

134.14 (1) an analysis of the community's need for the proposed investment;

134.15 (2) a description of the positive impact that the proposed investment is expected to
134.16 generate for that community;

134.17 (3) any evidence of the organization's ability to successfully achieve that positive impact;

134.18 (4) any evidence of the organization's past success in making similar community
134.19 investments;

134.20 (5) an estimate of the cost of the proposed investment;

134.21 (6) the sources and amounts of any nonstate funds or in-kind contributions that will
134.22 supplement grant money; and

134.23 (7) any additional information requested by the office.

134.24 (d) In awarding grants under this subdivision, the office shall give weight to applications
134.25 from organizations that demonstrate a history of successful community investments,
134.26 particularly in geographic areas that are now eligible communities. The office shall also
134.27 give weight to applications where there is demonstrated community support for the proposed
134.28 investment. The office shall fund investments in eligible communities throughout the state.

134.29 Subd. 4. **Program outreach.** The office shall make extensive efforts to publicize these
134.30 grants, including through partnerships with community organizations, particularly those
134.31 located in eligible communities.

135.1 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
135.2 the office must submit a report to the chairs and ranking minority members of the committees
135.3 of the house of representatives and the senate having jurisdiction over community
135.4 development that details awards given through the CanRenew program and the use of grant
135.5 money, including any measures of successful community impact from the grants.

135.6 Sec. 69. **[342.72] SUBSTANCE USE TREATMENT, RECOVERY, AND**
135.7 **PREVENTION GRANTS.**

135.8 Subdivision 1. **Account established; appropriation.** A substance use treatment, recovery,
135.9 and prevention grant account is created in the special revenue fund. Money in the account,
135.10 including interest earned, is appropriated to the office for the purposes specified in this
135.11 section.

135.12 Subd. 2. **Acceptance of gifts and grants.** Notwithstanding sections 16A.013 to 16A.016,
135.13 the office may accept money contributed by individuals and may apply for grants from
135.14 charitable foundations to be used for the purposes identified in this section. The money
135.15 accepted under this section must be deposited in the substance use treatment, recovery, and
135.16 prevention grant account created under subdivision 1.

135.17 Subd. 3. **Disposition of money; grants.** (a) Money in the substance use treatment,
135.18 recovery, and prevention grant account must be distributed as follows:

135.19 (1) 75 percent of the money is for grants for recovery programs and substance use
135.20 disorder treatment, as defined in section 245G.01, subdivision 24, and may be used for
135.21 substance use disorder treatment provider rate increases and programs to provide education
135.22 and training to providers of substance use disorder treatment on the signs of substance use
135.23 disorder and effective treatments for substance use disorder. The office shall consult with
135.24 the commissioner of human services to determine appropriate provider rate increases or
135.25 modifications to existing payment methodologies;

135.26 (2) 20 percent of the money is for grants for substance use disorder prevention; and

135.27 (3) five percent of the money is for grants to educate pregnant women, breastfeeding
135.28 women, and women who may become pregnant on the adverse health effects of substance
135.29 use.

135.30 (b) The office shall consult with the commissioner of human services, the commissioner
135.31 of health, and the Substance Use Disorder Advisory Council to develop an appropriate
135.32 application process, establish grant requirements, determine what organizations are eligible
135.33 to receive grants, and establish reporting requirements for grant recipients.

136.1 Subd. 4. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
136.2 the office must submit a report to the chairs and ranking minority members of the committees
136.3 of the house of representatives and the senate having jurisdiction over health and human
136.4 services policy and finance that details grants awarded from the substance use treatment,
136.5 recovery, and prevention grant account, including the total amount awarded, total number
136.6 of recipients, and geographic distribution of those recipients.

136.7 Sec. 70. **[342.73] CANNABIS GROWER GRANTS.**

136.8 Subdivision 1. **Establishment.** The office, in consultation with the commissioner of
136.9 agriculture, shall establish CanGrow, a program to award grants to (1) eligible organizations
136.10 to help farmers navigate the regulatory structure of the legal cannabis industry, and (2)
136.11 nonprofit corporations to fund loans to farmers for expansion into the legal cannabis industry.

136.12 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
136.13 meanings given.

136.14 (b) "Eligible organization" means any organization capable of helping farmers navigate
136.15 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers
136.16 to education or employment, and may include educational institutions, nonprofit
136.17 organizations, private businesses, community groups, units of local government, or
136.18 partnerships between different types of organizations.

136.19 (c) "Industry" means the legal cannabis industry in the state of Minnesota.

136.20 (d) "Program" means the CanGrow grant program.

136.21 (e) "Social equity applicant" means a person who meets the qualification requirements
136.22 in section 342.16.

136.23 Subd. 3. **Technical assistance grants.** (a) Grant money awarded to eligible organizations
136.24 may be used for both developing technical assistance resources relevant to the regulatory
136.25 structure of the legal cannabis industry and for providing such technical assistance or
136.26 navigation services to farmers.

136.27 (b) The office must award grants to eligible organizations through a competitive grant
136.28 process.

136.29 (c) To receive grant money, an eligible organization must submit a written application
136.30 to the office, using a form developed by the office, explaining the organization's ability to
136.31 assist farmers in navigating the regulatory structure of the legal cannabis industry, particularly
136.32 farmers facing barriers to education or employment.

137.1 (d) An eligible organization's grant application must also include:

137.2 (1) a description of the proposed technical assistance or navigation services, including
137.3 the types of farmers targeted for assistance;

137.4 (2) any evidence of the organization's past success in providing technical assistance or
137.5 navigation services to farmers, particularly farmers who live in areas where long-term
137.6 residents are eligible to be social equity applicants;

137.7 (3) an estimate of the cost of providing the technical assistance;

137.8 (4) the sources and amounts of any nonstate funds or in-kind contributions that will
137.9 supplement grant money, including any amounts that farmers will be charged to receive
137.10 assistance; and

137.11 (5) any additional information requested by the office.

137.12 (e) In awarding grants under this subdivision, the office shall give weight to applications
137.13 from organizations that demonstrate a history of successful technical assistance or navigation
137.14 services, particularly for farmers facing barriers to education or employment. The office
137.15 shall also give weight to applications where the proposed technical assistance will serve
137.16 areas where long-term residents are eligible to be social equity applicants. The office shall
137.17 fund technical assistance to farmers throughout the state.

137.18 Subd. 4. **Loan financing grants.** (a) The office shall establish a revolving loan account
137.19 to make loan financing grants under the CanGrow program.

137.20 (b) The office must award grants to nonprofit corporations through a competitive grant
137.21 process. When selecting grant recipients under this subdivision, the office must utilize the
137.22 expertise of an employee of the office who is experienced in agricultural business
137.23 development.

137.24 (c) To receive grant money, a nonprofit corporation must submit a written application
137.25 to the office using a form developed by the office.

137.26 (d) In awarding grants under this subdivision, the office shall give weight to whether
137.27 the nonprofit corporation:

137.28 (1) has a board of directors that includes individuals experienced in agricultural business
137.29 development;

137.30 (2) has the technical skills to analyze projects;

137.31 (3) is familiar with other available public and private funding sources and economic
137.32 development programs;

138.1 (4) can initiate and implement economic development projects;

138.2 (5) can establish and administer a revolving loan account; and

138.3 (6) has established relationships with communities where long-term residents are eligible
138.4 to be social equity applicants.

138.5 The office shall make grants that will help farmers enter the legal cannabis industry
138.6 throughout the state.

138.7 (e) A nonprofit corporation that receives grants under the program must:

138.8 (1) establish an office-certified revolving loan account for the purpose of making eligible
138.9 loans; and

138.10 (2) enter into an agreement with the office that the office shall fund loans that the
138.11 nonprofit corporation makes to farmers entering the legal cannabis industry. The office shall
138.12 review existing agreements with nonprofit corporations every five years and may renew or
138.13 terminate an agreement based on that review. In making this review, the office shall consider,
138.14 among other criteria, the criteria in paragraph (d).

138.15 Subd. 5. **Loans to farmers.** (a) The criteria in this subdivision apply to loans made by
138.16 nonprofit corporations under the program.

138.17 (b) A loan must be used to support a farmer in entering the legal cannabis industry.
138.18 Priority must be given to loans to businesses owned by farmers who are eligible to be social
138.19 equity applicants and businesses located in communities where long-term residents are
138.20 eligible to be social equity applicants.

138.21 (c) Loans must be made to businesses that are not likely to undertake the project for
138.22 which loans are sought without assistance from the program.

138.23 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

138.24 (1) \$50,000; or

138.25 (2) \$150,000, if state contributions are matched by an equal or greater amount of new
138.26 private investment.

138.27 (e) Loan applications given preliminary approval by the nonprofit corporation must be
138.28 forwarded to the office for approval. The office must give final approval for each loan made
138.29 by the nonprofit corporation under the program.

(f) If the borrower has met lender criteria, including being current with all payments for a minimum of three years, the office may approve either full or partial forgiveness of interest or principal amounts.

Subd. 6. **Revolving loan account administration.** (a) The office shall establish a minimum interest rate for loans or guarantees to ensure that necessary loan administration costs are covered. The interest rate charged by a nonprofit corporation for a loan under this section must not exceed the Wall Street Journal prime rate. For a loan under this section, the nonprofit corporation may charge a loan origination fee equal to or less than one percent of the loan value. The nonprofit corporation may retain the amount of the origination fee.

(b) Loan repayment of principal must be paid to the office for deposit in the revolving loan account. Loan interest payments must be deposited in a revolving loan account created by the nonprofit corporation originating the loan being repaid for further distribution or use, consistent with the criteria of this section.

(c) Administrative expenses of the nonprofit corporations with whom the office enters into agreements, including expenses incurred by a nonprofit corporation in providing financial, technical, managerial, and marketing assistance to a business receiving a loan under this section, are eligible program expenses that the office may agree to pay under the grant agreement.

Subd. 7. **Program outreach.** The office shall make extensive efforts to publicize these grants, including through partnerships with community organizations, particularly those located in areas where long-term residents are eligible to be social equity applicants.

Subd. 8. **Reporting requirements.** (a) A nonprofit corporation that receives a grant under subdivision 4 shall:

(1) submit an annual report to the office by January 15 of each year that the nonprofit corporation participates in the program that includes a description of agricultural businesses supported by the grant program, an account of loans made during the calendar year, the program's impact on farmers' ability to expand into the legal cannabis industry, the source and amount of money collected and distributed by the program, the program's assets and liabilities, and an explanation of administrative expenses; and

(2) provide for an independent annual audit to be performed in accordance with generally accepted accounting practices and auditing standards and submit a copy of each annual audit report to the office.

140.1 (b) By February 15, 2024, and each February 15 thereafter, the office must submit a
140.2 report to the chairs and ranking minority members of the committees of the house of
140.3 representatives and the senate having jurisdiction over agriculture that details awards given
140.4 through the CanGrow program and the use of grant money, including any measures of
140.5 success toward helping farmers enter the legal cannabis industry.

140.6 Sec. 71. [342.79] SUBSTANCE USE DISORDER ADVISORY COUNCIL.

140.7 Subdivision 1. Establishment. The Substance Use Disorder Advisory Council is
140.8 established to develop and implement a comprehensive and effective statewide approach
140.9 to substance use disorder prevention and treatment. The council shall:

140.10 (1) establish priorities to address public education and substance use disorder prevention
140.11 and treatment needs;

140.12 (2) make recommendations to the legislature on the amount of money to be allocated
140.13 for substance use disorder prevention and treatment initiatives;

140.14 (3) make recommendations to the commissioner of human services on grant and funding
140.15 options for money appropriated from the general fund to the commissioner of human services
140.16 for substance use disorder prevention and treatment;

140.17 (4) recommend to the commissioner of human services specific programs, projects, and
140.18 initiatives to be funded; and

140.19 (5) consult with the commissioners of human services, health, and management and
140.20 budget to develop measurable outcomes to determine the effectiveness of programs, projects,
140.21 and initiatives funded.

140.22 Subd. 2. Membership. (a) The council shall consist of the following members, appointed
140.23 by the commissioner of human services, except as otherwise specified:

140.24 (1) two members of the house of representatives, one from the majority party appointed
140.25 by the speaker and one from the minority party appointed by the minority leader of the
140.26 house of representatives;

140.27 (2) two members of the senate, one from the majority party appointed by the senate
140.28 majority leader and one from the minority party appointed by the senate minority leader;

140.29 (3) the commissioner of human services or a designee;

140.30 (4) the director of the Office of Cannabis Management or a designee;

141.1 (5) two members representing substance use disorder treatment programs licensed under
141.2 chapter 245G;

141.3 (6) one public member who is a Minnesota resident and in recovery from a substance
141.4 use disorder;

141.5 (7) one public member who is a family member of a person with a substance use disorder;

141.6 (8) one member who is a physician with experience in substance use disorders;

141.7 (9) one member who is a licensed psychologist, licensed professional clinical counselor,
141.8 licensed marriage and family therapist, or licensed social worker;

141.9 (10) one member of each federally recognized Tribal Nation within the geographical
141.10 boundaries of the state of Minnesota;

141.11 (11) one mental health advocate representing persons with mental illness;

141.12 (12) one member representing county social services agencies;

141.13 (13) one patient advocate;

141.14 (14) a representative from a community that experienced a disproportionate, negative
141.15 impact from cannabis prohibition;

141.16 (15) one veteran; and

141.17 (16) one parent of a medical cannabis patient who is under age 21.

141.18 (b) The commissioner of human services shall coordinate appointments to ensure the
141.19 geographic diversity of council members and shall ensure that at least one-third of council
141.20 members reside outside of the seven-county metropolitan area.

141.21 (c) The council is governed by section 15.059, except that members of the council shall
141.22 receive no compensation other than reimbursement for expenses. Notwithstanding section
141.23 15.059, subdivision 6, the council shall not expire.

141.24 (d) The chair shall convene the council on a quarterly basis and may convene other
141.25 meetings as necessary. The chair shall convene meetings at different locations in the state
141.26 to provide geographic access to members of the public.

141.27 (e) The commissioner of human services shall provide staff and administrative services
141.28 for the advisory council.

141.29 (f) The council is subject to chapter 13D.

Subd. 3. **Report and grants.** (a) The commissioner of human services shall submit a report of the grants and funding recommended by the advisory council to be awarded for the upcoming fiscal year to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by March 1 of each year, beginning March 1, 2024.

(b) When awarding grants, the commissioner of human services shall consider the programs, projects, and initiatives recommended by the council that address the priorities established by the council, unless otherwise appropriated by the legislature.

Sec. 72. **[342.80] LAWFUL ACTIVITIES.**

(a) Notwithstanding any law to the contrary, the cultivation, manufacturing, possessing, and selling of cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products by a licensed cannabis business or hemp business in conformity with the rights granted by a cannabis business license or hemp business license is lawful and may not be the grounds for the seizure or forfeiture of property, arrest or prosecution, or search or inspections except as provided by this chapter.

(b) A person acting as an agent of a cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or lower-potency hemp edible retailer who sells or otherwise transfers cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to a person under 21 years of age is not subject to arrest, prosecution, or forfeiture of property if the person complied with section 342.27, subdivision 4, and any rules promulgated pursuant to this chapter.

Sec. 73. **[342.81] CIVIL ACTIONS.**

Subdivision 1. **Right of action.** A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support or who incurs other pecuniary loss by an intoxicated person or by the intoxication of another person, has a right of action in the person's own name for all damages sustained against a person who caused the intoxication of that person by illegally selling cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products. All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs.

Subd. 2. **Actions.** All suits for damages under this section must be by civil action in a court of this state having jurisdiction.

Subd. 3. **Comparative negligence.** Actions under this section are governed by section 604.01.

Subd. 4. **Defense.** It is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age in selling, bartering, furnishing, or giving the cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

Subd. 5. **Subrogation claims denied.** There shall be no recovery by any insurance company against any cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or lower-potency hemp edible retailer under subrogation clauses of the uninsured, underinsured, collision, or other first-party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or in part under this section. Section 65B.53, subdivision 3, does not apply to actions under this section.

Subd. 6. **Common law claims.** Nothing in this chapter precludes common law tort claims against any person 21 years old or older who knowingly provides or furnishes cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to a person under the age of 21 years.

Sec. 74. **SUBSTANCE USE DISORDER ADVISORY COUNCIL FIRST MEETING.**

The commissioner of human services shall convene the first meeting of the Substance Use Disorder Advisory Council established under Minnesota Statutes, section 342.79, no later than October 1, 2023. The members shall elect a chair at the first meeting.

Sec. 75. **EFFECTIVE DATE.**

Except as otherwise provided, each section of this article is effective July 1, 2023.

ARTICLE 2

TAXES

Section 1. Minnesota Statutes 2022, section 270B.12, is amended by adding a subdivision to read:

Subd. 4a. **Office of Cannabis Management.** The commissioner may disclose return information to the Office of Cannabis Management for the purpose of and to the extent necessary to administer section 270C.726.

EFFECTIVE DATE. This section is effective June 30, 2023.

144.1 **Sec. 2. [270C.726] POSTING OF TAX DELINQUENCY; SALE OF CANNABIS.**

144.2 **Subdivision 1. Posting; notice.** (a) Pursuant to the authority to disclose under section
144.3 270B.12, subdivision 4a, the commissioner shall, by the 15th of each month, submit to the
144.4 Office of Cannabis Management a list of all taxpayers subject to the tax imposed by section
144.5 295.81 that are required to pay, withhold, or collect the tax imposed by section 290.02,
144.6 290.0922, 290.92, 290.9727, 290.9728, 290.9729, 295.81, or 297A.62; a local sales and
144.7 use tax payable to the commissioner; or a local sales and use tax administered and collected
144.8 by the commissioner, and that are ten days or more delinquent in either filing a tax return
144.9 or paying the tax.

144.10 (b) The commissioner is under no obligation to list a taxpayer whose business is inactive.
144.11 At least ten days before notifying the Office of Cannabis Management, the commissioner
144.12 shall notify the taxpayer of the intended action.

144.13 (c) The Office of Cannabis Management shall post the list required by this section on
144.14 the Office of Cannabis Management website. The list must prominently show the date of
144.15 posting. If a previously listed taxpayer files all returns and pays all taxes specified in this
144.16 subdivision then due, the commissioner shall notify the Office of Cannabis Management
144.17 within two business days.

144.18 **Subd. 2. Sales prohibited.** Beginning the third business day after the list is posted, no
144.19 cannabis cultivator, cannabis manufacturer, cannabis microbusiness, cannabis mezzobusiness,
144.20 cannabis wholesaler, or industrial hemp grower as defined in chapter 342 may sell or deliver
144.21 any product to a taxpayer included on the posted list.

144.22 **Subd. 3. Penalty.** A cannabis cultivator, cannabis manufacturer, cannabis microbusiness,
144.23 cannabis mezzobusiness, cannabis wholesaler, or industrial hemp grower who violates
144.24 subdivision 2 of this section is subject to the penalties provided in sections 342.19 and
144.25 342.21.

144.26 **EFFECTIVE DATE.** This section is effective June 30, 2023.

144.27 **Sec. 3.** Minnesota Statutes 2022, section 273.13, subdivision 24, is amended to read:

144.28 **Subd. 24. Class 3.** Commercial and industrial property and utility real and personal
144.29 property is class 3a.

144.30 (1) Except as otherwise provided, each parcel of commercial, industrial, or utility real
144.31 property has a classification rate of 1.5 percent of the first tier of market value, and 2.0
144.32 percent of the remaining market value. In the case of contiguous parcels of property owned
144.33 by the same person or entity, only the value equal to the first-tier value of the contiguous

parcels qualifies for the reduced classification rate, except that contiguous parcels owned by the same person or entity shall be eligible for the first-tier value classification rate on each separate business operated by the owner of the property, provided the business is housed in a separate structure. For the purposes of this subdivision, the first tier means the first \$150,000 of market value. Real property owned in fee by a utility for transmission line right-of-way shall be classified at the classification rate for the higher tier.

For purposes of this subdivision, parcels are considered to be contiguous even if they are separated from each other by a road, street, waterway, or other similar intervening type of property. Connections between parcels that consist of power lines or pipelines do not cause the parcels to be contiguous. Property owners who have contiguous parcels of property that constitute separate businesses that may qualify for the first-tier classification rate shall notify the assessor by July 1, for treatment beginning in the following taxes payable year.

(2) All personal property that is: (i) part of an electric generation, transmission, or distribution system; or (ii) part of a pipeline system transporting or distributing water, gas, crude oil, or petroleum products; and (iii) not described in clause (3), and all railroad operating property has a classification rate as provided under clause (1) for the first tier of market value and the remaining market value. In the case of multiple parcels in one county that are owned by one person or entity, only one first tier amount is eligible for the reduced rate.

(3) The entire market value of personal property that is: (i) tools, implements, and machinery of an electric generation, transmission, or distribution system; (ii) tools, implements, and machinery of a pipeline system transporting or distributing water, gas, crude oil, or petroleum products; or (iii) the mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, has a classification rate as provided under clause (1) for the remaining market value in excess of the first tier.

(4) Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale has a classification rate as provided under clause (1) for the first tier of market value and the remaining market value. As used in this paragraph, "cannabis plant" has the meaning given in section 342.01, subdivision 18, "cannabis flower" has the meaning given in section 342.01, subdivision 15, and "cannabis product" has the meaning given in section 342.01, subdivision 19.

EFFECTIVE DATE. This section is effective beginning with assessment year 2024 and thereafter.

Sec. 4. Minnesota Statutes 2022, section 275.025, subdivision 2, is amended to read:

Subd. 2. **Commercial-industrial tax capacity.** For the purposes of this section, "commercial-industrial tax capacity" means the tax capacity of all taxable property classified as class 3 or class 5(1) under section 273.13, excluding:

(1) the tax capacity attributable to the first \$150,000 of market value of each parcel of commercial-industrial property as defined under section 273.13, subdivision 24, clauses (1) ~~and~~, (2), and (4);

(2) electric generation attached machinery under class 3; and

(3) property described in section 473.625.

County commercial-industrial tax capacity amounts are not adjusted for the captured net tax capacity of a tax increment financing district under section 469.177, subdivision 2, the net tax capacity of transmission lines deducted from a local government's total net tax capacity under section 273.425, or fiscal disparities contribution and distribution net tax capacities under chapter 276A or 473F. For purposes of this subdivision, the procedures for determining eligibility for tier 1 under section 273.13, subdivision 24, clauses (1) and (2), shall apply in determining the portion of a property eligible to be considered within the first \$150,000 of market value.

EFFECTIVE DATE. This section is effective beginning with assessment year 2024 and thereafter.

Sec. 5. **[289A.33] FILING REQUIREMENTS AND DUE DATES; SPECIAL RULES.**

(a) Upon the request of any cannabis business as defined by section 342.01, subdivision 13, required to collect and remit taxes imposed under section 295.81, chapter 290, or chapter 297A, the commissioner shall waive the requirement that payment of tax must be made electronically if the failure to pay electronically is because the cannabis business is unable to secure banking services and the inability to secure the services is due to its engagement in cannabis-related business allowed under Minnesota law.

(b) If, in consultation with the commissioner of commerce, the commissioner determines the inability to find banking services is widespread and enforcement of the electronic payment requirement will significantly impede the ability of cannabis businesses to timely pay taxes imposed under section 295.81, chapter 290, or chapter 297A, the commissioner may publish notice on the department website that waives the requirement to pay the tax electronically. If such notice is published, a cannabis business must file returns and pay taxes lawfully due in the form and manner prescribed by the commissioner.

147.1 (c) Nothing in this subdivision relieves a cannabis business from timely filing and paying
147.2 taxes.

147.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

147.4 Sec. 6. Minnesota Statutes 2022, section 290.0132, subdivision 29, is amended to read:

147.5 Subd. 29. **Disallowed section 280E expenses; medical cannabis manufacturers**
147.6 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined
147.7 under section ~~152.22, subdivision 7~~ 342.01, subdivision 51, related to the business of medical
147.8 cannabis under sections ~~152.21 to 152.37~~ 342.47 to 342.60, or a license holder under chapter
147.9 342 related to the business of nonmedical cannabis under that chapter, and not allowed for
147.10 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

147.11 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
147.12 31, 2022.

147.13 Sec. 7. Minnesota Statutes 2022, section 290.0134, subdivision 19, is amended to read:

147.14 Subd. 19. **Disallowed section 280E expenses; medical cannabis manufacturers**
147.15 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined
147.16 under section ~~152.22, subdivision 7~~ 342.01, subdivision 51, related to the business of medical
147.17 cannabis under sections ~~152.21 to 152.37~~ 342.47 to 342.60, or a license holder under chapter
147.18 342 related to the business of nonmedical cannabis under that chapter, and not allowed for
147.19 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

147.20 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
147.21 31, 2022.

147.22 Sec. 8. **[295.81] CANNABIS GROSS RECEIPTS TAX.**

147.23 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
147.24 the meanings given.

147.25 (b) "Cannabis flower" has the meaning given in section 342.01, subdivision 15.

147.26 (c) "Cannabis product" has the meaning given in section 342.01, subdivision 19.

147.27 (d) "Cannabis solution product" means any cartridge, bottle, or other package that contains
147.28 a taxable cannabis product in a solution that is consumed or meant to be consumed through
147.29 the use of a heating element, power source, electronic circuit, or other electronic, chemical,
147.30 or mechanical means that produces vapor or aerosol. A cannabis solution product includes
147.31 any electronic delivery system, electronic vaping device, electronic vape pen, electronic

148.1 oral device, electronic delivery device, or similar product or device, and any batteries,
148.2 heating elements, or other components, parts, or accessories sold with and meant to be used
148.3 in the consumption of a solution containing a taxable cannabis product.

148.4 (e) "Cannabis mezzobusiness" means a cannabis business licensed under section 342.29.

148.5 (f) "Cannabis microbusiness" means a cannabis business licensed under section 342.28.

148.6 (g) "Cannabis retailer" means a cannabis business licensed under section 342.32.

148.7 (h) "Commissioner" means the commissioner of revenue.

148.8 (i) "Gross receipts" means the total amount received in money or by barter or exchange
148.9 for all taxable cannabis product sales at retail as measured by the sales price. Gross receipts
148.10 include but are not limited to delivery charges and packaging costs. Gross receipts do not
148.11 include:

148.12 (1) any taxes imposed directly on the customer that are separately stated on the invoice,
148.13 bill of sale, or similar document given to the purchaser; and

148.14 (2) discounts, including cash, terms, or coupons, that are not reimbursed by a third party
148.15 and that are allowed by the seller and taken by a purchaser on a sale.

148.16 (j) "Hemp-derived consumer product" has the meaning given in section 342.01,
148.17 subdivision 35.

148.18 (k) "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision
148.19 48.

148.20 (l) "Lower-potency hemp edible retailer" means a cannabis business licensed under
148.21 section 342.43, subdivision 1, clause (1).

148.22 (m) "Medical cannabis flower" has the meaning given in section 342.01, subdivision
148.23 52.

148.24 (n) "Medical cannabinoid product" has the meaning given in section 342.10, subdivision
148.25 50.

148.26 (o) "Medical cannabis paraphernalia" has the meaning given in section 342.01,
148.27 subdivision 53.

148.28 (p) "Retail sale" has the meaning given in section 297A.61, subdivision 4.

148.29 (q) "Taxable cannabis product" means cannabis flower, cannabis product, cannabis
148.30 solution product, hemp-derived consumer product, lower-potency hemp edible, and any
148.31 substantially similar product.

149.1 (r) "Taxable cannabis product retailer" means a retailer that sells any taxable cannabis
149.2 product, and includes a cannabis retailer, cannabis microbusiness, cannabis mezzobusiness,
149.3 and lower-potency hemp edible retailer. Taxable cannabis product retailer includes but is
149.4 not limited to a:

149.5 (1) retailer maintaining a place of business in this state;

149.6 (2) marketplace provider maintaining a place of business in this state, as defined in
149.7 section 297A.66, subdivision 1, paragraph (a);

149.8 (3) retailer not maintaining a place of business in this state; and

149.9 (4) marketplace provider not maintaining a place of business in this state, as defined in
149.10 section 297A.66, subdivision 1, paragraph (b).

149.11 Subd. 2. **Gross receipts tax imposed.** (a) A tax equal to a rate established by subdivisions
149.12 2 and 3 of gross receipts from retail sales in Minnesota of taxable cannabis products is
149.13 imposed on any taxable cannabis product retailer that sells these products to customers:

149.14 (1) beginning on July 1, 2023, to June 30, 2025, the rate is equal to eight percent;

149.15 (2) beginning on July 1, 2025, to June 30, 2027, the rate is equal to 5.25 percent; and

149.16 (3) beginning with fiscal year 2028, the rate is equal to the amount established under
149.17 subdivision 3.

149.18 (b) A taxable cannabis product retailer may but is not required to collect the tax imposed
149.19 by this section from the purchaser as long as the tax is separately stated on the receipt,
149.20 invoice, bill of sale, or similar document given to the purchaser.

149.21 (c) If a product subject to the tax imposed under this section is bundled in a single
149.22 transaction with a product or service that is not subject to the tax imposed under this section,
149.23 the entire sales price of the transaction is subject to the tax imposed under this section.

149.24 (d) The tax imposed under this section is in addition to any other tax imposed on the
149.25 sale or use of taxable cannabis products.

149.26 Subd. 3. **Tax rate adjustment.** (a) In April of each odd-numbered year, the commissioner
149.27 of revenue must make reductions to the tax imposed under this section if, on the basis of a
149.28 February forecast of general fund revenues and expenditures reflecting the most recently
149.29 completed fiscal year, the commissioner of management and budget determines that the
149.30 conditions in paragraph (b) are met.

150.1 (b) Revenues raised by the tax imposed under this section combined with the tax imposed
150.2 under chapter 297A on taxable cannabis products exceed the projected expenditures related
150.3 to the ongoing regulation of cannabis for the upcoming biennium, including:

150.4 (1) the appropriations to the Office of Cannabis Management;

150.5 (2) the appropriations to the Department of Agriculture;

150.6 (3) the appropriations to the Cannabis Expungement Board;

150.7 (4) the appropriations to the Department of Commerce;

150.8 (5) the appropriations to the Department of Corrections;

150.9 (6) the appropriations to the Department of Education;

150.10 (7) the appropriations to the Department of Employment and Economic Development;

150.11 (8) the appropriations to the Department of Health;

150.12 (9) the appropriations to the Department of Human Services;

150.13 (10) the appropriations to the Department of Labor and Industry;

150.14 (11) the appropriations to the Department of Natural Resources;

150.15 (12) the appropriations to the Office of Higher Education;

150.16 (13) the appropriations to the Pollution Control Agency;

150.17 (14) the appropriations to the Department of Public Safety;

150.18 (15) the appropriations to the Department of Revenue;

150.19 (16) the appropriations to the supreme court; and

150.20 (17) the appropriations to the substance use treatment, recovery, and prevention grant
150.21 account.

150.22 (c) The new rate must be rounded to the nearest one-quarter of one percent. The first
150.23 rate reduction must occur by April 15, 2027, using the February 2027 forecast. The
150.24 commissioner of revenue must post the new rate on the department website within five
150.25 business days.

150.26 Subd. 4. Use tax imposed; credit for taxes paid. (a) A person that receives taxable
150.27 cannabis products for use or storage in Minnesota, other than from a taxable cannabis product
150.28 retailer that paid the tax under subdivision 2, is subject to tax at the rate imposed under
150.29 subdivision 2. Liability for the tax is incurred when the person has possession of the taxable

151.1 cannabis product in Minnesota. The tax must be remitted to the commissioner in the same
151.2 manner prescribed for taxes imposed under chapter 297A.

151.3 (b) A person that has paid taxes to another state or any subdivision thereof on the same
151.4 transaction and is subject to tax under this section is entitled to a credit for the tax legally
151.5 due and paid to another state or subdivision thereof to the extent of the lesser of (1) the tax
151.6 actually paid to the other state or subdivision thereof, or (2) the amount of tax imposed by
151.7 Minnesota on the transaction subject to tax in the other state or subdivision thereof.

151.8 Subd. 5. **Exemptions.** (a) The use tax imposed under subdivision 3, paragraph (c), does
151.9 not apply to the possession, use, or storage of taxable cannabis products if (1) the taxable
151.10 cannabis products have an aggregate cost in any calendar month to the customer of \$100
151.11 or less, and (2) the taxable cannabis products were carried into this state by the customer.

151.12 (b) The tax imposed under this section does not apply to sales of medical cannabis flower,
151.13 medical cannabinoid products, or medical cannabis paraphernalia purchased by or for the
151.14 patients enrolled in the registry program.

151.15 (c) Unless otherwise specified in this section, the exemptions applicable to taxes imposed
151.16 under chapter 297A are not applicable to the taxes imposed under this section.

151.17 Subd. 6. **Tax collection required.** A taxable cannabis product retailer with nexus in
151.18 Minnesota that is not subject to tax under subdivision 2 is required to collect the tax imposed
151.19 under subdivision 3 from the purchaser of the taxable cannabis product and give the purchaser
151.20 a receipt for the tax paid. The tax collected must be remitted to the commissioner in the
151.21 same manner prescribed for the taxes imposed under chapter 297A.

151.22 Subd. 7. **Taxes paid to another state or any subdivision thereof; credit.** A taxable
151.23 cannabis product retailer that has paid taxes to another state or any subdivision thereof
151.24 measured by gross receipts and is subject to tax under this section on the same gross receipts
151.25 is entitled to a credit for the tax legally due and paid to another state or any subdivision
151.26 thereof to the extent of the lesser of (1) the tax actually paid to the other state or any
151.27 subdivision thereof, or (2) the amount of tax imposed by Minnesota on the gross receipts
151.28 subject to tax in the other taxing state or any subdivision thereof.

151.29 Subd. 8. **Sourcing of sales.** Section 297A.668 applies to the taxes imposed by this
151.30 section.

151.31 Subd. 9. **Administration.** Unless specifically provided otherwise, the audit, assessment,
151.32 refund, penalty, interest, enforcement, collection remedies, appeal, and administrative
151.33 provisions of chapters 270C and 289A that are applicable to taxes imposed under chapter

152.1 297A, except the requirement to file returns and remit taxes due electronically if authorized
152.2 under section 289A.33, apply to the tax imposed under this section.

152.3 Subd. 10. **Returns; payment of tax.** (a) A taxable cannabis product retailer must report
152.4 the tax on a return prescribed by the commissioner and must remit the tax in a form and
152.5 manner prescribed by the commissioner. The return and the tax must be filed and paid using
152.6 the filing cycle and due dates provided for taxes imposed under section 289A.20, subdivision
152.7 4, and chapter 297A.

152.8 (b) Interest must be paid on an overpayment refunded or credited to the taxpayer from
152.9 the date of payment of the tax until the date the refund is paid or credited. For purposes of
152.10 this subdivision, the date of payment is the due date of the return or the date of actual
152.11 payment of the tax, whichever is later.

152.12 Subd. 11. **Deposit of revenues.** The commissioner must deposit all revenues, including
152.13 penalties and interest, derived from the tax imposed by this section in the general fund.

152.14 Subd. 12. **Personal debt.** The tax imposed by this section, and interest and penalties
152.15 imposed with respect to it, are a personal debt of the person required to file a return from
152.16 the time that the liability for it arises, irrespective of when the time for payment of the
152.17 liability occurs. The debt must, in the case of the executor or administrator of the estate of
152.18 a decedent and in the case of a fiduciary, only be that of the person in the person's official
152.19 or fiduciary capacity, unless the person has voluntarily distributed the assets held in that
152.20 capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which
152.21 event the person is personally liable for any deficiency.

152.22 **EFFECTIVE DATE.** This section is effective for gross receipts received after June 30,
152.23 2023.

152.24 Sec. 9. Minnesota Statutes 2022, section 297A.61, subdivision 3, is amended to read:

152.25 Subd. 3. **Sale and purchase.** (a) "Sale" and "purchase" include, but are not limited to,
152.26 each of the transactions listed in this subdivision. In applying the provisions of this chapter,
152.27 the terms "tangible personal property" and "retail sale" include the taxable services listed
152.28 in paragraph (g), clause (6), items (i) to (vi) and (viii), and the provision of these taxable
152.29 services, unless specifically provided otherwise. Services performed by an employee for
152.30 an employer are not taxable. Services performed by a partnership or association for another
152.31 partnership or association are not taxable if one of the entities owns or controls more than
152.32 80 percent of the voting power of the equity interest in the other entity. Services performed
152.33 between members of an affiliated group of corporations are not taxable. For purposes of

153.1 the preceding sentence, "affiliated group of corporations" means those entities that would
153.2 be classified as members of an affiliated group as defined under United States Code, title
153.3 26, section 1504, disregarding the exclusions in section 1504(b).

153.4 (b) Sale and purchase include:

153.5 (1) any transfer of title or possession, or both, of tangible personal property, whether
153.6 absolutely or conditionally, for a consideration in money or by exchange or barter; and

153.7 (2) the leasing of or the granting of a license to use or consume, for a consideration in
153.8 money or by exchange or barter, tangible personal property, other than a manufactured
153.9 home used for residential purposes for a continuous period of 30 days or more.

153.10 (c) Sale and purchase include the production, fabrication, printing, or processing of
153.11 tangible personal property for a consideration for consumers who furnish either directly or
153.12 indirectly the materials used in the production, fabrication, printing, or processing.

153.13 (d) Sale and purchase include the preparing for a consideration of food. Notwithstanding
153.14 section 297A.67, subdivision 2, taxable food includes, but is not limited to, the following:

153.15 (1) prepared food sold by the retailer;

153.16 (2) soft drinks;

153.17 (3) candy; and

153.18 (4) dietary supplements.

153.19 (e) A sale and a purchase includes the furnishing for a consideration of electricity, gas,
153.20 water, or steam for use or consumption within this state.

153.21 (f) A sale and a purchase includes the transfer for a consideration of prewritten computer
153.22 software whether delivered electronically, by load and leave, or otherwise.

153.23 (g) A sale and a purchase includes the furnishing for a consideration of the following
153.24 services:

153.25 (1) the privilege of admission to places of amusement, recreational areas, or athletic
153.26 events, and the making available of amusement devices, tanning facilities, reducing salons,
153.27 steam baths, health clubs, and spas or athletic facilities;

153.28 (2) lodging and related services by a hotel, rooming house, resort, campground, motel,
153.29 or trailer camp, including furnishing the guest of the facility with access to telecommunication
153.30 services, and the granting of any similar license to use real property in a specific facility,
153.31 other than the renting or leasing of it for a continuous period of 30 days or more under an

154.1 enforceable written agreement that may not be terminated without prior notice and including
154.2 accommodations intermediary services provided in connection with other services provided
154.3 under this clause;

154.4 (3) nonresidential parking services, whether on a contractual, hourly, or other periodic
154.5 basis, except for parking at a meter;

154.6 (4) the granting of membership in a club, association, or other organization if:

154.7 (i) the club, association, or other organization makes available for the use of its members
154.8 sports and athletic facilities, without regard to whether a separate charge is assessed for use
154.9 of the facilities; and

154.10 (ii) use of the sports and athletic facility is not made available to the general public on
154.11 the same basis as it is made available to members.

154.12 Granting of membership means both onetime initiation fees and periodic membership dues.
154.13 Sports and athletic facilities include golf courses; tennis, racquetball, handball, and squash
154.14 courts; basketball and volleyball facilities; running tracks; exercise equipment; swimming
154.15 pools; and other similar athletic or sports facilities;

154.16 (5) delivery of aggregate materials by a third party, excluding delivery of aggregate
154.17 material used in road construction; and delivery of concrete block by a third party if the
154.18 delivery would be subject to the sales tax if provided by the seller of the concrete block.
154.19 For purposes of this clause, "road construction" means construction of:

154.20 (i) public roads;

154.21 (ii) cartways; and

154.22 (iii) private roads in townships located outside of the seven-county metropolitan area
154.23 up to the point of the emergency response location sign; and

154.24 (6) services as provided in this clause:

154.25 (i) laundry and dry cleaning services including cleaning, pressing, repairing, altering,
154.26 and storing clothes, linen services and supply, cleaning and blocking hats, and carpet,
154.27 drapery, upholstery, and industrial cleaning. Laundry and dry cleaning services do not
154.28 include services provided by coin operated facilities operated by the customer;

154.29 (ii) motor vehicle washing, waxing, and cleaning services, including services provided
154.30 by coin operated facilities operated by the customer, and rustproofing, undercoating, and
154.31 towing of motor vehicles;

155.1 (iii) building and residential cleaning, maintenance, and disinfecting services and pest
155.2 control and exterminating services;

155.3 (iv) detective, security, burglar, fire alarm, and armored car services; but not including
155.4 services performed within the jurisdiction they serve by off-duty licensed peace officers as
155.5 defined in section 626.84, subdivision 1, or services provided by a nonprofit organization
155.6 or any organization at the direction of a county for monitoring and electronic surveillance
155.7 of persons placed on in-home detention pursuant to court order or under the direction of the
155.8 Minnesota Department of Corrections;

155.9 (v) pet grooming services;

155.10 (vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting
155.11 and maintenance; tree, bush, and shrub pruning, bracing, spraying, and surgery; indoor plant
155.12 care; tree, bush, shrub, and stump removal, except when performed as part of a land clearing
155.13 contract as defined in section 297A.68, subdivision 40; and tree trimming for public utility
155.14 lines. Services performed under a construction contract for the installation of shrubbery,
155.15 plants, sod, trees, bushes, and similar items are not taxable;

155.16 (vii) massages, except when provided by a licensed health care facility or professional
155.17 or upon written referral from a licensed health care facility or professional for treatment of
155.18 illness, injury, or disease; and

155.19 (viii) the furnishing of lodging, board, and care services for animals in kennels and other
155.20 similar arrangements, but excluding veterinary and horse boarding services.

155.21 (h) A sale and a purchase includes the furnishing for a consideration of tangible personal
155.22 property or taxable services by the United States or any of its agencies or instrumentalities,
155.23 or the state of Minnesota, its agencies, instrumentalities, or political subdivisions.

155.24 (i) A sale and a purchase includes the furnishing for a consideration of
155.25 telecommunications services, ancillary services associated with telecommunication services,
155.26 and pay television services. Telecommunication services include, but are not limited to, the
155.27 following services, as defined in section 297A.669: air-to-ground radiotelephone service,
155.28 mobile telecommunication service, postpaid calling service, prepaid calling service, prepaid
155.29 wireless calling service, and private communication services. The services in this paragraph
155.30 are taxed to the extent allowed under federal law.

155.31 (j) A sale and a purchase includes the furnishing for a consideration of installation if the
155.32 installation charges would be subject to the sales tax if the installation were provided by
155.33 the seller of the item being installed.

156.1 (k) A sale and a purchase includes the rental of a vehicle by a motor vehicle dealer to a
156.2 customer when (1) the vehicle is rented by the customer for a consideration, or (2) the motor
156.3 vehicle dealer is reimbursed pursuant to a service contract as defined in section 59B.02,
156.4 subdivision 11.

156.5 (l) A sale and a purchase includes furnishing for a consideration of specified digital
156.6 products or other digital products or granting the right for a consideration to use specified
156.7 digital products or other digital products on a temporary or permanent basis and regardless
156.8 of whether the purchaser is required to make continued payments for such right. Wherever
156.9 the term "tangible personal property" is used in this chapter, other than in subdivisions 10
156.10 and 38, the provisions also apply to specified digital products, or other digital products,
156.11 unless specifically provided otherwise or the context indicates otherwise.

156.12 (m) The sale of the privilege of admission under section 297A.61, subdivision 3,
156.13 paragraph (g), clause (1), to a place of amusement, recreational area, or athletic event
156.14 includes all charges included in the privilege of admission's sales price, without deduction
156.15 for amenities that may be provided, unless the amenities are separately stated and the
156.16 purchaser of the privilege of admission is entitled to add or decline the amenities, and the
156.17 amenities are not otherwise taxable.

156.18 (n) A sale and purchase includes the transfer for a consideration of a taxable cannabis
156.19 product as defined in section 295.81, subdivision 1, paragraph (q).

156.20 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
156.21 30, 2023.

156.22 Sec. 10. Minnesota Statutes 2022, section 297A.67, subdivision 2, is amended to read:

156.23 Subd. 2. **Food and food ingredients.** Except as otherwise provided in this subdivision,
156.24 food and food ingredients are exempt. For purposes of this subdivision, "food" and "food
156.25 ingredients" mean substances, whether in liquid, concentrated, solid, frozen, dried, or
156.26 dehydrated form, that are sold for ingestion or chewing by humans and are consumed for
156.27 their taste or nutritional value. Food and food ingredients exempt under this subdivision do
156.28 not include candy, soft drinks, dietary supplements, and prepared foods. Food and food
156.29 ingredients do not include alcoholic beverages ~~and~~, tobacco, taxable cannabis products,
156.30 medical cannabis flower, and medical cannabinoid products. For purposes of this subdivision,
156.31 "alcoholic beverages" means beverages that are suitable for human consumption and contain
156.32 one-half of one percent or more of alcohol by volume. For purposes of this subdivision,
156.33 "tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains
156.34 tobacco. For purposes of this subdivision, "taxable cannabis product" has the meaning given

157.1 in section 295.81, subdivision 1, paragraph (q), "medical cannabis flower" has the meaning
157.2 given in section 342.01, subdivision 52, and "medical cannabinoid product" has the meaning
157.3 given in section 342.01, subdivision 50. For purposes of this subdivision, "dietary
157.4 supplements" means any product, other than tobacco, intended to supplement the diet that:

157.5 (1) contains one or more of the following dietary ingredients:

157.6 (i) a vitamin;

157.7 (ii) a mineral;

157.8 (iii) an herb or other botanical;

157.9 (iv) an amino acid;

157.10 (v) a dietary substance for use by humans to supplement the diet by increasing the total
157.11 dietary intake; and

157.12 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
157.13 described in items (i) to (v);

157.14 (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form,
157.15 or if not intended for ingestion in such form, is not represented as conventional food and is
157.16 not represented for use as a sole item of a meal or of the diet; and

157.17 (3) is required to be labeled as a dietary supplement, identifiable by the supplement facts
157.18 box found on the label and as required pursuant to Code of Federal Regulations, title 21,
157.19 section 101.36.

157.20 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
157.21 30, 2023.

157.22 Sec. 11. Minnesota Statutes 2022, section 297A.67, subdivision 7, is amended to read:

157.23 Subd. 7. **Drugs; medical devices.** (a) Sales of the following drugs and medical devices
157.24 for human use are exempt:

157.25 (1) drugs, including over-the-counter drugs;

157.26 (2) single-use finger-pricking devices for the extraction of blood and other single-use
157.27 devices and single-use diagnostic agents used in diagnosing, monitoring, or treating diabetes;

157.28 (3) insulin and medical oxygen for human use, regardless of whether prescribed or sold
157.29 over the counter;

157.30 (4) prosthetic devices;

158.1 (5) durable medical equipment for home use only;

158.2 (6) mobility enhancing equipment;

158.3 (7) prescription corrective eyeglasses; and

158.4 (8) kidney dialysis equipment, including repair and replacement parts.

158.5 (b) Items purchased in transactions covered by:

158.6 (1) Medicare as defined under title XVIII of the Social Security Act, United States Code,
158.7 title 42, section 1395, et seq.; or

158.8 (2) Medicaid as defined under title XIX of the Social Security Act, United States Code,
158.9 title 42, section 1396, et seq.

158.10 (c) For purposes of this subdivision:

158.11 (1) "Drug" means a compound, substance, or preparation, and any component of a
158.12 compound, substance, or preparation, other than food and food ingredients, dietary
158.13 supplements, taxable cannabis products as defined under section 295.81, subdivision 1,
158.14 paragraph (q), or alcoholic beverages that is:

158.15 (i) recognized in the official United States Pharmacopoeia, official Homeopathic
158.16 Pharmacopoeia of the United States, or official National Formulary, and supplement to any
158.17 of them;

158.18 (ii) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease;
158.19 or

158.20 (iii) intended to affect the structure or any function of the body.

158.21 (2) "Durable medical equipment" means equipment, including repair and replacement
158.22 parts, including single-patient use items, but not including mobility enhancing equipment,
158.23 that:

158.24 (i) can withstand repeated use;

158.25 (ii) is primarily and customarily used to serve a medical purpose;

158.26 (iii) generally is not useful to a person in the absence of illness or injury; and

158.27 (iv) is not worn in or on the body.

158.28 For purposes of this clause, "repair and replacement parts" includes all components or
158.29 attachments used in conjunction with the durable medical equipment, including repair and
158.30 replacement parts which are for single patient use only.

159.1 (3) "Mobility enhancing equipment" means equipment, including repair and replacement
159.2 parts, but not including durable medical equipment, that:

159.3 (i) is primarily and customarily used to provide or increase the ability to move from one
159.4 place to another and that is appropriate for use either in a home or a motor vehicle;

159.5 (ii) is not generally used by persons with normal mobility; and

159.6 (iii) does not include any motor vehicle or equipment on a motor vehicle normally
159.7 provided by a motor vehicle manufacturer.

159.8 (4) "Over-the-counter drug" means a drug that contains a label that identifies the product
159.9 as a drug as required by Code of Federal Regulations, title 21, section 201.66. The label
159.10 must include a "drug facts" panel or a statement of the active ingredients with a list of those
159.11 ingredients contained in the compound, substance, or preparation. Over-the-counter drugs
159.12 do not include grooming and hygiene products, regardless of whether they otherwise meet
159.13 the definition. "Grooming and hygiene products" are soaps, cleaning solutions, shampoo,
159.14 toothpaste, mouthwash, antiperspirants, and suntan lotions and sunscreens.

159.15 (5) "Prescribed" and "prescription" means a direction in the form of an order, formula,
159.16 or recipe issued in any form of oral, written, electronic, or other means of transmission by
159.17 a duly licensed health care professional.

159.18 (6) "Prosthetic device" means a replacement, corrective, or supportive device, including
159.19 repair and replacement parts, worn on or in the body to:

159.20 (i) artificially replace a missing portion of the body;

159.21 (ii) prevent or correct physical deformity or malfunction; or

159.22 (iii) support a weak or deformed portion of the body.

159.23 Prosthetic device does not include corrective eyeglasses.

159.24 (7) "Kidney dialysis equipment" means equipment that:

159.25 (i) is used to remove waste products that build up in the blood when the kidneys are not
159.26 able to do so on their own; and

159.27 (ii) can withstand repeated use, including multiple use by a single patient, notwithstanding
159.28 the provisions of clause (2).

159.29 (8) A transaction is covered by Medicare or Medicaid if any portion of the cost of the
159.30 item purchased in the transaction is paid for or reimbursed by the federal government or
159.31 the state of Minnesota pursuant to the Medicare or Medicaid program, by a private insurance

company administering the Medicare or Medicaid program on behalf of the federal government or the state of Minnesota, or by a managed care organization for the benefit of a patient enrolled in a prepaid program that furnishes medical services in lieu of conventional Medicare or Medicaid coverage pursuant to agreement with the federal government or the state of Minnesota.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2023.

Sec. 12. Minnesota Statutes 2022, section 297A.70, subdivision 2, is amended to read:

Subd. 2. Sales to government. (a) All sales, except those listed in paragraph (b), to the following governments and political subdivisions, or to the listed agencies or instrumentalities of governments and political subdivisions, are exempt:

(1) the United States and its agencies and instrumentalities;

(2) school districts, local governments, the University of Minnesota, state universities, community colleges, technical colleges, state academies, the Perpich Minnesota Center for Arts Education, and an instrumentality of a political subdivision that is accredited as an optional/special function school by the North Central Association of Colleges and Schools;

(3) hospitals and nursing homes owned and operated by political subdivisions of the state of tangible personal property and taxable services used at or by hospitals and nursing homes;

(4) notwithstanding paragraph (d), the sales and purchases by the Metropolitan Council of vehicles and repair parts to equip operations provided for in section 473.4051 are exempt through December 31, 2016;

(5) other states or political subdivisions of other states, if the sale would be exempt from taxation if it occurred in that state; and

(6) public libraries, public library systems, multicounty, multitype library systems as defined in section 134.001, county law libraries under chapter 134A, state agency libraries, the state library under section 480.09, and the Legislative Reference Library.

(b) This exemption does not apply to the sales of the following products and services:

(1) building, construction, or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration, or repair of a building or facility;

161.1 (2) construction materials purchased by tax exempt entities or their contractors to be
161.2 used in constructing buildings or facilities which will not be used principally by the tax
161.3 exempt entities;

161.4 (3) the leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except
161.5 for leases entered into by the United States or its agencies or instrumentalities;

161.6 (4) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
161.7 ~~and~~ prepared food, candy, soft drinks, ~~and~~ alcoholic beverages as defined in section 297A.67,
161.8 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
161.9 1, paragraph (q), except for lodging, prepared food, candy, soft drinks, ~~and~~ alcoholic
161.10 beverages, and taxable cannabis products purchased directly by the United States or its
161.11 agencies or instrumentalities; or

161.12 (5) goods or services purchased by a local government as inputs to a liquor store, gas
161.13 or electric utility, solid waste hauling service, solid waste recycling service, landfill, golf
161.14 course, marina, campground, cafe, or laundromat.

161.15 (c) As used in this subdivision, "school districts" means public school entities and districts
161.16 of every kind and nature organized under the laws of the state of Minnesota, and any
161.17 instrumentality of a school district, as defined in section 471.59.

161.18 (d) For purposes of the exemption granted under this subdivision, "local governments"
161.19 has the following meaning:

161.20 (1) for the period prior to January 1, 2017, local governments means statutory or home
161.21 rule charter cities, counties, and townships; and

161.22 (2) beginning January 1, 2017, local governments means statutory or home rule charter
161.23 cities, counties, and townships; special districts as defined under section 6.465; any
161.24 instrumentality of a statutory or home rule charter city, county, or township as defined in
161.25 section 471.59; and any joint powers board or organization created under section 471.59.

161.26 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
161.27 30, 2023.

161.28 Sec. 13. Minnesota Statutes 2022, section 297A.70, subdivision 4, is amended to read:

161.29 Subd. 4. **Sales to nonprofit groups.** (a) All sales, except those listed in paragraph (b),
161.30 to the following "nonprofit organizations" are exempt:

162.1 (1) a corporation, society, association, foundation, or institution organized and operated
162.2 exclusively for charitable, religious, or educational purposes if the item purchased is used
162.3 in the performance of charitable, religious, or educational functions;

162.4 (2) any senior citizen group or association of groups that:

162.5 (i) in general limits membership to persons who are either age 55 or older, or persons
162.6 with a physical disability;

162.7 (ii) is organized and operated exclusively for pleasure, recreation, and other nonprofit
162.8 purposes, not including housing, no part of the net earnings of which inures to the benefit
162.9 of any private shareholders; and

162.10 (iii) is an exempt organization under section 501(c) of the Internal Revenue Code; and

162.11 (3) an organization that qualifies for an exemption for memberships under subdivision
162.12 12 if the item is purchased and used in the performance of the organization's mission.

162.13 For purposes of this subdivision, charitable purpose includes the maintenance of a cemetery
162.14 owned by a religious organization.

162.15 (b) This exemption does not apply to the following sales:

162.16 (1) building, construction, or reconstruction materials purchased by a contractor or a
162.17 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
162.18 maximum price covering both labor and materials for use in the construction, alteration, or
162.19 repair of a building or facility;

162.20 (2) construction materials purchased by tax-exempt entities or their contractors to be
162.21 used in constructing buildings or facilities that will not be used principally by the tax-exempt
162.22 entities;

162.23 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
162.24 ~~and~~ prepared food, candy, soft drinks, ~~and~~ alcoholic beverages as defined in section 297A.67,
162.25 subdivision 2, except wine purchased by an established religious organization for sacramental
162.26 purposes or as allowed under subdivision 9a, and taxable cannabis products as defined under
162.27 section 295.81, subdivision 1, paragraph (q); and

162.28 (4) leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except as
162.29 provided in paragraph (c).

162.30 (c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
162.31 subdivision 11, only if the vehicle is:

(1) a truck, as defined in section 168.002, a bus, as defined in section 168.002, or a passenger automobile, as defined in section 168.002, if the automobile is designed and used for carrying more than nine persons including the driver; and

(2) intended to be used primarily to transport tangible personal property or individuals, other than employees, to whom the organization provides service in performing its charitable, religious, or educational purpose.

(d) A limited liability company also qualifies for exemption under this subdivision if (1) it consists of a sole member that would qualify for the exemption, and (2) the items purchased qualify for the exemption.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2023.

Sec. 14. Minnesota Statutes 2022, section 297A.70, subdivision 18, is amended to read:

Subd. 18. **Nursing homes and boarding care homes.** (a) All sales, except those listed in paragraph (b), to a nursing home licensed under section 144A.02 or a boarding care home certified as a nursing facility under title 19 of the Social Security Act are exempt if the facility:

(1) is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code; and

(2) is certified to participate in the medical assistance program under title 19 of the Social Security Act, or certifies to the commissioner that it does not discharge residents due to the inability to pay.

(b) This exemption does not apply to the following sales:

(1) building, construction, or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration, or repair of a building or facility;

(2) construction materials purchased by tax-exempt entities or their contractors to be used in constructing buildings or facilities that will not be used principally by the tax-exempt entities;

(3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2), ~~and~~ prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67,

164.1 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
164.2 1, paragraph (q); and

164.3 (4) leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except as
164.4 provided in paragraph (c).

164.5 (c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
164.6 subdivision 11, only if the vehicle is:

164.7 (1) a truck, as defined in section 168.002; a bus, as defined in section 168.002; or a
164.8 passenger automobile, as defined in section 168.002, if the automobile is designed and used
164.9 for carrying more than nine persons including the driver; and

164.10 (2) intended to be used primarily to transport tangible personal property or residents of
164.11 the nursing home or boarding care home.

164.12 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
164.13 30, 2023.

164.14 Sec. 15. Minnesota Statutes 2022, section 297A.85, is amended to read:

164.15 **297A.85 CANCELLATION OF PERMITS.**

164.16 The commissioner may cancel a permit if one of the following conditions occurs:

164.17 (1) the permit holder has not filed a sales or use tax return for at least one year;

164.18 (2) the permit holder has not reported any sales or use tax liability on the permit holder's
164.19 returns for at least two years;

164.20 (3) the permit holder requests cancellation of the permit;

164.21 (4) the permit is subject to cancellation under section 270C.722, subdivision 2, paragraph
164.22 (a); ~~or~~

164.23 (5) the permit is subject to cancellation under section 297A.84; or

164.24 (6) the permit holder is a taxable cannabis product retailer as defined in section 295.81,
164.25 subdivision 1, paragraph (r), other than a lower-potency hemp edible retailer as licensed
164.26 under section 342.43, subdivision 1, and its license to sell a taxable cannabis product as
164.27 defined in section 295.81, subdivision 1, paragraph (q), has been revoked by the Office of
164.28 Cannabis Management.

164.29 **EFFECTIVE DATE.** This section is effective June 30, 2023.

165.1 Sec. 16. Minnesota Statutes 2022, section 297A.99, is amended by adding a subdivision
165.2 to read:

165.3 Subd. 4a. **Cannabis local tax prohibited.** A political subdivision of this state is
165.4 prohibited from imposing a tax under this section solely on the sale of taxable cannabis
165.5 products as defined under section 295.81, subdivision 1, paragraph (q).

165.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

165.7 Sec. 17. Minnesota Statutes 2022, section 297D.01, is amended to read:

165.8 **297D.01 DEFINITIONS.**

165.9 Subdivision 1. ~~**Marijuana**~~ **Illegal cannabis.** "~~Marijuana~~ Illegal cannabis" means any
165.10 ~~marijuana~~ taxable cannabis product as defined in section 295.81, subdivision 1, paragraph
165.11 (q), whether real or counterfeit, as defined in section 152.01, subdivision 9, that is held,
165.12 possessed, transported, transferred, sold, or offered to be sold in violation of chapter 342
165.13 or Minnesota criminal laws.

165.14 Subd. 2. **Controlled substance.** "Controlled substance" means any drug or substance,
165.15 whether real or counterfeit, as defined in section 152.01, subdivision 4, that is held, possessed,
165.16 transported, transferred, sold, or offered to be sold in violation of Minnesota laws. "Controlled
165.17 substance" does not include ~~marijuana~~ illegal cannabis.

165.18 Subd. 3. **Tax obligor or obligor.** "Tax obligor" or "obligor" means a person who in
165.19 violation of Minnesota law manufactures, produces, ships, transports, or imports into
165.20 Minnesota or in any manner acquires or possesses more than 42-1/2 grams of ~~marijuana~~
165.21 illegal cannabis, or seven or more grams of any controlled substance, or ten or more dosage
165.22 units of any controlled substance which is not sold by weight. A quantity of ~~marijuana~~ illegal
165.23 cannabis or other controlled substance is measured by the weight of the substance whether
165.24 pure or impure or dilute, or by dosage units when the substance is not sold by weight, in
165.25 the tax obligor's possession. A quantity of a controlled substance is dilute if it consists of a
165.26 detectable quantity of pure controlled substance and any excipients or fillers.

165.27 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of revenue.

165.28 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.1 Sec. 18. Minnesota Statutes 2022, section 297D.04, is amended to read:

166.2 **297D.04 TAX PAYMENT REQUIRED FOR POSSESSION.**

166.3 No tax obligor may possess any ~~marijuana~~ illegal cannabis or controlled substance upon
166.4 which a tax is imposed by section 297D.08 unless the tax has been paid on the ~~marijuana~~
166.5 illegal cannabis or ~~other~~ a controlled substance as evidenced by a stamp or other official
166.6 indicia.

166.7 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.8 Sec. 19. Minnesota Statutes 2022, section 297D.06, is amended to read:

166.9 **297D.06 PHARMACEUTICALS.**

166.10 Nothing in this chapter requires persons registered under chapter 151 or otherwise
166.11 lawfully in possession of ~~marijuana~~ illegal cannabis or a controlled substance to pay the tax
166.12 required under this chapter.

166.13 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.14 Sec. 20. Minnesota Statutes 2022, section 297D.07, is amended to read:

166.15 **297D.07 MEASUREMENT.**

166.16 For the purpose of calculating the tax under section 297D.08, a quantity of ~~marijuana~~
166.17 illegal cannabis or ~~other~~ a controlled substance is measured by the weight of the substance
166.18 whether pure or impure or dilute, or by dosage units when the substance is not sold by
166.19 weight, in the tax obligor's possession. A quantity of a controlled substance is dilute if it
166.20 consists of a detectable quantity of pure controlled substance and any excipients or fillers.

166.21 **EFFECTIVE DATE.** This section is effective June 30, 2023.

166.22 Sec. 21. Minnesota Statutes 2022, section 297D.08, is amended to read:

166.23 **297D.08 TAX RATE.**

166.24 A tax is imposed on ~~marijuana~~ illegal cannabis and controlled substances as defined in
166.25 section 297D.01 at the following rates:

166.26 (1) on each gram of ~~marijuana~~ illegal cannabis, or each portion of a gram, \$3.50; and

166.27 (2) on each gram of controlled substance, or portion of a gram, \$200; or

166.28 (3) on each ten dosage units of a controlled substance that is not sold by weight, or
166.29 portion thereof, \$400.

167.1 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.2 Sec. 22. Minnesota Statutes 2022, section 297D.085, is amended to read:

167.3 **297D.085 CREDIT FOR PREVIOUSLY PAID TAXES.**

167.4 If another state or local unit of government has previously assessed an excise tax on the
167.5 ~~marijuana~~ illegal cannabis or controlled substances, the taxpayer must pay the difference
167.6 between the tax due under section 297D.08 and the tax previously paid. If the tax previously
167.7 paid to the other state or local unit of government was equal to or greater than the tax due
167.8 under section 297D.08, no tax is due. The burden is on the taxpayer to show that an excise
167.9 tax on the ~~marijuana~~ illegal cannabis or controlled substances has been paid to another state
167.10 or local unit of government.

167.11 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.12 Sec. 23. Minnesota Statutes 2022, section 297D.09, subdivision 1a, is amended to read:

167.13 Subd. 1a. **Criminal penalty; sale without affixed stamps.** In addition to the tax penalty
167.14 imposed, a tax obligor distributing or possessing ~~marijuana~~ illegal cannabis or controlled
167.15 substances without affixing the appropriate stamps, labels, or other indicia is guilty of a
167.16 crime and, upon conviction, may be sentenced to imprisonment for not more than seven
167.17 years or to payment of a fine of not more than \$14,000, or both.

167.18 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.19 Sec. 24. Minnesota Statutes 2022, section 297D.10, is amended to read:

167.20 **297D.10 STAMP PRICE.**

167.21 Official stamps, labels, or other indicia to be affixed to all ~~marijuana~~ illegal cannabis or
167.22 controlled substances shall be purchased from the commissioner. The purchaser shall pay
167.23 100 percent of face value for each stamp, label, or other indicia at the time of the purchase.

167.24 **EFFECTIVE DATE.** This section is effective June 30, 2023.

167.25 Sec. 25. Minnesota Statutes 2022, section 297D.11, is amended to read:

167.26 **297D.11 PAYMENT DUE.**

167.27 Subdivision 1. **Stamps affixed.** When a tax obligor purchases, acquires, transports, or
167.28 imports into this state ~~marijuana~~ illegal cannabis or controlled substances on which a tax is
167.29 imposed by section 297D.08, and if the indicia evidencing the payment of the tax have not
167.30 already been affixed, the tax obligor shall have them permanently affixed on the ~~marijuana~~

168.1 illegal cannabis or controlled substance immediately after receiving the substance. Each
168.2 stamp or other official indicia may be used only once.

168.3 Subd. 2. **Payable on possession.** Taxes imposed upon ~~marijuana~~ illegal cannabis or
168.4 controlled substances by this chapter are due and payable immediately upon acquisition or
168.5 possession in this state by a tax obligor.

168.6 **EFFECTIVE DATE.** This section is effective June 30, 2023.

168.7 **ARTICLE 3**
168.8 **BUSINESS DEVELOPMENT**

168.9 Section 1. **[116J.659] CANNABIS INDUSTRY STARTUP FINANCING GRANTS.**

168.10 Subdivision 1. **Establishment.** The commissioner of employment and economic
168.11 development shall establish CanStartup, a program to award grants to nonprofit corporations
168.12 to fund loans to new cannabis microbusinesses and to support job creation in communities
168.13 where long-term residents are eligible to be social equity applicants.

168.14 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
168.15 meanings given.

168.16 (b) "Cannabis microbusiness" means a cannabis business that meets the requirements
168.17 of section 342.28.

168.18 (c) "Commissioner" means the commissioner of employment and economic development.

168.19 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

168.20 (e) "New business" means a legal cannabis business that has been in existence for three
168.21 years or less.

168.22 (f) "Program" means the CanStartup grant program.

168.23 (g) "Social equity applicant" means a person who meets the qualification requirements
168.24 in section 342.16.

168.25 Subd. 3. **Grants.** (a) The commissioner shall establish a revolving loan account to make
168.26 grants under the CanStartup program.

168.27 (b) The commissioner must award grants to nonprofit corporations through a competitive
168.28 grant process.

168.29 (c) To receive grant money, a nonprofit corporation must submit a written application
168.30 to the commissioner using a form developed by the commissioner.

169.1 (d) In awarding grants under this subdivision, the commissioner shall give weight to
169.2 whether the nonprofit corporation:

169.3 (1) has a board of directors that includes citizens experienced in business and community
169.4 development, new business enterprises, and creating jobs for people facing barriers to
169.5 education or employment;

169.6 (2) has the technical skills to analyze projects;

169.7 (3) is familiar with other available public and private funding sources and economic
169.8 development programs;

169.9 (4) can initiate and implement economic development projects;

169.10 (5) can establish and administer a revolving loan account;

169.11 (6) can work with job referral networks that assist people facing barriers to education
169.12 or employment; and

169.13 (7) has established relationships with communities where long-term residents are eligible
169.14 to be social equity applicants.

169.15 The commissioner shall make grants that will assist new cannabis microbusinesses.

169.16 (e) A nonprofit corporation that receives a grant under the program must:

169.17 (1) establish a commissioner-certified revolving loan account for the purpose of making
169.18 eligible loans; and

169.19 (2) enter into an agreement with the commissioner that the commissioner shall fund
169.20 loans that the nonprofit corporation makes to new cannabis microbusinesses. The
169.21 commissioner shall review existing agreements with nonprofit corporations every five years
169.22 and may renew or terminate an agreement based on that review. In making this review, the
169.23 commissioner shall consider, among other criteria, the criteria in paragraph (d).

169.24 Subd. 4. **Loans to businesses.** (a) The criteria in this subdivision apply to loans made
169.25 by nonprofit corporations under the program.

169.26 (b) Loans must be used to support a new cannabis microbusiness in the legal cannabis
169.27 industry. Priority must be given to loans to businesses owned by individuals who are eligible
169.28 to be social equity applicants and businesses located in communities where long-term
169.29 residents are eligible to be social equity applicants.

169.30 (c) Loans must be made to cannabis microbusinesses that are not likely to undertake the
169.31 project for which loans are sought without assistance from the program.

170.1 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

170.2 (1) \$50,000; or

170.3 (2) \$150,000, if state contributions are matched by an equal or greater amount of new
170.4 private investment.

170.5 (e) Loan applications given preliminary approval by the nonprofit corporation must be
170.6 forwarded to the commissioner for approval. The commissioner must give final approval
170.7 for each loan made by the nonprofit corporation under the program.

170.8 (f) A cannabis microbusiness that receives a loan may apply to renew the loan. Renewal
170.9 applications must be made on an annual basis and a cannabis microbusiness may receive
170.10 loans for up to six consecutive years. A nonprofit corporation may renew a loan to a cannabis
170.11 microbusiness that is no longer a new business provided the business would otherwise
170.12 qualify for an initial loan and is in good standing with the nonprofit corporation and the
170.13 commissioner. A nonprofit corporation may adjust the amount of a renewed loan, or not
170.14 renew a loan, if the nonprofit corporation determines that the cannabis microbusiness is
170.15 financially stable and is substantially likely to continue the project for which the loan renewal
170.16 is sought.

170.17 (g) If a borrower has met lender criteria, including being current with all payments for
170.18 a minimum of three years, the commissioner may approve either full or partial forgiveness
170.19 of interest or principal amounts.

170.20 Subd. 5. **Revolving loan account administration.** (a) The commissioner shall establish
170.21 a minimum interest rate for loans or guarantees to ensure that necessary loan administration
170.22 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
170.23 section must not exceed the Wall Street Journal prime rate. For a loan under this section,
170.24 the nonprofit corporation may charge a loan origination fee equal to or less than one percent
170.25 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

170.26 (b) Loan repayment of principal must be paid to the commissioner for deposit in the
170.27 revolving loan account. Loan interest payments must be deposited in a revolving loan
170.28 account created by the nonprofit corporation originating the loan being repaid for further
170.29 distribution or use, consistent with the criteria of this section.

170.30 (c) Administrative expenses of the nonprofit corporations with whom the commissioner
170.31 enters into agreements, including expenses incurred by a nonprofit corporation in providing
170.32 financial, technical, managerial, and marketing assistance to a business receiving a loan

171.1 under this section, are eligible program expenses the commissioner may agree to pay under
171.2 the grant agreement.

171.3 Subd. 6. **Program outreach.** The commissioner shall make extensive efforts to publicize
171.4 this program, including through partnerships with community organizations, particularly
171.5 those organizations located in areas where long-term residents are eligible to be social equity
171.6 applicants.

171.7 Subd. 7. **Reporting requirements.** (a) A nonprofit corporation that receives a grant
171.8 shall:

171.9 (1) submit an annual report to the commissioner by February 1 of each year that the
171.10 nonprofit corporation participates in the program that includes a description of businesses
171.11 supported by the grant program, an account of loans made during the calendar year, the
171.12 program's impact on business creation and job creation, particularly in communities where
171.13 long-term residents are eligible to be social equity applicants, the source and amount of
171.14 money collected and distributed by the program, the program's assets and liabilities, and an
171.15 explanation of administrative expenses; and

171.16 (2) provide for an independent annual audit to be performed in accordance with generally
171.17 accepted accounting practices and auditing standards and submit a copy of each annual
171.18 audit report to the commissioner.

171.19 (b) By March 1, 2024, and each March 1 thereafter, the commissioner must submit a
171.20 report to the chairs and ranking minority members of the committees of the house of
171.21 representatives and the senate having jurisdiction over economic development that details
171.22 awards given through the CanStartup program and the use of grant money, including any
171.23 measures of success toward financing new cannabis microbusinesses and creating jobs in
171.24 communities where long-term residents are eligible to be social equity applicants.

171.25 Sec. 2. **[116J.6595] CANNABIS INDUSTRY NAVIGATION GRANTS.**

171.26 Subdivision 1. **Establishment.** The commissioner of employment and economic
171.27 development shall establish CanNavigate, a program to award grants to eligible organizations
171.28 to help individuals navigate the regulatory structure of the legal cannabis industry.

171.29 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
171.30 meanings given.

171.31 (b) "Commissioner" means the commissioner of employment and economic development.

172.1 (c) "Eligible organization" means any organization capable of helping individuals navigate
172.2 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers
172.3 to education or employment, and may include educational institutions, nonprofit
172.4 organizations, private businesses, community groups, units of local government, or
172.5 partnerships between different types of organizations.

172.6 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

172.7 (e) "Program" means the CanNavigate grant program.

172.8 (f) "Social equity applicant" means a person who meets the qualification requirements
172.9 in section 342.16.

172.10 Subd. 3. **Grants to organizations.** (a) Grant money awarded to eligible organizations
172.11 may be used for both developing technical assistance resources relevant to the regulatory
172.12 structure of the legal cannabis industry and for providing technical assistance or navigation
172.13 services to individuals.

172.14 (b) The commissioner must award grants to eligible organizations through a competitive
172.15 grant process.

172.16 (c) To receive grant money, an eligible organization must submit a written application
172.17 to the commissioner, using a form developed by the commissioner, explaining the
172.18 organization's ability to assist individuals in navigating the regulatory structure of the legal
172.19 cannabis industry, particularly individuals facing barriers to education or employment.

172.20 (d) An eligible organization's grant application must also include:

172.21 (1) a description of the proposed technical assistance or navigation services, including
172.22 the types of individuals targeted for assistance;

172.23 (2) any evidence of the organization's past success in providing technical assistance or
172.24 navigation services to individuals, particularly individuals who live in areas where long-term
172.25 residents are eligible to be social equity applicants;

172.26 (3) an estimate of the cost of providing the technical assistance;

172.27 (4) the sources and amounts of any nonstate money or in-kind contributions that will
172.28 supplement grant money, including any amounts that individuals will be charged to receive
172.29 assistance; and

172.30 (5) any additional information requested by the commissioner.

172.31 (e) In awarding grants under this subdivision, the commissioner shall give weight to
172.32 applications from organizations that demonstrate a history of successful technical assistance

173.1 or navigation services, particularly for individuals facing barriers to education or employment.
173.2 The commissioner shall also give weight to applications where the proposed technical
173.3 assistance will serve areas where long-term residents are eligible to be social equity
173.4 applicants. To the extent practicable, the commissioner shall fund technical assistance for
173.5 a variety of sectors in the legal cannabis industry, including both processing and retail
173.6 sectors.

173.7 Subd. 4. **Program outreach.** The commissioner shall make extensive efforts to publicize
173.8 these grants, including through partnerships with community organizations, particularly
173.9 those organizations located in areas where long-term residents are eligible to be social equity
173.10 applicants.

173.11 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
173.12 the commissioner must submit a report to the chairs and ranking minority members of the
173.13 committees of the house of representatives and the senate having jurisdiction over economic
173.14 development that details awards given through the CanNavigate program and the use of
173.15 grant money, including any measures of success toward helping individuals navigate the
173.16 regulatory structure of the legal cannabis industry.

173.17 Sec. 3. **[116L.90] CANNABIS INDUSTRY TRAINING GRANTS.**

173.18 Subdivision 1. **Establishment.** The commissioner of employment and economic
173.19 development shall establish CanTrain, a program to award grants to (1) eligible organizations
173.20 to train people for work in the legal cannabis industry, and (2) eligible individuals to acquire
173.21 such training.

173.22 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
173.23 meanings given.

173.24 (b) "Commissioner" means the commissioner of employment and economic development.

173.25 (c) "Eligible organization" means any organization capable of providing training relevant
173.26 to the legal cannabis industry, particularly for individuals facing barriers to education or
173.27 employment, and may include educational institutions, nonprofit organizations, private
173.28 businesses, community groups, units of local government, or partnerships between different
173.29 types of organizations.

173.30 (d) "Eligible individual" means a Minnesota resident who is 21 years old or older.

173.31 (e) "Industry" means the legal cannabis industry in Minnesota.

173.32 (f) "Program" means the CanTrain grant program.

174.1 (g) "Social equity applicant" means a person who meets the qualification requirements
174.2 in section 342.16.

174.3 Subd. 3. **Grants to organizations.** (a) Grant money awarded to eligible organizations
174.4 may be used for both developing a training program relevant to the legal cannabis industry
174.5 and for providing such training to individuals.

174.6 (b) The commissioner must award grants to eligible organizations through a competitive
174.7 grant process.

174.8 (c) To receive grant money, an eligible organization must submit a written application
174.9 to the commissioner, using a form developed by the commissioner, explaining the
174.10 organization's ability to train individuals for successful careers in the legal cannabis industry,
174.11 particularly individuals facing barriers to education or employment.

174.12 (d) An eligible organization's grant application must also include:

174.13 (1) a description of the proposed training;

174.14 (2) an analysis of the degree of demand in the legal cannabis industry for the skills gained
174.15 through the proposed training;

174.16 (3) any evidence of the organization's past success in training individuals for successful
174.17 careers, particularly in new or emerging industries;

174.18 (4) an estimate of the cost of providing the proposed training;

174.19 (5) the sources and amounts of any nonstate funds or in-kind contributions that will
174.20 supplement grant money, including any amounts that individuals will be charged to
174.21 participate in the training; and

174.22 (6) any additional information requested by the commissioner.

174.23 (e) In awarding grants under this subdivision, the commissioner shall give weight to
174.24 applications from organizations that demonstrate a history of successful career training,
174.25 particularly for individuals facing barriers to education or employment. The commissioner
174.26 shall also give weight to applications where the proposed training will:

174.27 (1) result in an industry-relevant credential; or

174.28 (2) include opportunities for hands-on or on-site experience in the industry.

174.29 The commissioner shall fund training for a broad range of careers in the legal cannabis
174.30 industry, including both potential business owners and employees and for work in the
174.31 growing, processing, and retail sectors of the legal cannabis industry.

175.1 Subd. 4. **Grants to individuals.** (a) The commissioner shall award grants of \$..... to
175.2 eligible individuals to pursue a training program relevant to a career in the legal cannabis
175.3 industry.

175.4 (b) To receive grant money, an eligible individual must submit a written application to
175.5 the commissioner, using a form developed by the commissioner, identifying a training
175.6 program relevant to the legal cannabis industry and the estimated cost of completing that
175.7 training. The application must also indicate whether:

175.8 (1) the applicant is eligible to be a social equity applicant;

175.9 (2) the proposed training program results in an industry-relevant credential; and

175.10 (3) the proposed training program includes opportunities for hands-on or on-site
175.11 experience in the industry.

175.12 The commissioner shall attempt to make the application process simple for individuals to
175.13 complete, such as by publishing lists of industry-relevant training programs along with the
175.14 training program's estimated cost of completing the training programs and whether the
175.15 training programs will result in an industry-relevant credential or include opportunities for
175.16 hands-on or on-site experience in the legal cannabis industry.

175.17 (c) The commissioner must award grants to eligible individuals through a lottery process.
175.18 Applicants who have filed complete applications by the deadline set by the commissioner
175.19 shall receive one entry in the lottery, plus one additional entry for each of the following:

175.20 (1) being eligible to be a social equity applicant;

175.21 (2) seeking to enroll in a training program that results in an industry-relevant credential;
175.22 and

175.23 (3) seeking to enroll in a training program that includes opportunities for hands-on or
175.24 on-site experience in the industry.

175.25 (d) Grant money awarded to eligible individuals shall be used to pay the costs of enrolling
175.26 in a training program relevant to the legal cannabis industry, including tuition, fees, and
175.27 materials costs. Grant money may also be used to remove external barriers to attending such
175.28 a training program, such as the cost of child care, transportation, or other expenses approved
175.29 by the commissioner.

175.30 Subd. 5. **Program outreach.** The commissioner shall make extensive efforts to publicize
175.31 these grants, including through partnerships with community organizations, particularly

176.1 those organizations located in areas where long-term residents are eligible to be social equity
176.2 applicants.

176.3 Subd. 6. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
176.4 the commissioner must submit a report to the chairs and ranking minority members of the
176.5 committees of the house of representatives and the senate having jurisdiction over workforce
176.6 development that describes awards given through the CanTrain program and the use of
176.7 grant money, including any measures of success toward training people for successful
176.8 careers in the legal cannabis industry.

176.9 **ARTICLE 4**
176.10 **CRIMINAL PENALTIES**

176.11 Section 1. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision
176.12 to read:

176.13 Subd. 25. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
176.14 meaning given in section 342.01, subdivision 6.

176.15 Sec. 2. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.16 read:

176.17 Subd. 26. **Cannabis concentrate.** "Cannabis concentrate" has the meaning given in
176.18 section 342.01, subdivision 14.

176.19 Sec. 3. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.20 read:

176.21 Subd. 27. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
176.22 subdivision 15.

176.23 Sec. 4. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.24 read:

176.25 Subd. 28. **Cannabis plant.** "Cannabis plant" has the meaning given in section 342.01,
176.26 subdivision 18.

177.1 Sec. 5. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.2 read:

177.3 Subd. 29. **Cannabis product.** "Cannabis product" has the meaning given in section
177.4 342.01, subdivision 19.

177.5 Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.6 read:

177.7 Subd. 30. **Edible cannabis product.** "Edible cannabis product" has the meaning given
177.8 in section 342.01, subdivision 29.

177.9 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.10 read:

177.11 Subd. 31. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
177.12 the meaning given in section 342.01, subdivision 35.

177.13 Sec. 8. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.14 read:

177.15 Subd. 32. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
177.16 given in section 342.01, subdivision 48.

177.17 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

177.18 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
177.19 degree if:

177.20 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
177.21 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

177.22 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
177.23 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
177.24 and:

177.25 (i) the person or an accomplice possesses on their person or within immediate reach, or
177.26 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
177.27 firearm; or

177.28 (ii) the offense involves two aggravating factors;

178.1 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
178.2 more mixtures of a total weight of ten grams or more containing heroin;

178.3 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
178.4 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
178.5 cocaine, heroin, or methamphetamine; or

178.6 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
178.7 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
178.8 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
178.9 more dosage units; or.

178.10 ~~(6) on one or more occasions within a 90-day period the person unlawfully sells one or~~
178.11 ~~more mixtures of a total weight of 25 kilograms or more containing marijuana or~~
178.12 ~~Tetrahydrocannabinols.~~

178.13 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
178.14 committed on or after that date.

178.15 Sec. 10. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

178.16 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
178.17 the first degree if:

178.18 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
178.19 or more containing cocaine or methamphetamine;

178.20 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
178.21 or more containing cocaine or methamphetamine and:

178.22 (i) the person or an accomplice possesses on their person or within immediate reach, or
178.23 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
178.24 firearm; or

178.25 (ii) the offense involves two aggravating factors;

178.26 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
178.27 or more containing heroin;

178.28 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
178.29 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

~~(6) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.;~~

(i) 50 kilograms or more of cannabis flower;

(ii) ten kilograms or more of cannabis concentrate; or

(iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those infused with more than one kilogram of tetrahydrocannabinols.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing heroin;

180.1 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
180.2 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
180.3 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
180.4 more dosage units;

180.5 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
180.6 ~~more mixtures of a total weight of ten kilograms or more containing marijuana or~~
180.7 ~~Tetrahydrocannabinols;~~

180.8 ~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a
180.9 person under the age of 18, or conspires with or employs a person under the age of 18 to
180.10 unlawfully sell the substance; or

180.11 ~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a
180.12 public housing zone, or a drug treatment facility:

180.13 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
180.14 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

180.15 (ii) one or more mixtures containing methamphetamine or amphetamine; ~~or.~~

180.16 ~~(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana~~
180.17 ~~or Tetrahydrocannabinols.~~

180.18 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
180.19 committed on or after that date.

180.20 Sec. 12. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

180.21 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
180.22 second degree if:

180.23 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
180.24 or more containing cocaine or methamphetamine;

180.25 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
180.26 or more containing cocaine or methamphetamine and:

180.27 (i) the person or an accomplice possesses on their person or within immediate reach, or
180.28 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
180.29 firearm; or

180.30 (ii) the offense involves three aggravating factors;

181.1 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
181.2 or more containing heroin;

181.3 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
181.4 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

181.5 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
181.6 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
181.7 substance is packaged in dosage units, equaling 100 or more dosage units; or

181.8 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 25~~
181.9 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or~~
181.10 ~~more marijuana plants.;~~

181.11 (i) 25 kilograms or more of cannabis flower;

181.12 (ii) five kilograms or more of cannabis concentrate; or

181.13 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
181.14 products, or any combination of those infused with more than 500 grams of
181.15 tetrahydrocannabinols.

181.16 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
181.17 not be considered in measuring the weight of a mixture except in cases where the mixture
181.18 contains four or more fluid ounces of fluid.

181.19 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
181.20 committed on or after that date.

181.21 Sec. 13. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

181.22 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third
181.23 degree if:

181.24 (1) the person unlawfully sells one or more mixtures containing a narcotic drug;

181.25 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
181.26 more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units,
181.27 and equals ten or more dosage units;

181.28 (3) the person unlawfully sells one or more mixtures containing a controlled substance
181.29 classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower,
181.30 or cannabinoid products to a person under the age of 18; or

182.1 (4) the person conspires with or employs a person under the age of 18 to unlawfully sell
182.2 one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except
182.3 a Schedule I or II narcotic drug; or.

182.4 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
182.5 ~~more mixtures of a total weight of five kilograms or more containing marijuana or~~
182.6 ~~Tetrahydrocannabinols.~~

182.7 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
182.8 committed on or after that date.

182.9 Sec. 14. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

182.10 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
182.11 third degree if:

182.12 (1) on one or more occasions within a 90-day period the person unlawfully possesses
182.13 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
182.14 than heroin;

182.15 (2) on one or more occasions within a 90-day period the person unlawfully possesses
182.16 one or more mixtures of a total weight of three grams or more containing heroin;

182.17 (3) on one or more occasions within a 90-day period the person unlawfully possesses
182.18 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
182.19 50 or more dosage units;

182.20 (4) on one or more occasions within a 90-day period the person unlawfully possesses
182.21 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
182.22 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
182.23 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
182.24 or a drug treatment facility;

182.25 (5) on one or more occasions within a 90-day period the person unlawfully possesses
182.26 ~~one or more mixtures of a total weight of ten kilograms or more containing marijuana or~~
182.27 ~~Tetrahydrocannabinols;~~

182.28 (i) more than ten kilograms of cannabis flower;

182.29 (ii) more than two kilograms of cannabis concentrate; or

182.30 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
182.31 products, or any combination of those infused with more than 200 grams of
182.32 tetrahydrocannabinol; or

183.1 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
183.2 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
183.3 facility.

183.4 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
183.5 not be considered in measuring the weight of a mixture except in cases where the mixture
183.6 contains four or more fluid ounces of fluid.

183.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
183.8 committed on or after that date.

183.9 Sec. 15. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

183.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth
183.11 degree if:

183.12 (1) the person unlawfully sells one or more mixtures containing a controlled substance
183.13 classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

183.14 (2) the person unlawfully sells one or more mixtures containing a controlled substance
183.15 classified in Schedule IV or V to a person under the age of 18; or

183.16 (3) the person conspires with or employs a person under the age of 18 to unlawfully sell
183.17 a controlled substance classified in Schedule IV or V; ~~or.~~

183.18 ~~(4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in a~~
183.19 ~~school zone, a park zone, a public housing zone, or a drug treatment facility, except a small~~
183.20 ~~amount for no remuneration.~~

183.21 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
183.22 committed on or after that date.

183.23 Sec. 16. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

183.24 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
183.25 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

183.26 ~~(1) the person unlawfully sells one or more mixtures containing marijuana or~~
183.27 ~~tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

183.28 ~~(2) the person unlawfully sells one or more mixtures containing a controlled substance~~
183.29 ~~classified in Schedule IV.~~

184.1 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
184.2 committed on or after that date.

184.3 Sec. 17. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

184.4 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
184.5 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

184.6 (1) the person unlawfully possesses one or more mixtures containing a controlled
184.7 substance classified in Schedule I, II, III, or IV, except ~~a small amount of marijuana~~ cannabis
184.8 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
184.9 or

184.10 (2) the person procures, attempts to procure, possesses, or has control over a controlled
184.11 substance by any of the following means:

184.12 (i) fraud, deceit, misrepresentation, or subterfuge;

184.13 (ii) using a false name or giving false credit; or

184.14 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
184.15 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
184.16 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
184.17 obtaining a controlled substance.

184.18 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
184.19 committed on or after that date.

184.20 Sec. 18. **[152.0263] CANNABIS POSSESSION CRIMES.**

184.21 Subdivision 1. **Possession of cannabis in the first degree.** A person is guilty of cannabis
184.22 possession in the first degree and may be sentenced to imprisonment of not more than five
184.23 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
184.24 possesses any of the following:

184.25 (1) more than 1.5 pounds but not more than ten kilograms of cannabis flower;

184.26 (2) more than 160 grams but not more than two kilograms of cannabis concentrate; or

184.27 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
184.28 products infused with more than 16 grams but not more than 200 grams of
184.29 tetrahydrocannabinol.

Subd. 2. Possession of cannabis in the second degree. A person is guilty of cannabis possession in the second degree and may be sentenced to imprisonment of not more than one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully possesses any of the following:

(1) more than one pound but not more than 1.5 pounds of cannabis flower in any place other than the person's residence;

(2) more than 80 grams but not more than 160 grams of cannabis concentrate; or

(3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than eight grams but not more than 16 grams of tetrahydrocannabinol.

Subd. 3. Possession of cannabis in the third degree. A person is guilty of cannabis possession in the third degree and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully possesses any of the following:

(1) more than four ounces but not more than one pound of cannabis flower in any place other than the person's residence;

(2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

(3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 1,600 milligrams but not more than eight grams of tetrahydrocannabinol.

Subd. 4. Possession of cannabis in the fourth degree. A person is guilty of a petty misdemeanor if the person unlawfully possesses any of the following:

(1) more than two ounces but not more than four ounces of cannabis flower in any place other than the person's residence;

(2) more than eight grams but not more than 16 grams of cannabis concentrate; or

(3) edible cannabinoid products infused with more than 800 milligrams but not more than 1,600 milligrams of tetrahydrocannabinol.

Subd. 5. Use of cannabis in public. A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place provided that the definition of public place does not include the following:

(1) a private residence, 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.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 19. **[152.0264] CANNABIS SALE CRIMES.**

Subdivision 1. Sale of cannabis in the first degree. A person is guilty of the sale of cannabis in the first degree and may be sentenced to imprisonment of not more than five years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully sells more than two ounces of cannabis flower; more than eight grams of cannabis concentrate; or edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

(1) to a minor and the defendant is an adult who is more than 36 months older than the minor;

(2) within ten years of two or more convictions under subdivision 2 or 3; or

(3) within ten years of a conviction under this subdivision.

Subd. 2. Sale of cannabis in the second degree. A person is guilty of sale of cannabis in the second degree and may be sentenced to imprisonment of not more than one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully sells:

(1) more than two ounces of cannabis flower; more than eight grams of cannabis concentrate; or edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

(i) to a minor and the defendant is an adult who is not more than 36 months older than the minor;

(ii) in a school zone, a park zone, a public housing zone, or a drug treatment facility; or

(iii) within ten years of a conviction under subdivision 1, 2, or 3; or

(2) up to two ounces of cannabis flower; up to eight grams of cannabis concentrate; edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with up to 800 milligrams of tetrahydrocannabinol to a minor.

Subd. 3. Sale of cannabis in the third degree. A person is guilty of sale of cannabis in the third degree and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully sells:

(1) more than two ounces of cannabis flower;

(2) more than eight grams of cannabis concentrate; or

(3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 800 milligrams of tetrahydrocannabinol.

Subd. 4. Sale of cannabis in the fourth degree. (a) A person is guilty of a petty misdemeanor if the person unlawfully sells:

(1) not more than two ounces of cannabis flower;

(2) not more than eight grams of cannabis concentrate; or

(3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with not more than 800 milligrams of tetrahydrocannabinol.

(b) A sale for no remuneration by an individual over the age of 21 to another individual over the age of 21 is not an unlawful sale under this subdivision.

Subd. 5. Sale of cannabis by a minor. (a) A minor is guilty of a petty misdemeanor if:

(1) the minor unlawfully sells cannabis flower, cannabis concentrate, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products; and

(2) the minor has not previously received a petty misdemeanor disposition or been adjudicated delinquent for committing an act in violation of this section.

(b) A minor sentenced under this subdivision is required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(c) A minor who receives a disposition pursuant to this subdivision is required to perform community service.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes committed on or after that date.

188.1 Sec. 20. [152.0265] CANNABIS CULTIVATION CRIMES.

188.2 Subdivision 1. Cultivation of cannabis in the first degree. A person is guilty of
188.3 cultivation of cannabis in the first degree and may be sentenced to imprisonment of not
188.4 more than five years or to payment of a fine of not more than \$10,000, or both, if the person
188.5 unlawfully cultivates more than 23 cannabis plants.

188.6 Subd. 2. Cultivation of cannabis in the second degree. A person is guilty of cultivation
188.7 of cannabis in the second degree and may be sentenced to imprisonment of not more than
188.8 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
188.9 cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

188.10 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
188.11 committed on or after that date.

188.12 Sec. 21. Minnesota Statutes 2022, section 152.11, subdivision 2, is amended to read:

188.13 Subd. 2. **Prescription requirements for Schedule III or IV controlled substances.** (a)
188.14 Except as provided in paragraph (b), no person may dispense a controlled substance included
188.15 in Schedule III or IV of section 152.02 without a prescription issued, as permitted under
188.16 subdivision 1, by a doctor of medicine, a doctor of osteopathic medicine licensed to practice
188.17 medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a
188.18 doctor of optometry limited to Schedule IV, or a doctor of veterinary medicine, lawfully
188.19 licensed to prescribe in this state or from a practitioner licensed to prescribe controlled
188.20 substances by the state in which the prescription is issued, and having a current federal drug
188.21 enforcement administration registration number. Such prescription may not be dispensed
188.22 or refilled except with the documented consent of the prescriber, and in no event more than
188.23 six months after the date on which such prescription was issued and no such prescription
188.24 may be refilled more than five times.

188.25 (b) This subdivision does not apply to cannabis plants, cannabis flower, cannabis products,
188.26 or hemp-derived consumer products sold or transferred in compliance with chapter 342.

188.27 Sec. 22. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.28 to read:

188.29 Subd. 3a. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
188.30 meaning given in section 342.01, subdivision 6.

189.1 Sec. 23. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.2 to read:

189.3 Subd. 3b. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
189.4 subdivision 15.

189.5 Sec. 24. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.6 to read:

189.7 Subd. 3c. **Cannabis product.** "Cannabis product" has the meaning given in section
189.8 342.01, subdivision 19.

189.9 Sec. 25. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.10 to read:

189.11 Subd. 10a. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
189.12 the meaning given in section 342.01, subdivision 35.

189.13 Sec. 26. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
189.14 to read:

189.15 Subd. 11b. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
189.16 given in section 342.01, subdivision 48.

189.17 Sec. 27. Minnesota Statutes 2022, section 169A.20, subdivision 1, is amended to read:

189.18 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
189.19 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
189.20 169A.03, subdivision 15, within this state or on any boundary water of this state when:

189.21 (1) the person is under the influence of alcohol;

189.22 (2) the person is under the influence of a controlled substance;

189.23 (3) the person is under the influence of an intoxicating substance and the person knows
189.24 or has reason to know that the substance has the capacity to cause impairment;

189.25 (4) the person is under the influence of a combination of any two or more of the elements
189.26 named in clauses (1) to (3) or (8);

189.27 (5) the person's alcohol concentration at the time, or as measured within two hours of
189.28 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or
189.29 more;

(6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; ~~or~~

(7) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinols; or

(8) the person is under the influence of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinols.

Sec. 28. **[169A.36] OPEN PACKAGE LAW.**

Subdivision 1. Definitions. As used in this section:

(1) "motor vehicle" does not include motorboats in operation or off-road recreational vehicles except while operated on a roadway or shoulder of a roadway that is not part of a grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources; and

(2) "possession" means either that the person had actual possession of the package or that the person consciously exercised dominion and control over the package.

Subd. 2. Use; crime described. It is a crime for a person to use cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid in a motor vehicle when the vehicle is on a street or highway.

Subd. 3. Possession; crime described. It is a crime for a person to have in possession, while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid that:

(1) is in packaging or another container that does not comply with the relevant packaging requirements in chapter 152 or 342;

(2) has been removed from the packaging in which it was sold;

(3) is in packaging that has been opened or the seal has been broken; or

(4) is in packaging of which the contents have been partially removed.

Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner of any private motor vehicle or the driver, if the owner is not present in the motor vehicle, to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid that:

(1) is in packaging or another container that does not comply with the relevant packaging requirements in chapter 152 or 342;

(2) has been removed from the packaging in which it was sold;

(3) is in packaging that has been opened or the seal has been broken; or

(4) is in packaging of which the contents have been partially removed.

Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a misdemeanor.

Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid by passengers in:

(1) a bus that is operated by a motor carrier of passengers as defined in section 221.012, subdivision 26;

(2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle as defined in section 169.011, subdivision 4, with five or more passengers who provide pedal power to the drive train of the vehicle; or

(3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

(b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

Sec. 29. Minnesota Statutes 2022, section 169A.51, subdivision 1, is amended to read:

Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or on any boundary water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test of that

192.1 person's blood, breath, or urine for the purpose of determining the presence of alcohol; a
192.2 controlled substance or its metabolite; cannabis flower, a cannabis product, a lower-potency
192.3 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or
192.4 tetrahydrocannabinols; or an intoxicating substance. The test must be administered at the
192.5 direction of a peace officer.

192.6 (b) The test may be required of a person when an officer has probable cause to believe
192.7 the person was driving, operating, or in physical control of a motor vehicle in violation of
192.8 section 169A.20 (driving while impaired), and one of the following conditions exist:

192.9 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
192.10 an ordinance in conformity with it;

192.11 (2) the person has been involved in a motor vehicle accident or collision resulting in
192.12 property damage, personal injury, or death;

192.13 (3) the person has refused to take the screening test provided for by section 169A.41
192.14 (preliminary screening test); or

192.15 (4) the screening test was administered and indicated an alcohol concentration of 0.08
192.16 or more.

192.17 (c) The test may also be required of a person when an officer has probable cause to
192.18 believe the person was driving, operating, or in physical control of a commercial motor
192.19 vehicle with the presence of any alcohol.

192.20 Sec. 30. Minnesota Statutes 2022, section 169A.51, subdivision 4, is amended to read:

192.21 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
192.22 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
192.23 been administered if there is probable cause to believe that:

192.24 (1) there is impairment by a controlled substance ~~or~~; an intoxicating substance; or
192.25 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
192.26 product, artificially derived cannabinoids, or tetrahydrocannabinols that is not subject to
192.27 testing by a breath test;

192.28 (2) a controlled substance listed in Schedule I or II or its metabolite, other than ~~marijuana~~
192.29 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
192.30 product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's
192.31 body; or

193.1 (3) the person is unconscious or incapacitated to the point that the peace officer providing
193.2 a breath test advisory, administering a breath test, or serving the search warrant has a
193.3 good-faith belief that the person is mentally or physically unable to comprehend the breath
193.4 test advisory or otherwise voluntarily submit to chemical tests.

193.5 Action may be taken against a person who refuses to take a blood test under this
193.6 subdivision only if a urine test was offered and action may be taken against a person who
193.7 refuses to take a urine test only if a blood test was offered. This limitation does not apply
193.8 to an unconscious person under the circumstances described in clause (3).

193.9 Sec. 31. Minnesota Statutes 2022, section 169A.72, is amended to read:

193.10 **169A.72 DRIVER EDUCATION PROGRAMS.**

193.11 Driver training courses offered through the public schools and driver training courses
193.12 offered by private or commercial schools or institutes shall include instruction which must
193.13 encompass at least:

193.14 (1) information on the effects of consumption of beverage alcohol products and the use
193.15 of illegal drugs, cannabis flower, cannabis products, lower-potency hemp edibles,
193.16 hemp-derived consumer products, artificially derived cannabinoids, tetrahydrocannabinol
193.17 derived from any source, prescription drugs, and nonprescription drugs on the ability of a
193.18 person to operate a motor vehicle;

193.19 (2) the hazards of driving while under the influence of alcohol, a controlled substance,
193.20 or ~~drugs~~ an intoxicating substance; and

193.21 (3) the legal penalties and financial consequences resulting from violations of laws
193.22 prohibiting the operation of a motor vehicle while under the influence of alcohol, a controlled
193.23 substance, or ~~drugs~~ an intoxicating substance.

193.24 Sec. 32. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

193.25 Subd. 2. **Rules.** (a) The commissioner of corrections shall adopt by rule standards and
193.26 procedures for the establishment of conditions of release and the revocation of supervised
193.27 or conditional release, and shall specify the period of revocation for each violation of release.
193.28 Procedures for the revocation of release shall provide due process of law for the inmate.

193.29 (b) The commissioner may prohibit an inmate placed on parole, supervised release, or
193.30 conditional release from using adult-use cannabis flower as defined in section 342.01,
193.31 subdivision 3, or adult-use cannabis products as defined in section 342.01, subdivision 3,
193.32 hemp-derived consumer products as defined in section 342.01, subdivision 35, or

194.1 lower-potency hemp edibles as defined in section 342.01, subdivision 48, if the inmate
194.2 undergoes a chemical use assessment and abstinence is consistent with a recommended
194.3 level of care for the defendant in accordance with the criteria in rules adopted by the
194.4 commissioner of human services under section 254A.03, subdivision 3.

194.5 (c) The commissioner of corrections shall not prohibit an inmate placed on parole,
194.6 supervised release, or conditional release from participating in the registry program as
194.7 defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's
194.8 parole, supervised release, or conditional release or otherwise sanction a patient on parole,
194.9 supervised release, or conditional release solely for participating in the registry program or
194.10 for a positive drug test for cannabis components or metabolites.

194.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to supervised
194.12 release granted on or after that date.

194.13 Sec. 33. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

194.14 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
194.15 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
194.16 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
194.17 person causes the death of a human being not constituting murder or manslaughter as a
194.18 result of operating a motor vehicle:

194.19 (1) in a grossly negligent manner;

194.20 (2) in a negligent manner while under the influence of:

194.21 (i) alcohol;

194.22 (ii) a controlled substance; ~~or~~

194.23 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
194.24 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

194.25 ~~(iii)~~ (iv) any combination of those elements;

194.26 (3) while having an alcohol concentration of 0.08 or more;

194.27 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
194.28 of the time of driving;

194.29 (5) in a negligent manner while under the influence of an intoxicating substance and the
194.30 person knows or has reason to know that the substance has the capacity to cause impairment;

195.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
195.2 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
195.3 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
195.4 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

195.5 (7) where the driver who causes the collision leaves the scene of the collision in violation
195.6 of section 169.09, subdivision 1 or 6; or

195.7 (8) where the driver had actual knowledge that a peace officer had previously issued a
195.8 citation or warning that the motor vehicle was defectively maintained, the driver had actual
195.9 knowledge that remedial action was not taken, the driver had reason to know that the defect
195.10 created a present danger to others, and the death was caused by the defective maintenance.

195.11 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
195.12 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
195.13 maximum sentence of imprisonment is 15 years.

195.14 Sec. 34. Minnesota Statutes 2022, section 609.2113, subdivision 1, is amended to read:

195.15 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
195.16 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
195.17 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
195.18 bodily harm to another not constituting attempted murder or assault as a result of operating
195.19 a motor vehicle:

195.20 (1) in a grossly negligent manner;

195.21 (2) in a negligent manner while under the influence of:

195.22 (i) alcohol;

195.23 (ii) a controlled substance; ~~or~~

195.24 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
195.25 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

195.26 ~~(iii)~~ (iv) any combination of those elements;

195.27 (3) while having an alcohol concentration of 0.08 or more;

195.28 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
195.29 of the time of driving;

195.30 (5) in a negligent manner while under the influence of an intoxicating substance and the
195.31 person knows or has reason to know that the substance has the capacity to cause impairment;

196.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
196.2 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
196.3 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
196.4 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

196.5 (7) where the driver who causes the accident leaves the scene of the accident in violation
196.6 of section 169.09, subdivision 1 or 6; or

196.7 (8) where the driver had actual knowledge that a peace officer had previously issued a
196.8 citation or warning that the motor vehicle was defectively maintained, the driver had actual
196.9 knowledge that remedial action was not taken, the driver had reason to know that the defect
196.10 created a present danger to others, and the injury was caused by the defective maintenance.

196.11 Sec. 35. Minnesota Statutes 2022, section 609.2113, subdivision 2, is amended to read:

196.12 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
196.13 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
196.14 than three years or to payment of a fine of not more than \$10,000, or both, if the person
196.15 causes substantial bodily harm to another as a result of operating a motor vehicle:

196.16 (1) in a grossly negligent manner;

196.17 (2) in a negligent manner while under the influence of:

196.18 (i) alcohol;

196.19 (ii) a controlled substance; ~~or~~

196.20 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
196.21 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

196.22 ~~(iii)~~ (iv) any combination of those elements;

196.23 (3) while having an alcohol concentration of 0.08 or more;

196.24 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
196.25 of the time of driving;

196.26 (5) in a negligent manner while under the influence of an intoxicating substance and the
196.27 person knows or has reason to know that the substance has the capacity to cause impairment;

196.28 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
196.29 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
196.30 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
196.31 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

197.1 (7) where the driver who causes the accident leaves the scene of the accident in violation
197.2 of section 169.09, subdivision 1 or 6; or

197.3 (8) where the driver had actual knowledge that a peace officer had previously issued a
197.4 citation or warning that the motor vehicle was defectively maintained, the driver had actual
197.5 knowledge that remedial action was not taken, the driver had reason to know that the defect
197.6 created a present danger to others, and the injury was caused by the defective maintenance.

197.7 Sec. 36. Minnesota Statutes 2022, section 609.2113, subdivision 3, is amended to read:

197.8 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
197.9 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
197.10 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
197.11 result of operating a motor vehicle:

197.12 (1) in a grossly negligent manner;

197.13 (2) in a negligent manner while under the influence of:

197.14 (i) alcohol;

197.15 (ii) a controlled substance; ~~or~~

197.16 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
197.17 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

197.18 ~~(iii)~~ (iv) any combination of those elements;

197.19 (3) while having an alcohol concentration of 0.08 or more;

197.20 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
197.21 of the time of driving;

197.22 (5) in a negligent manner while under the influence of an intoxicating substance and the
197.23 person knows or has reason to know that the substance has the capacity to cause impairment;

197.24 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
197.25 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
197.26 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
197.27 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

197.28 (7) where the driver who causes the accident leaves the scene of the accident in violation
197.29 of section 169.09, subdivision 1 or 6; or

197.30 (8) where the driver had actual knowledge that a peace officer had previously issued a
197.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual

198.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
198.2 created a present danger to others, and the injury was caused by the defective maintenance.

198.3 Sec. 37. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:

198.4 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
198.5 person is guilty of criminal vehicular operation resulting in death to an unborn child and
198.6 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
198.7 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
198.8 of operating a motor vehicle:

198.9 (1) in a grossly negligent manner;

198.10 (2) in a negligent manner while under the influence of:

198.11 (i) alcohol;

198.12 (ii) a controlled substance; ~~or~~

198.13 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
198.14 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

198.15 ~~(iii)~~ (iv) any combination of those elements;

198.16 (3) while having an alcohol concentration of 0.08 or more;

198.17 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
198.18 of the time of driving;

198.19 (5) in a negligent manner while under the influence of an intoxicating substance and the
198.20 person knows or has reason to know that the substance has the capacity to cause impairment;

198.21 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
198.22 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
198.23 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
198.24 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

198.25 (7) where the driver who causes the accident leaves the scene of the accident in violation
198.26 of section 169.09, subdivision 1 or 6; or

198.27 (8) where the driver had actual knowledge that a peace officer had previously issued a
198.28 citation or warning that the motor vehicle was defectively maintained, the driver had actual
198.29 knowledge that remedial action was not taken, the driver had reason to know that the defect
198.30 created a present danger to others, and the injury was caused by the defective maintenance.

199.1 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
199.2 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
199.3 maximum sentence of imprisonment is 15 years.

199.4 Sec. 38. Minnesota Statutes 2022, section 609.2114, subdivision 2, is amended to read:

199.5 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation
199.6 resulting in injury to an unborn child and may be sentenced to imprisonment for not more
199.7 than five years or to payment of a fine of not more than \$10,000, or both, if the person
199.8 causes the great bodily harm to an unborn child subsequently born alive as a result of
199.9 operating a motor vehicle:

199.10 (1) in a grossly negligent manner;

199.11 (2) in a negligent manner while under the influence of:

199.12 (i) alcohol;

199.13 (ii) a controlled substance; ~~or~~

199.14 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
199.15 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

199.16 ~~(iii)~~ (iv) any combination of those elements;

199.17 (3) while having an alcohol concentration of 0.08 or more;

199.18 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
199.19 of the time of driving;

199.20 (5) in a negligent manner while under the influence of an intoxicating substance and the
199.21 person knows or has reason to know that the substance has the capacity to cause impairment;

199.22 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
199.23 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
199.24 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
199.25 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

199.26 (7) where the driver who causes the accident leaves the scene of the accident in violation
199.27 of section 169.09, subdivision 1 or 6; or

199.28 (8) where the driver had actual knowledge that a peace officer had previously issued a
199.29 citation or warning that the motor vehicle was defectively maintained, the driver had actual
199.30 knowledge that remedial action was not taken, the driver had reason to know that the defect
199.31 created a present danger to others, and the injury was caused by the defective maintenance.

200.1 Sec. 39. Minnesota Statutes 2022, section 609.5311, subdivision 1, is amended to read:

200.2 Subdivision 1. **Controlled substances.** All controlled substances that were manufactured,
200.3 distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture
200.4 under this section, except as provided in subdivision 3 and section 609.5316.

200.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
200.6 committed on or after that date.

200.7 Sec. 40. Minnesota Statutes 2022, section 609.5314, subdivision 1, is amended to read:

200.8 Subdivision 1. **Property subject to administrative forfeiture.** (a) The following are
200.9 subject to administrative forfeiture under this section:

200.10 (1) all money totaling \$1,500 or more, precious metals, and precious stones that there
200.11 is probable cause to believe represent the proceeds of a controlled substance offense;

200.12 (2) all money found in proximity to controlled substances when there is probable cause
200.13 to believe that the money was exchanged for the purchase of a controlled substance;

200.14 (3) all conveyance devices containing controlled substances with a retail value of \$100
200.15 or more if there is probable cause to believe that the conveyance device was used in the
200.16 transportation or exchange of a controlled substance intended for distribution or sale; and

200.17 (4) all firearms, ammunition, and firearm accessories found:

200.18 (i) in a conveyance device used or intended for use to commit or facilitate the commission
200.19 of a felony offense involving a controlled substance;

200.20 (ii) on or in proximity to a person from whom a felony amount of controlled substance
200.21 is seized; or

200.22 (iii) on the premises where a controlled substance is seized and in proximity to the
200.23 controlled substance, if possession or sale of the controlled substance would be a felony
200.24 under chapter 152.

200.25 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items
200.26 listed in paragraph (a), clauses (3) and (4), for the purposes of forfeiture.

200.27 (c) Money is the property of an appropriate agency and may be seized and recovered by
200.28 the appropriate agency if:

200.29 (1) the money is used by an appropriate agency, or furnished to a person operating on
200.30 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
200.31 and

201.1 (2) the appropriate agency records the serial number or otherwise marks the money for
201.2 identification.

201.3 (d) As used in this section, "money" means United States currency and coin; the currency
201.4 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
201.5 credit card; cryptocurrency; or a money order.

201.6 (e) As used in this section, "controlled substance" does not include cannabis flower as
201.7 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,
201.8 subdivision 19, hemp-derived consumer products as defined in section 342.01, subdivision
201.9 35, or lower-potency hemp edibles as defined in section 342.01, subdivision 48.

201.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
201.11 committed on or after that date.

201.12 Sec. 41. Minnesota Statutes 2022, section 609.5316, subdivision 2, is amended to read:

201.13 Subd. 2. **Controlled substances.** (a) Controlled substances listed in Schedule I that are
201.14 possessed, transferred, sold, or offered for sale in violation of chapter 152 or 342, are
201.15 contraband and must be seized and summarily forfeited. Controlled substances listed in
201.16 Schedule I that are seized or come into the possession of peace officers, the owners of which
201.17 are unknown, are contraband and must be summarily forfeited.

201.18 (b) Species of plants from which controlled substances in Schedules I and II may be
201.19 derived that have been planted or cultivated in violation of chapter 152 or of which the
201.20 owners or cultivators are unknown, or that are wild growths, may be seized and summarily
201.21 forfeited to the state. The appropriate agency or its authorized agent may seize the plants if
201.22 the person in occupancy or in control of land or premises where the plants are growing or
201.23 being stored fails to produce an appropriate registration or proof that the person is the holder
201.24 of appropriate registration.

201.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
201.26 committed on or after that date.

201.27 Sec. 42. **ORAL FLUID PRELIMINARY TESTING; PILOT PROJECT**
201.28 **AUTHORIZED.**

201.29 (a) The commissioner of public safety is authorized to design, plan, and implement a
201.30 pilot project intended to determine the efficacy of oral fluid roadside testing to determine
201.31 the presence of a controlled substance or intoxicating substance by trained law enforcement
201.32 personnel. The project is further intended to gain a better assessment of the prevalence of

202.1 drug-impaired drivers on Minnesota roads and to evaluate and validate the appropriate
202.2 device that could be authorized for use.

202.3 (b) The results of this preliminary oral fluid test must not be used in any court action.

202.4 (c) Following the screening test, additional tests may be required of the driver pursuant
202.5 to Minnesota Statutes, section 169A.51 (chemical tests for intoxication).

202.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and expires July 31,
202.7 2025.

202.8 **ARTICLE 5**

202.9 **EXPUNGEMENT**

202.10 Section 1. Minnesota Statutes 2022, section 609A.01, is amended to read:

202.11 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

202.12 This chapter provides the grounds and procedures for expungement of criminal records
202.13 under section 13.82; 152.18, subdivision 1; 299C.11, where a petition is authorized under
202.14 section 609A.02, subdivision 3; expungement is automatic under section 609A.05;
202.15 expungement is considered by a panel under section 609A.06; or other applicable law. The
202.16 remedy available is limited to a court order sealing the records and prohibiting the disclosure
202.17 of their existence or their opening except under court order or statutory authority. Nothing
202.18 in this chapter authorizes the destruction of records or their return to the subject of the
202.19 records.

202.20 **EFFECTIVE DATE.** This section is effective August 1, 2023.

202.21 Sec. 2. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

202.22 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
202.23 (b), expungement of a criminal record under this section is an extraordinary remedy to be
202.24 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
202.25 commensurate with the disadvantages to the public and public safety of:

202.26 (1) sealing the record; and

202.27 (2) burdening the court and public authorities to issue, enforce, and monitor an
202.28 expungement order.

202.29 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
202.30 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
202.31 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction

203.1 whose records would be affected establishes by clear and convincing evidence that the
203.2 interests of the public and public safety outweigh the disadvantages to the petitioner of not
203.3 sealing the record.

203.4 (c) In making a determination under this subdivision, the court shall consider:

203.5 (1) the nature and severity of the underlying crime, the record of which would be sealed;

203.6 (2) the risk, if any, the petitioner poses to individuals or society;

203.7 (3) the length of time since the crime occurred;

203.8 (4) the steps taken by the petitioner toward rehabilitation following the crime;

203.9 (5) aggravating or mitigating factors relating to the underlying crime, including the

203.10 petitioner's level of participation and context and circumstances of the underlying crime;

203.11 (6) the reasons for the expungement, including the petitioner's attempts to obtain

203.12 employment, housing, or other necessities;

203.13 (7) the petitioner's criminal record;

203.14 (8) the petitioner's record of employment and community involvement;

203.15 (9) the recommendations of interested law enforcement, prosecutorial, and corrections

203.16 officials;

203.17 (10) the recommendations of victims or whether victims of the underlying crime were

203.18 minors;

203.19 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner

203.20 toward payment, and the measures in place to help ensure completion of restitution payment

203.21 after expungement of the record if granted; and

203.22 (12) other factors deemed relevant by the court.

203.23 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court

203.24 issues an expungement order it may require that the criminal record be sealed, the existence

203.25 of the record not be revealed, and the record not be opened except as required under

203.26 subdivision 7. Records must not be destroyed or returned to the subject of the record.

203.27 (e) Information relating to a criminal history record of an employee, former employee,

203.28 or tenant that has been expunged before the occurrence of the act giving rise to the civil

203.29 action may not be introduced as evidence in a civil action against a private employer or

203.30 landlord or its employees or agents that is based on the conduct of the employee, former

203.31 employee, or tenant.

204.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
204.2 committed on or after that date.

204.3 Sec. 3. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

204.4 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
204.5 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
204.6 during the appeal period. A person or an agency or jurisdiction whose records would be
204.7 affected by the order may appeal the order within 60 days of service of notice of filing of
204.8 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
204.9 or supersedeas bond in order to further stay the proceedings or file an appeal.

204.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

204.11 Sec. 4. **[609A.05] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS**
204.12 **OFFENSES.**

204.13 Subdivision 1. **Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis**
204.14 **offenses.** (a) A person is eligible for an order of expungement:

204.15 (1) upon the dismissal and discharge of proceedings against a person under section
204.16 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
204.17 of marijuana or tetrahydrocannabinols;

204.18 (2) if the person was convicted of or received a stayed sentence for a violation of section
204.19 152.027, subdivision 3 or 4;

204.20 (3) if the person was arrested for possession of marijuana or tetrahydrocannabinols and
204.21 all charges were dismissed prior to a determination of probable cause for charges under
204.22 section 152.021, subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2, paragraph
204.23 (a), clause (6); 152.023, subdivision 2, paragraph (a), clause (5); 152.024, subdivision 2,
204.24 clause (2); 152.025, subdivision 2, clause (1); or 152.027, subdivision 3 or 4; or

204.25 (4) if all pending actions or proceedings involving the possession of marijuana or
204.26 tetrahydrocannabinols were resolved in favor of the person for charges under section 152.021,
204.27 subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2, paragraph (a), clause (6);
204.28 152.023, subdivision 2, paragraph (a), clause (5); 152.024, subdivision 2, clause (2); 152.025,
204.29 subdivision 2, clause (1); or 152.027, subdivision 3 or 4.

204.30 (b) For purposes of this section:

205.1 (1) a verdict of not guilty by reason of mental illness is not a resolution in favor of the
205.2 person; and

205.3 (2) an action or proceeding is resolved in favor of the person if the person received an
205.4 order under section 590.11 determining that the person is eligible for compensation based
205.5 on exoneration.

205.6 Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The
205.7 Bureau of Criminal Apprehension shall identify records that qualify for an order of
205.8 expungement pursuant to subdivision 1.

205.9 (b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

205.10 (1) the name and date of birth of an individual whose record is eligible for an order of
205.11 expungement; and

205.12 (2) the case number of the eligible record.

205.13 (c) The Bureau of Criminal Apprehension shall grant an expungement to each qualifying
205.14 person whose records the bureau possesses and shall seal the bureau's records without
205.15 requiring an application, petition, or motion. The bureau shall seal records related to an
205.16 expungement within 60 days after the bureau sent notice of the expungement to the judicial
205.17 branch pursuant to paragraph (b) unless an order of the judicial branch prohibits sealing the
205.18 records or additional information establishes that the records are not eligible for expungement.

205.19 (d) Nonpublic criminal records maintained by the bureau and subject to a grant of
205.20 expungement relief must display a notation stating "expungement relief granted pursuant
205.21 to section 609A.05."

205.22 (e) The bureau shall inform each arresting or citing law enforcement agency with records
205.23 affected by the grant of expungement relief issued pursuant to paragraph (c) that expungement
205.24 has been granted. The bureau shall notify each arresting or citing law enforcement agency
205.25 of an expungement within 60 days after the bureau sent notice of the expungement to the
205.26 judicial branch. The bureau may notify each law enforcement agency using electronic means.
205.27 Upon receiving notification of an expungement, a law enforcement agency shall seal all
205.28 records related to the expungement, including the records of the person's arrest, indictment,
205.29 trial, verdict, and dismissal or discharge of the case.

205.30 (f) The Bureau of Criminal Apprehension shall make a reasonable and good faith effort
205.31 to notify any person whose record qualifies for an order of expungement or a grant of
205.32 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
205.33 sent pursuant to this paragraph shall inform the person that, following the order of

206.1 expungement, any records of an arrest, conviction, or incarceration should not appear on
206.2 any background check or study performed in Minnesota. Notice must also clearly state that
206.3 an order of expungement or a grant of expungement may not change a person's immigration
206.4 status and any person with questions about the effect on the person's immigration status
206.5 should consult with an immigration attorney.

206.6 (g) On a schedule and in a manner established by the commissioner of human services,
206.7 the bureau shall send the commissioner of human services a list identifying the name and
206.8 case number or, if no case number is available, the citation number of each person who
206.9 received a grant of expungement.

206.10 (h) Data on a person whose offense has been expunged under this subdivision, including
206.11 any notice sent pursuant to paragraph (e), (f), or (g), are private data on individuals as defined
206.12 in section 13.02, subdivision 12.

206.13 Subd. 3. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
206.14 for expungement, or upon entering an order dismissing charges prior to a determination of
206.15 probable cause, the court shall issue an order vacating the conviction, if any, discharging
206.16 the person from any form of supervision, dismissing the proceedings against that person,
206.17 and sealing all records relating to an arrest, indictment or information, trial, verdict, or
206.18 dismissal and discharge for an offense described in subdivision 1.

206.19 (b) Section 609A.03, subdivision 6, applies to an order issued under this section sealing
206.20 the record of proceedings under section 152.18.

206.21 (c) The limitations under section 609A.03, subdivision 7a, paragraph (b), do not apply
206.22 to an order issued under this section.

206.23 (d) The court administrator shall send a copy of an expungement order issued under this
206.24 section to each agency and jurisdiction whose records are affected by the terms of the order
206.25 and send a letter to the last known address of the person whose offense has been expunged
206.26 identifying each agency to which the order was sent. The courts shall not order the
206.27 Department of Health or Human Services to seal records under this section.

206.28 (e) In consultation with the commissioner of human services, the court shall establish a
206.29 schedule on which the court shall provide the commissioner of human services and the
206.30 Professional Educator Licensing and Standards Board a list identifying the name and case
206.31 number or if no case number is available, the citation number of each person who received
206.32 an expungement order issued under this section.

207.1 (f) Data on the person whose offense has been expunged contained in a letter or other
207.2 notification sent under this subdivision are private data on individuals as defined in section
207.3 13.02.

207.4 Subd. 4. **Report.** The Bureau of Criminal Apprehension shall issue a report to the
207.5 legislative committees and divisions with jurisdiction over public safety policy and finance
207.6 upon completion of the work required under subdivision 2. The report shall contain summary
207.7 data and must include the total number of expungements granted by the Bureau of Criminal
207.8 Apprehension.

207.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

207.10 Sec. 5. **[609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY**
207.11 **CANNABIS OFFENSES.**

207.12 Subdivision 1. **Cannabis Expungement Board.** (a) The Cannabis Expungement Board
207.13 is created with the powers and duties established by law.

207.14 (b) The Cannabis Expungement Board is composed of the following members:

207.15 (1) the chief justice of the supreme court or a designee;

207.16 (2) the attorney general or a designee;

207.17 (3) one public defender, appointed by the governor upon recommendation of the state
207.18 public defender;

207.19 (4) the commissioner of one department of the state government as defined in section
207.20 15.01, appointed by the governor; and

207.21 (5) one public member with experience as an advocate for victim's rights, appointed by
207.22 the governor.

207.23 (c) The Cannabis Expungement Board shall have the following powers and duties:

207.24 (1) to obtain and review the records, including but not limited to all matters, files,
207.25 documents, and papers incident to the arrest, indictment, information, trial, appeal, or
207.26 dismissal and discharge, which relate to a charge for possession of a controlled substance;

207.27 (2) to determine whether a person committed an act involving the possession of cannabis
207.28 flower or cannabinoid products that would either be a lesser offense or no longer be a crime
207.29 after August 1, 2023;

208.1 (3) to determine whether a person's conviction should be vacated, charges should be
208.2 dismissed, and records should be expunged, or whether the person should be resentenced
208.3 to a lesser offense; and

208.4 (4) to notify the judicial branch of individuals eligible for an expungement or resentencing
208.5 to a lesser offense.

208.6 (d) The Cannabis Expungement Board shall complete the board's work by June 30, 2028.

208.7 Subd. 2. **Eligibility; possession of cannabis.** (a) A person is eligible for an expungement
208.8 or resentencing to a lesser offense if:

208.9 (1) the person was convicted of, or adjudication was stayed for, a violation of any of the
208.10 following involving the possession of marijuana or tetrahydrocannabinols:

208.11 (i) section 152.021, subdivision 2, clause (6);

208.12 (ii) section 152.022, subdivision 2, clause (6);

208.13 (iii) section 152.023, subdivision 2, clause (5); or

208.14 (iv) section 152.025, subdivision 2, clause (1).

208.15 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily
208.16 harm on another, an attempt to inflict bodily harm on another, or an act committed with the
208.17 intent to cause fear in another of immediate bodily harm or death;

208.18 (3) the act on which the charge was based would either be a lesser offense or no longer
208.19 be a crime after August 1, 2023; and

208.20 (4) the person did not appeal the sentence, any appeal was denied, or the deadline to file
208.21 an appeal has expired.

208.22 (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the
208.23 person was charged with a felony.

208.24 Subd. 3. **Bureau of Criminal Apprehension to identify eligible records.** (a) The
208.25 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication
208.26 was stayed that qualify for review under subdivision 2, paragraph (a), clause (1).

208.27 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board
208.28 of:

208.29 (1) the name and date of birth of a person whose record is eligible for review; and

208.30 (2) the case number of the eligible conviction or stay of adjudication.

209.1 Subd. 4. **Access to records.** The Cannabis Expungement Board shall have free access
209.2 to records, including but not limited to all matters, files, documents, and papers incident to
209.3 the arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to a
209.4 charge and conviction or stay of adjudication for possession of a controlled substance held
209.5 by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis
209.6 Expungement Board may issue subpoenas for and compel the production of books, records,
209.7 accounts, documents, and papers. If any person fails or refuses to produce any books, records,
209.8 accounts, documents, or papers material in the matter under consideration after having been
209.9 lawfully required by order or subpoena, any judge of the district court in any county of the
209.10 state where the order or subpoena was made returnable, on application of the commissioner
209.11 of management and budget or commissioner of administration, as the case may be, shall
209.12 compel obedience or punish disobedience as for contempt, as in the case of disobedience
209.13 of a similar order or subpoena issued by such court.

209.14 Subd. 5. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall
209.15 hold meetings at least monthly and shall hold a meeting whenever the board takes formal
209.16 action on a review of a conviction or stay of adjudication for an offense involving the
209.17 possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the
209.18 public and subject to chapter 13D.

209.19 (b) Any victim of a crime being reviewed and any law enforcement agency may submit
209.20 an oral or written statement at the meeting, giving a recommendation on whether a person's
209.21 record should be expunged or the person should be resentenced to a lesser offense. The
209.22 board must consider the victim's and the law enforcement agency's statement when making
209.23 the board's decision.

209.24 (c) Section 13D.05 governs the board's treatment of not public data, as defined by section
209.25 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section
209.26 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim
209.27 of a crime and person whose conviction or stay of adjudication the board reviews. The
209.28 identifier shall be used in any discussion in a meeting open to the public and on any records
209.29 available to the public to protect the identity of the person whose records are being
209.30 considered.

209.31 Subd. 6. **Review and determination.** (a) The Cannabis Expungement Board shall review
209.32 all available records to determine whether the conviction or stay of adjudication is eligible
209.33 for an expungement or resentencing to a lesser offense. An expungement under this section
209.34 is presumed to be in the public interest unless there is clear and convincing evidence that
209.35 an expungement or resentencing to a lesser offense would create a risk to public safety.

210.1 (b) If the Cannabis Expungement Board determines that an expungement is in the public
210.2 interest, the board shall determine whether a person's conviction should be vacated and
210.3 charges should be dismissed.

210.4 (c) If the Cannabis Expungement Board determines that an expungement is in the public
210.5 interest, the board shall determine whether the limitations under section 609A.03, subdivision
210.6 5a, apply.

210.7 (d) If the Cannabis Expungement Board determines that an expungement is in the public
210.8 interest, the board shall determine whether the limitations under section 609A.03, subdivision
210.9 7a, paragraph (b), clause (5), apply.

210.10 (e) If the Cannabis Expungement Board determines that an expungement is not in the
210.11 public interest, the board shall determine whether the person is eligible for resentencing to
210.12 a lesser offense.

210.13 (f) In making a determination under this subdivision, the Cannabis Expungement Board
210.14 shall consider:

210.15 (1) the nature and severity of the underlying crime, including but not limited to the total
210.16 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
210.17 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
210.18 an attempt to inflict bodily harm on another, or an act committed with the intent to cause
210.19 fear in another of immediate bodily harm or death;

210.20 (2) whether an expungement or resentencing the person a lesser offense would increase
210.21 the risk, if any, the person poses to other individuals or society;

210.22 (3) if the person is under sentence, whether an expungement or resentencing to a lesser
210.23 offense would result in the release of the person and whether release earlier than the date
210.24 that the person would be released under the sentence currently being served would present
210.25 a danger to the public or would be compatible with the welfare of society;

210.26 (4) aggravating or mitigating factors relating to the underlying crime, including the
210.27 person's level of participation and the context and circumstances of the underlying crime;

210.28 (5) statements from victims and law enforcement, if any;

210.29 (6) if an expungement or resentencing the person to a lesser offense is considered,
210.30 whether there is good cause to restore the person's right to possess firearms and ammunition;

211.1 (7) if an expungement is considered, whether an expunged record of a conviction or stay
211.2 of adjudication may be opened for purposes of a background check required under section
211.3 122A.18, subdivision 8; and

211.4 (8) other factors deemed relevant by the Cannabis Expungement Board.

211.5 (g) In making a determination under this subdivision, the Cannabis Expungement Board
211.6 shall not consider the impact the expungement would have on the offender based on any
211.7 records held by the Department of Health or Human Services.

211.8 (h) The affirmative vote of three members is required for action taken at any meeting.

211.9 Subd. 7. **Annual report.** Until the board completes its work, the board shall issue a
211.10 report by January 15 of each year to the legislative committees and divisions with jurisdiction
211.11 over public safety policy and finance upon completion of the work required under subdivision
211.12 2. The report shall contain summary data and must include:

211.13 (1) the total number of cases reviewed in the previous year;

211.14 (2) the total number of cases in which the board determined that an expungement is in
211.15 the public interest;

211.16 (3) the total number of cases in which the board determined that resentencing to a lesser
211.17 offense is appropriate, the original sentence in those cases, and the lesser offense
211.18 recommended by the board;

211.19 (4) the total number of cases in which the board determined that no change to the original
211.20 sentence was appropriate; and

211.21 (5) the total number of cases remaining to be reviewed.

211.22 Subd. 8. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement
211.23 Board shall identify any conviction or stay of adjudication that qualifies for an order of
211.24 expungement or resentencing to a lesser offense and notify the judicial branch of:

211.25 (1) the name and date of birth of a person whose conviction or stay of adjudication is
211.26 eligible for an order of expungement or resentencing to a lesser offense;

211.27 (2) the case number of the eligible conviction or stay of adjudication;

211.28 (3) whether the person is eligible for an expungement;

211.29 (4) if the person is eligible for an expungement, whether the person's conviction should
211.30 be vacated and charges should be dismissed;

212.1 (5) if the person is eligible for an expungement, whether there is good cause to restore
212.2 the offender's right to possess firearms and ammunition;

212.3 (6) if the person is eligible for an expungement, whether the limitations under section
212.4 609A.03, subdivision 7a, paragraph (b), clause (5), apply; and

212.5 (7) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
212.6 imposed.

212.7 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
212.8 notify any person whose conviction or stay of adjudication qualifies for an order of
212.9 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
212.10 sent pursuant to this paragraph shall inform the person that, following the order of
212.11 expungement, any records of an arrest, conviction, or incarceration should not appear on
212.12 any background check or study.

212.13 Subd. 9. **Data classification.** All data collected, created, received, maintained, or
212.14 disseminated by the Cannabis Expungement Board in which each victim of a crime and
212.15 person whose conviction or stay of adjudication that the Cannabis Expungement Board
212.16 reviews is or can be identified as the subject of the data is classified as private data on
212.17 individuals, as defined by section 13.02, subdivision 12.

212.18 Subd. 10. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
212.19 for expungement, the court shall issue an order sealing all records relating to an arrest,
212.20 indictment or information, trial, verdict, or dismissal and discharge for an offense described
212.21 in subdivision 1. The courts shall not order the Department of Health or Human Services
212.22 to seal records under this section. If the Cannabis Expungement Board determined that the
212.23 person's conviction should be vacated and charges should be dismissed, the order shall
212.24 vacate and dismiss the charges.

212.25 (b) If the Cannabis Expungement Board determined that there is good cause to restore
212.26 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
212.27 to section 609.165, subdivision 1d.

212.28 (c) If the Cannabis Expungement Board determined that an expunged record of a
212.29 conviction or stay of adjudication may not be opened for purposes of a background check
212.30 required under section 122A.18, subdivision 8, the court shall direct the order specifically
212.31 to the Professional Educator Licensing and Standards Board.

212.32 (d) The court administrator shall send a copy of an expungement order issued under this
212.33 section to each agency and jurisdiction whose records are affected by the terms of the order

213.1 and send a letter to the last known address of the person whose offense has been expunged
213.2 identifying each agency to which the order was sent.

213.3 (e) Data on the person whose offense has been expunged in a letter sent under this
213.4 subdivision are private data on individuals as defined in section 13.02.

213.5 Subd. 11. **Resentencing.** (a) If the Cannabis Expungement Board determined that a
213.6 person is eligible for resentencing to a lesser offense and the person is currently under
213.7 sentence, the court shall proceed as if the appellate court directed a reduction of the conviction
213.8 to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal
213.9 Procedure.

213.10 (b) If the Cannabis Expungement Board determined that a person is eligible for
213.11 resentencing to a lesser offense and the person completed or has been discharged from the
213.12 sentence, the court may issue an order amending the conviction to an offense of lesser degree
213.13 without holding a hearing.

213.14 (c) If the Cannabis Expungement Board determined that there is good cause to restore
213.15 the person's right to possess firearms and ammunition, the court shall, as necessary, issue
213.16 an order pursuant to section 609.165, subdivision 1d.

213.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

213.18 **ARTICLE 6**

213.19 **MISCELLANEOUS PROVISIONS**

213.20 **Section 1. [3.9224] MEDICAL CANNABIS; COMPACTS TO BE NEGOTIATED.**

213.21 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
213.22 meanings given.

213.23 (b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or
213.24 community of Indians located within the geographical boundaries of the state of Minnesota.

213.25 (c) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision
213.26 50.

213.27 (d) "Medical cannabis flower" has the meaning given in section 342.01, subdivision 52.

213.28 Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the
213.29 governor's designated representatives are authorized to negotiate in good faith a compact
213.30 with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.
213.31 The attorney general is the legal counsel for the governor or the governor's representatives

214.1 in regard to negotiating a compact under this section. If the governor appoints designees to
214.2 negotiate under this subdivision, the designees must include at least two members of the
214.3 senate and two members of the house of representatives, two of whom must be the chairs
214.4 of the senate and house of representatives standing committees with jurisdiction over health
214.5 policy.

214.6 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this
214.7 section may address any issues related to medical cannabis flower and medical cannabinoid
214.8 products that affect the interests of both the state and Indian Tribe or otherwise have an
214.9 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state
214.10 under this section must address:

214.11 (1) the enforcement of criminal and civil laws;

214.12 (2) the regulation of the commercial production, processing, sale or distribution, and
214.13 possession of medical cannabis flower and medical cannabinoid products;

214.14 (3) medical and pharmaceutical research involving medical cannabis flower and medical
214.15 cannabinoid products;

214.16 (4) the taxation of medical cannabis flower and medical cannabinoid products, including
214.17 establishing an appropriate amount and method of revenue sharing;

214.18 (5) the immunities of an Indian Tribe or preemption of state law regarding the production,
214.19 processing, or sale or distribution of medical cannabis flower and medical cannabinoid
214.20 products; and

214.21 (6) the method of resolution for disputes involving the compact, including the use of
214.22 mediation or other alternative dispute resolution processes and procedures.

214.23 (b) In addressing the issues identified under paragraph (a), the governor or the governor's
214.24 designated representatives shall only enter into agreements that:

214.25 (1) provide for the preservation of public health and safety;

214.26 (2) ensure the security of production, processing, retail, and research facilities on Tribal
214.27 land; and

214.28 (3) establish provisions regulating business involving medical cannabis flower and
214.29 medical cannabinoid products that pass between Tribal land and non-Tribal land in the state.

214.30 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any
214.31 compact agreed to under this section shall establish all taxes, fees, assessments, and other

215.1 charges related to the production, processing, sale or distribution, and possession of medical
215.2 cannabis flower and medical cannabinoid products.

215.3 Subd. 5. **Civil and criminal immunities.** The following acts, when performed by a
215.4 validly licensed medical cannabis retailer or an employee of a medical cannabis retailer
215.5 operated by an Indian Tribe pursuant to a compact entered into under this section, do not
215.6 constitute a criminal or civil offense under state law:

215.7 (1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;

215.8 (2) the possession, purchase, and receipt of medical cannabis flower and medical
215.9 cannabinoid products that are properly packaged and labeled as authorized under a compact
215.10 entered into pursuant to this section; and

215.11 (3) the delivery, distribution, and sale of medical cannabis flower and medical cannabinoid
215.12 products as authorized under a compact entered into pursuant to this section and that takes
215.13 place on the premises of a medical cannabis retailer on Tribal land to any person 21 years
215.14 of age or older.

215.15 Subd. 6. **Publication; report.** (a) The governor shall post any compact entered into
215.16 under this section on a publicly accessible website.

215.17 (b) The governor, the attorney general, and the governor's designated representatives
215.18 shall report to the legislative committees having jurisdiction over health, taxation, and
215.19 commerce annually. This report shall contain information on compacts negotiated and an
215.20 outline of prospective negotiations.

215.21 Sec. 2. **[3.9228] ADULT-USE CANNABIS; COMPACTS TO BE NEGOTIATED.**

215.22 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
215.23 meanings given.

215.24 (b) "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision
215.25 4.

215.26 (c) "Adult-use cannabinoid product" has the meaning given in section 342.01, subdivision
215.27 2.

215.28 (d) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler,
215.29 transporter, testing facility, microbusiness, event organizer, delivery service, or lower
215.30 potency edible retailer.

215.31 (e) "Cannabinoid product" has the meaning given in section 342.01, subdivision 12.

216.1 (f) "Minnesota Tribal governments" means the federally recognized Indian Tribes located
216.2 in Minnesota including:

216.3 (1) Bois Forte Band;

216.4 (2) Fond Du Lac Band;

216.5 (3) Grand Portage Band;

216.6 (4) Leech Lake Band;

216.7 (5) Mille Lacs Band;

216.8 (6) White Earth Band;

216.9 (7) Red Lake Nation;

216.10 (8) Lower Sioux Indian Community;

216.11 (9) Prairie Island Indian Community;

216.12 (10) Shakopee Mdewakanton Sioux Community; and

216.13 (11) Upper Sioux Indian Community.

216.14 (g) "Tribal cannabis business" means a cannabis business licensed by a Minnesota Tribal
216.15 government, including the business categories identified in paragraph (d) as well as any
216.16 others that may be provided under the law of a Minnesota Tribal government.

216.17 (h) "Tribally regulated land" means:

216.18 (1) all land held in trust by the United States for the benefit of a Minnesota Tribal
216.19 government;

216.20 (2) all land held by a Minnesota Tribal government in restricted fee status; and

216.21 (3) all land within the exterior boundaries of the reservation of a Minnesota Tribal
216.22 government that is subject to the civil regulatory jurisdiction of the Tribal government. For
216.23 the purposes of this section, land that is subject to the civil regulatory jurisdiction of the
216.24 Tribal government includes:

216.25 (i) fee land held by the Tribe, entities organized under Tribal law, or individual Indians;
216.26 and

216.27 (ii) land held by non-Indian entities or individuals who consent to the civil regulation
216.28 of the Tribal government or are otherwise subject to such regulation under federal law.

216.29 Subd. 2. **Acknowledgment and purpose; negotiations authorized.** (a) The state of
216.30 Minnesota acknowledges the sovereign right of Minnesota Tribal governments to regulate

217.1 Tribal cannabis businesses and address other matters of cannabis regulation related to the
217.2 internal affairs of Minnesota Tribal governments without regard to whether such Tribal
217.3 government has entered a compact authorized by this section. The purpose of this section
217.4 is to provide for the negotiation of compacts to proactively address jurisdictional issues
217.5 related to the regulation of adult-use cannabis. The legislature finds that these agreements
217.6 will facilitate and promote a cooperative and mutually beneficial relationship between the
217.7 state and the Tribes regarding the legalization of cannabis. Such cooperative agreements
217.8 will enhance public health and safety, ensure a lawful and well-regulated cannabis market,
217.9 encourage economic development, and provide fiscal benefits to both Indian Tribes and the
217.10 state.

217.11 (b) The governor shall negotiate in good faith, and has the authority to execute and bind
217.12 the state to, a compact with any Minnesota Tribal government wishing to enter into such
217.13 compact regulating adult-use cannabis flower and adult-use cannabinoid products.

217.14 (c) This subdivision shall be effective upon enactment.

217.15 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this
217.16 section may address any issues related to the adult-use cannabis industry including adult-use
217.17 cannabis flower, adult-use cannabinoid products, extracts, concentrates, and artificially
217.18 derived cannabinoids that affect the interest of both the state and Minnesota Tribal
217.19 government or otherwise have an impact on Tribal-state relations. Indian Tribes are not
217.20 required to enter into compacts pursuant to this section in order to regulate or engage in
217.21 cannabis businesses or activities on reservation lands or participate as a licensee in the state's
217.22 legal cannabis market.

217.23 (b) The state shall not, as a condition for entering into a compact under this section:

217.24 (1) require any Minnesota Tribal government to waive any right, privilege, or immunity
217.25 based on their status as independent sovereigns;

217.26 (2) require that any revenue generated by cannabis businesses licensed by a Minnesota
217.27 Tribal government be subject to any state cannabis gross receipt taxes imposed under section
217.28 295.81 or state and local sales or use taxes on sales of cannabis;

217.29 (3) require any taxes collected by Minnesota Tribal governments to be shared in any
217.30 manner with the state or any subdivisions thereof;

217.31 (4) require a Minnesota Tribal government to consent to state licensing of cannabis
217.32 businesses on the Tribally regulated land of the Minnesota Tribal government; or

218.1 (5) require any cannabis business licensed by a Minnesota Tribal government pursuant
218.2 to a compact agreed to under this section to comply with specific state regulations on Tribally
218.3 regulated land.

218.4 (c) Notwithstanding any law to the contrary, the state shall not impose, attempt to impose,
218.5 and shall not require or attempt to require any Indian Tribe to impose, any taxes, fees,
218.6 assessments, and other charges related to the production, processing, sale, purchase,
218.7 distribution, or possession of adult-use cannabis flower and adult-use cannabinoid products
218.8 on Minnesota Tribal governments, or their members, on a reservation or Tribally regulated
218.9 land.

218.10 (d) Compacts agreed to under this section may allow an exemption from any otherwise
218.11 applicable tax for sales to a Minnesota Tribal government, a Tribal cannabis business, or
218.12 Tribal members, of cannabis flower and adult use cannabinoid products grown, produced,
218.13 or processed as provided for in said compacts, or for activities, to the extent they are not
218.14 already exempt under state or federal law from the state cannabis gross receipt tax under
218.15 section 295.81 or state and local sales or use taxes on sales of cannabis.

218.16 (e) This subdivision shall be effective upon enactment.

218.17 Subd. 4. **Tax agreements.** (a) For any cannabis business owned by a Minnesota Tribal
218.18 government or its instrumentalities that is operated outside of Tribally regulated land, under
218.19 a state-issued license, the collection and administration of taxes on such business may be
218.20 governed through an agreement to be entered under section 270C.19.

218.21 (b) Any compact that provides for the voluntary sharing of tax or fee revenue among a
218.22 Minnesota Tribal government and the state or a local government may provide that such
218.23 sharing be carried out through an agreement to be entered under section 270C.19.

218.24 Subd. 5. **Civil and criminal immunities.** (a) The following acts, when performed by a
218.25 licensed Tribal cannabis business or an employee in the course of their employment for a
218.26 Tribal cannabis business, pursuant to a compact entered into under this section, do not
218.27 constitute a criminal or civil offense under state law:

218.28 (1) the cultivation of cannabis flower, and the extraction, processing, or manufacture of
218.29 adult-use cannabinoid and artificially derived cannabinoid products, extracts, or concentrates,
218.30 as those terms are defined in section 342.01;

218.31 (2) the possession, purchase, and receipt of adult-use cannabis seed, flower, and adult-use
218.32 cannabinoid products that are properly packaged and labeled as authorized under a compact

219.1 entered into pursuant to this section, and the sale, delivery, transport, or distribution of such
219.2 products to a licensed cannabis business; and

219.3 (3) the delivery, distribution, and sale of adult-use cannabis seed, flower, and adult-use
219.4 cannabinoid products as authorized under a compact entered into pursuant to this section
219.5 and that takes place on, or originates from, the premises of a Tribal cannabis business on
219.6 Tribally regulated land, to any person 21 years of age or older.

219.7 (b) The following acts, when performed by a patron of a licensed Tribal cannabis business
219.8 do not constitute a criminal or civil offense under state law: the purchase, possession, or
219.9 receipt of adult-use cannabis seed, flower, and adult-use cannabinoid products as authorized
219.10 under a compact entered into pursuant to this section.

219.11 (c) Actions by a Tribal cannabis business, a Tribal member, employee, or agent of a
219.12 Minnesota Tribal government or Tribal cannabis business on Tribally regulated land pursuant
219.13 to Tribal laws governing cannabis, or a compact entered into under this section, do not
219.14 constitute a criminal or civil offense under state law.

219.15 (d) The following acts, when performed by a state-licensed cannabis business, or an
219.16 employee of such business, and which would be permitted under the terms of the applicable
219.17 cannabis business license if undertaken with another state-licensed cannabis business, are
219.18 permitted under the state license conditions when undertaken with a Tribal cannabis business
219.19 and do not constitute a criminal or civil offense under state law: the possession, purchase,
219.20 wholesale and retail sale, delivery, transport, distribution, and receipt of adult-use cannabis,
219.21 seed, flower, and adult-use cannabinoid products that are properly packaged and labeled as
219.22 authorized under a compact entered into pursuant to this section.

219.23 (e) The following acts, when performed by a Minnesota Tribal government, a Tribal
219.24 cannabis business licensed by such Tribal government, or an employee of such Tribal
219.25 government or Tribal cannabis business, regardless of whether the Minnesota Tribal
219.26 government issuing such license has compacted with the state under this section, do not
219.27 constitute a criminal or civil offense under state law: purchase, sale, receipt, or delivery
219.28 (including delivery that involves transit through the state, outside a reservation), from or to
219.29 another Minnesota Tribal government or cannabis business licensed by such government.

219.30 (f) Notwithstanding any other provision of law, a state-licensed cannabis testing facility
219.31 may provide cannabis testing services to a Tribal cannabis business, and the possession or
219.32 transport of cannabis flower or cannabinoid products for such purpose by a Tribal cannabis
219.33 business shall not constitute a criminal or civil offense under state law.

219.34 (g) This subdivision shall be effective upon enactment.

220.1 Subd. 6. **Publication.** The governor shall post any compact entered into under this section
220.2 on a publicly accessible website.

220.3 Sec. 3. Minnesota Statutes 2022, section 13.411, is amended by adding a subdivision to
220.4 read:

220.5 Subd. 12. **Cannabis businesses.** Data submitted to the Office of Cannabis Management
220.6 for a cannabis business license or a hemp business license and data relating to investigations
220.7 and disciplinary proceedings involving cannabis businesses and hemp businesses licensed
220.8 by the Office of Cannabis Management are classified under section 342.20.

220.9 Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to
220.10 read:

220.11 Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received,
220.12 maintained, or disseminated by the Cannabis Expungement Board are classified under
220.13 section 609A.06, subdivision 8.

220.14 Sec. 5. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

220.15 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
220.16 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
220.17 for humans or other animals, whether simple, mixed, or compound; and articles used as
220.18 components of these ingredients, except that edible ~~cannabinoid~~ cannabis products, as
220.19 defined in section ~~151.72, subdivision 1, paragraph (e)~~ 342.01, subdivision 29, lower-potency
220.20 hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived consumer
220.21 products, as defined in section 342.01, subdivision 35, that are intended to be eaten or
220.22 consumed as a beverage are not food.

220.23 **EFFECTIVE DATE.** This section is effective July 1, 2024.

220.24 Sec. 6. **[120B.215] EDUCATION ON CANNABIS USE AND SUBSTANCE USE.**

220.25 Subdivision 1. **Model program.** The commissioner of education, in consultation with
220.26 the commissioners of health and human services, local district and school health education
220.27 specialists, and other qualified experts, shall identify one or more model programs that may
220.28 be used to educate middle school and high school students on the health effects on children
220.29 and adolescents of cannabis use and substance use, including but not limited to the use of
220.30 fentanyl or mixtures containing fentanyl, consistent with local standards as required in
220.31 section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary

221.1 school students. The commissioner must publish a list of model programs that include
221.2 written materials, curriculum resources, and training for instructors by June 1, 2025. A
221.3 model program identified by the commissioner must be medically accurate, age and
221.4 developmentally appropriate, culturally inclusive, and grounded in science, and must address:

221.5 (1) the physical and mental health effects of cannabis use and substance use by children
221.6 and adolescents, including effects on the developing brains of children and adolescents;

221.7 (2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

221.8 (3) signs of substance use disorders;

221.9 (4) treatment options; and

221.10 (5) healthy coping strategies for children and adolescents.

221.11 Subd. 2. **School programs.** (a) Starting in the 2026-2027 school year, a school district
221.12 or charter school must implement a comprehensive education program on cannabis use and
221.13 substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl,
221.14 for students in middle school and high school. The program must include instruction on the
221.15 topics listed in subdivision 1 and must:

221.16 (1) respect community values and encourage students to communicate with parents,
221.17 guardians, and other trusted adults about cannabis use and substance use, including but not
221.18 limited to the use of fentanyl or mixtures containing fentanyl; and

221.19 (2) refer students to local resources where students may obtain medically accurate
221.20 information about cannabis use and substance use, including but not limited to the use of
221.21 fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

221.22 (b) District efforts to develop, implement, or improve instruction or curriculum as a
221.23 result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.

221.24 Subd. 3. **Parental review.** Notwithstanding any law to the contrary, each school district
221.25 shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older
221.26 to review the content of the instructional materials to be provided to a minor child or to an
221.27 adult student pursuant to this section. The district or charter school must allow a parent or
221.28 adult student to opt out of instruction under this section with no academic or other penalty
221.29 for the student and must inform parents and adult students of this right to opt out.

221.30 Subd. 4. **Youth council.** A school district or charter school may establish one or more
221.31 youth councils in which student members of the council receive education and training on

222.1 cannabis use and substance use, including but not limited to the use of fentanyl or mixtures
222.2 containing fentanyl, and provide peer-to-peer education on these topics.

222.3 **Sec. 7. [144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.**

222.4 Subdivision 1. **General.** The commissioner of health shall engage in research and data
222.5 collection activities to measure the prevalence of cannabis flower use and the use of cannabis
222.6 products, lower-potency hemp edibles, and hemp-derived consumer products in the state
222.7 by persons under 21 years of age and by persons 21 years of age or older. In order to collect
222.8 data, the commissioner may modify existing data collection tools used by the department
222.9 or other state agencies or may establish one or more new data collection tools.

222.10 Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall
222.11 conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower
222.12 use and the use of cannabis products, lower-potency hemp edibles, and hemp-derived
222.13 consumer products in the state broken out by:

222.14 (1) the current age of the customer;

222.15 (2) the age at which the customer began consuming cannabis flower, cannabis products,
222.16 lower-potency hemp edibles, or hemp-derived consumer products;

222.17 (3) whether the customer consumes cannabis flower, cannabis products, lower-potency
222.18 hemp edibles, or hemp-derived consumer products, and by type of product that the customer
222.19 consumes, if applicable;

222.20 (4) the amount of cannabis flower, cannabis product, lower-potency hemp edible, or
222.21 hemp-derived consumer product typically consumed at one time;

222.22 (5) the typical frequency of consumption; and

222.23 (6) other criteria specified by the commissioner.

222.24 (b) The initial assessment must be completed by July 1, 2024. The commissioner shall
222.25 collect updated data under this subdivision at least every two years thereafter.

222.26 Subd. 3. **Reports.** Beginning January 1, 2025, and every two years thereafter, the
222.27 commissioner shall issue a public report on the prevalence of cannabis flower use and the
222.28 use of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
222.29 in the state by persons under age 21 and by persons age 21 or older. The report may include
222.30 recommendations from the commissioner for changes to this chapter that would discourage
222.31 or prevent personal use of cannabis flower, cannabis products, lower-potency hemp edibles,
222.32 or hemp-derived consumer products by persons under age 21, that would discourage personal

223.1 use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
223.2 consumer products by pregnant or breastfeeding women, that would prevent access to
223.3 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
223.4 products by young children, or that would otherwise promote public health.

223.5 Sec. 8. **[144.197] CANNABIS EDUCATION PROGRAMS.**

223.6 Subdivision 1. **Youth education.** The commissioner of health, in collaboration with
223.7 local health departments, shall conduct a long-term, coordinated education program to raise
223.8 public awareness about and address the top three adverse health effects, as determined by
223.9 the commissioner, associated with the use of cannabis flower, cannabis products,
223.10 lower-potency hemp edibles, or hemp-derived consumer products by persons under age 21.
223.11 In conducting this education program, the commissioner shall engage and consult with
223.12 youth around the state on program content and on methods to effectively disseminate program
223.13 information to youth around the state.

223.14 Subd. 2. **Education for pregnant and breastfeeding women; women who may become**
223.15 **pregnant.** The commissioner of health shall conduct a long-term, coordinated program to
223.16 educate pregnant women, breastfeeding women, and women who may become pregnant on
223.17 the adverse health effects of prenatal exposure to cannabis flower, cannabis products,
223.18 lower-potency hemp edibles, or hemp-derived consumer products and on the adverse health
223.19 effects experienced by infants and children who are exposed to cannabis flower, cannabis
223.20 products, lower-potency hemp edibles, or hemp-derived consumer products in breast milk,
223.21 from secondhand smoke, or by ingesting cannabinoid products. This education program
223.22 must also educate women on what constitutes a substance use disorder, signs of a substance
223.23 use disorder, and treatment options for persons with a substance use disorder.

223.24 Subd. 3. **Home visiting programs.** The commissioner of health shall provide training,
223.25 technical assistance, and education materials to local public health home visiting programs
223.26 and Tribal home visiting programs regarding the safe and unsafe use of cannabis flower,
223.27 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in
223.28 homes with infants and young children. Training, technical assistance, and education
223.29 materials shall address substance use, the signs of a substance use disorder, treatment options
223.30 for persons with a substance use disorder, the dangers of driving under the influence of
223.31 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
223.32 products, how to safely consume cannabis flower, cannabis products, lower-potency hemp
223.33 edibles, or hemp-derived consumer products in homes with infants and young children, and
223.34 how to prevent infants and young children from being exposed to cannabis flower, cannabis

224.1 products, lower-potency hemp edibles, or hemp-derived consumer products by ingesting
224.2 cannabinoid products or through secondhand smoke.

224.3 Subd. 4. **Local and Tribal health departments.** The commissioner of health shall
224.4 distribute grants to local health departments and Tribal health departments for these
224.5 departments to create and disseminate educational materials on cannabis flower, cannabis
224.6 products, lower-potency hemp edibles, and hemp-derived consumer products and to provide
224.7 safe use and prevention training, education, technical assistance, and community engagement
224.8 regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
224.9 consumer products.

224.10 Sec. 9. Minnesota Statutes 2022, section 144.99, subdivision 1, is amended to read:

224.11 Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections
224.12 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14),
224.13 and (15); 144.1201 to 144.1204; 144.121; 144.1215; 144.1222; 144.35; 144.381 to 144.385;
224.14 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9512; 144.97 to 144.98;
224.15 144.992; ~~152.22 to 152.37~~; 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28
224.16 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses,
224.17 registrations, certificates, and permits adopted or issued by the department or under any
224.18 other law now in force or later enacted for the preservation of public health may, in addition
224.19 to provisions in other statutes, be enforced under this section.

224.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

224.21 Sec. 10. Minnesota Statutes 2022, section 144A.4791, subdivision 14, is amended to read:

224.22 Subd. 14. **Application of other law.** Home care providers may exercise the authority
224.23 and are subject to the protections in section ~~152.34~~ 342.51, subdivision 2.

224.24 Sec. 11. Minnesota Statutes 2022, section 175.45, subdivision 1, is amended to read:

224.25 Subdivision 1. **Duties; goal.** The commissioner of labor and industry shall convene
224.26 industry representatives, identify occupational competency standards, and provide technical
224.27 assistance to develop dual-training programs. The competency standards shall be identified
224.28 for employment in occupations in advanced manufacturing, health care services, information
224.29 technology, ~~and agriculture,~~ and the legal cannabis industry. Competency standards are not
224.30 rules and are exempt from the rulemaking provisions of chapter 14, and the provisions in
224.31 section 14.386 concerning exempt rules do not apply.

225.1 Sec. 12. Minnesota Statutes 2022, section 181.938, subdivision 2, is amended to read:

225.2 Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant
225.3 or discipline or discharge an employee because the applicant or employee engages in or has
225.4 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment
225.5 takes place off the premises of the employer during nonworking hours. For purposes of this
225.6 section, "lawful consumable products" means products whose use or enjoyment is lawful
225.7 and which are consumed during use or enjoyment, and includes food, alcoholic or
225.8 nonalcoholic beverages, ~~and~~ tobacco, cannabis flower, as defined in section 342.01,
225.9 subdivision 15, cannabis products, as defined in section 342.01, subdivision 19,
225.10 lower-potency hemp edibles as defined in section 342.01, subdivision 48, and hemp-derived
225.11 consumer products as defined in section 342.01, subdivision 35.

225.12 (b) Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
225.13 consumer products are lawful consumable products for the purpose of Minnesota law,
225.14 regardless of whether federal or other state law considers cannabis use, possession,
225.15 impairment, sale, or transfer to be unlawful. Nothing in this section shall be construed to
225.16 limit an employer's ability to discipline or discharge an employee for cannabis flower,
225.17 cannabis product, lower-potency hemp edible, or hemp-derived consumer product use,
225.18 possession, impairment, sale, or transfer during working hours, on work premises, or while
225.19 operating an employer's vehicle, machinery, or equipment, or if a failure to do so would
225.20 violate federal or state law or regulations or cause an employer to lose a monetary or
225.21 licensing-related benefit under federal law or regulations.

225.22 Sec. 13. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

225.23 Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory
225.24 retest" mean a drug or alcohol test or cannabis test that uses a method of analysis allowed
225.25 under one of the programs listed in section 181.953, subdivision 1.

225.26 Sec. 14. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

225.27 Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,
225.28 subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as
225.29 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,
225.30 subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision 48,
225.31 and hemp-derived consumer products as defined in section 342.01, subdivision 35.

226.1 Sec. 15. Minnesota Statutes 2022, section 181.950, subdivision 5, is amended to read:

226.2 Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing,"
226.3 and "drug or alcohol test" mean analysis of a body component sample according to the
226.4 standards established under one of the programs listed in section 181.953, subdivision 1,
226.5 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites
226.6 in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or
226.7 alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

226.8 Sec. 16. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision
226.9 to read:

226.10 Subd. 5a. **Cannabis testing.** "Cannabis testing" means the analysis of a body component
226.11 sample according to the standards established under one of the programs listed in section
226.12 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis
226.13 flower, as defined in section 342.01, subdivision 15, cannabis products, as defined in section
226.14 342.01, subdivision 19, lower-potency hemp edibles as defined in section 342.01, subdivision
226.15 48, hemp-derived consumer products as defined in section 342.01, subdivision 35, or cannabis
226.16 metabolites in the sample tested. The definitions in this section apply to cannabis testing
226.17 unless stated otherwise.

226.18 Sec. 17. Minnesota Statutes 2022, section 181.950, subdivision 8, is amended to read:

226.19 Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or
226.20 cannabis test which uses a method of analysis under one of the programs listed in section
226.21 181.953, subdivision 1.

226.22 Sec. 18. Minnesota Statutes 2022, section 181.950, subdivision 13, is amended to read:

226.23 Subd. 13. **Safety-sensitive position.** "Safety-sensitive position" means a job, including
226.24 any supervisory or management position, in which an impairment caused by drug ~~or~~, alcohol,
226.25 or cannabis usage would threaten the health or safety of any person.

226.26 Sec. 19. Minnesota Statutes 2022, section 181.951, subdivision 4, is amended to read:

226.27 Subd. 4. **Random testing.** An employer may request or require employees to undergo
226.28 cannabis testing or drug and alcohol testing on a random selection basis only if (1) they are
226.29 employed in safety-sensitive positions, or (2) they are employed as professional athletes if
226.30 the professional athlete is subject to a collective bargaining agreement permitting random
226.31 testing but only to the extent consistent with the collective bargaining agreement.

227.1 Sec. 20. Minnesota Statutes 2022, section 181.951, subdivision 5, is amended to read:

227.2 Subd. 5. **Reasonable suspicion testing.** An employer may request or require an employee
227.3 to undergo cannabis testing and drug and alcohol testing if the employer has a reasonable
227.4 suspicion that the employee:

227.5 (1) is under the influence of drugs or alcohol;

227.6 (2) has violated the employer's written work rules prohibiting the use, possession, sale,
227.7 or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp
227.8 edibles, or hemp-derived consumer products while the employee is working or while the
227.9 employee is on the employer's premises or operating the employer's vehicle, machinery, or
227.10 equipment, provided the work rules are in writing and contained in the employer's written
227.11 cannabis testing or drug and alcohol testing policy;

227.12 (3) has sustained a personal injury, as that term is defined in section 176.011, subdivision
227.13 16, or has caused another employee to sustain a personal injury; or

227.14 (4) has caused a work-related accident or was operating or helping to operate machinery,
227.15 equipment, or vehicles involved in a work-related accident.

227.16 Sec. 21. Minnesota Statutes 2022, section 181.951, subdivision 6, is amended to read:

227.17 Subd. 6. **Treatment program testing.** An employer may request or require an employee
227.18 to undergo cannabis testing and drug and alcohol testing if the employee has been referred
227.19 by the employer for substance use disorder treatment or evaluation or is participating in a
227.20 substance use disorder treatment program under an employee benefit plan, in which case
227.21 the employee may be requested or required to undergo cannabis testing and drug or alcohol
227.22 testing without prior notice during the evaluation or treatment period and for a period of up
227.23 to two years following completion of any prescribed substance use disorder treatment
227.24 program.

227.25 Sec. 22. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
227.26 to read:

227.27 Subd. 8. **Limitations on cannabis testing.** (a) An employer must not request or require
227.28 a job applicant to undergo cannabis testing solely for the purpose of determining the presence
227.29 or absence of cannabis as a condition of employment unless otherwise required by state or
227.30 federal law.

227.31 (b) Unless otherwise required by state or federal law, an employer must not refuse to
227.32 hire a job applicant solely because the job applicant submits to a cannabis test or a drug and

228.1 alcohol test authorized by this section and the results of the test indicate the presence of
228.2 cannabis.

228.3 (c) An employer must not request or require an employee or job applicant to undergo
228.4 cannabis testing on an arbitrary or capricious basis.

228.5 (d) Cannabis testing authorized under paragraph (d) must comply with the safeguards
228.6 for testing employees provided in sections 181.953 and 181.954.

228.7 Sec. 23. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
228.8 to read:

228.9 Subd. 9. **Cannabis testing exceptions.** For the following positions, cannabis and its
228.10 metabolites are considered a drug and subject to the drug and alcohol testing provisions in
228.11 sections 181.950 to 181.957:

228.12 (1) a safety-sensitive position, as defined in section 181.950, subdivision 13;

228.13 (2) a peace officer position, as defined in section 626.84, subdivision 1;

228.14 (3) a firefighter position, as defined in section 299N.01, subdivision 3;

228.15 (4) a position requiring face-to-face care, training, education, supervision, counseling,
228.16 consultation, or medical assistance to:

228.17 (i) children;

228.18 (ii) vulnerable adults, as defined in section 626.5572, subdivision 21; or

228.19 (iii) patients who receive health care services from a provider for the treatment,
228.20 examination, or emergency care of a medical, psychiatric, or mental condition;

228.21 (5) a position requiring a commercial driver's license or requiring an employee to operate
228.22 a motor vehicle for which state or federal law requires drug or alcohol testing of a job
228.23 applicant or an employee;

228.24 (6) a position of employment funded by a federal grant; or

228.25 (7) any other position for which state or federal law requires testing of a job applicant
228.26 or an employee for cannabis.

228.27 Sec. 24. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision
228.28 to read:

228.29 Subd. 3. **Cannabis policy.** (a) Unless otherwise provided by state or federal law, an
228.30 employer is not required to permit or accommodate cannabis flower, cannabis product,

229.1 lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment,
229.2 sale, or transfer while an employee is working or while an employee is on the employer's
229.3 premises or operating the employer's vehicle, machinery, or equipment.

229.4 (b) An employer may enact and enforce written work rules prohibiting cannabis flower,
229.5 cannabis product, lower-potency hemp edible, and hemp-derived consumer product use,
229.6 possession, impairment, sale, or transfer while an employee, is working or while an employee
229.7 is on the employer's premises or operating the employer's vehicle, machinery, or equipment
229.8 in a written policy that contains the minimum information required by this section.

229.9 Sec. 25. Minnesota Statutes 2022, section 181.953, is amended to read:

229.10 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

229.11 Subdivision 1. **Use of licensed, accredited, or certified laboratory required.** (a) An
229.12 employer who requests or requires an employee or job applicant to undergo drug or alcohol
229.13 testing or cannabis testing shall use the services of a testing laboratory that meets one of
229.14 the following criteria for drug testing:

229.15 (1) is certified by the National Institute on Drug Abuse as meeting the mandatory
229.16 guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

229.17 (2) is accredited by the College of American Pathologists, 325 Waukegan Road,
229.18 Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;
229.19 or

229.20 (3) is licensed to test for drugs by the state of New York, Department of Health, under
229.21 Public Health Law, article 5, title V, and rules adopted under that law.

229.22 (b) For alcohol testing, the laboratory must either be:

229.23 (1) licensed to test for drugs and alcohol by the state of New York, Department of Health,
229.24 under Public Health Law, article 5, title V, and the rules adopted under that law; or

229.25 (2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,
229.26 Illinois, 60093-2750, in the laboratory accreditation program.

229.27 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** A testing
229.28 laboratory that is not certified by the National Institute on Drug Abuse according to
229.29 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in
229.30 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that
229.31 produced a positive test result on an initial screening test. A laboratory shall disclose to the
229.32 employer a written test result report for each sample tested within three working days after

230.1 a negative test result on an initial screening test or, when the initial screening test produced
230.2 a positive test result, within three working days after a confirmatory test. A test report must
230.3 indicate the drugs, alcohol, ~~or drug or alcohol metabolites~~, or cannabis or cannabis
230.4 metabolites tested for and whether the test produced negative or positive test results. A
230.5 laboratory shall retain and properly store for at least six months all samples that produced
230.6 a positive test result.

230.7 Subd. 4. **Prohibitions on employers.** An employer may not conduct drug or alcohol
230.8 testing or cannabis testing of its own employees and job applicants using a testing laboratory
230.9 owned and operated by the employer; except that, one agency of the state may test the
230.10 employees of another agency of the state. Except as provided in subdivision 9, an employer
230.11 may not request or require an employee or job applicant to contribute to, or pay the cost of,
230.12 drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.

230.13 Subd. 5. **Employer chain-of-custody procedures.** An employer shall establish its own
230.14 reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling,
230.15 and identification of the samples to be tested. The procedures must require the following:

230.16 (1) possession of a sample must be traceable to the employee from whom the sample is
230.17 collected, from the time the sample is collected through the time the sample is delivered to
230.18 the laboratory;

230.19 (2) the sample must always be in the possession of, must always be in view of, or must
230.20 be placed in a secured area by a person authorized to handle the sample;

230.21 (3) a sample must be accompanied by a written chain-of-custody record; and

230.22 (4) individuals relinquishing or accepting possession of the sample must record the time
230.23 the possession of the sample was transferred and must sign and date the chain-of-custody
230.24 record at the time of transfer.

230.25 Subd. 6. **Rights of employees and job applicants.** (a) Before requesting an employee
230.26 or job applicant to undergo drug or alcohol testing or requesting cannabis testing, an employer
230.27 shall provide the employee or job applicant with a form, developed by the employer, on
230.28 which to acknowledge that the employee or job applicant has seen the employer's drug and
230.29 alcohol testing or cannabis testing policy.

230.30 (b) If an employee or job applicant tests positive for drug use, the employee must be
230.31 given written notice of the right to explain the positive test and the employer may request
230.32 that the employee or job applicant indicate any over-the-counter or prescription medication

231.1 that the individual is currently taking or has recently taken and any other information relevant
231.2 to the reliability of, or explanation for, a positive test result.

231.3 (c) Within three working days after notice of a positive test result on a confirmatory test,
231.4 the employee or job applicant may submit information to the employer, in addition to any
231.5 information already submitted under paragraph (b), to explain that result, or may request a
231.6 confirmatory retest of the original sample at the employee's or job applicant's own expense
231.7 as provided under subdivision 9.

231.8 Subd. 7. **Notice of test results.** Within three working days after receipt of a test result
231.9 report from the testing laboratory, an employer shall inform in writing an employee or job
231.10 applicant who has undergone drug or alcohol testing or cannabis testing of (1) a negative
231.11 test result on an initial screening test or of a negative or positive test result on a confirmatory
231.12 test and (2) the right provided in subdivision 8. In the case of a positive test result on a
231.13 confirmatory test, the employer shall also, at the time of this notice, inform the employee
231.14 or job applicant in writing of the rights provided in subdivisions 6, paragraph (b), 9, and
231.15 either subdivision 10 or 11, whichever applies.

231.16 Subd. 8. **Right to test result report.** An employee or job applicant has the right to
231.17 request and receive from the employer a copy of the test result report on any drug or alcohol
231.18 test or cannabis test.

231.19 Subd. 9. **Confirmatory retests.** An employee or job applicant may request a confirmatory
231.20 retest of the original sample at the employee's or job applicant's own expense after notice
231.21 of a positive test result on a confirmatory test. Within five working days after notice of the
231.22 confirmatory test result, the employee or job applicant shall notify the employer in writing
231.23 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three
231.24 working days after receipt of the notice, the employer shall notify the original testing
231.25 laboratory that the employee or job applicant has requested the laboratory to conduct the
231.26 confirmatory retest or transfer the sample to another laboratory licensed under subdivision
231.27 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the
231.28 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to
231.29 the other laboratory. The confirmatory retest must use the same drug ~~or~~, alcohol, or cannabis
231.30 threshold detection levels as used in the original confirmatory test. If the confirmatory retest
231.31 does not confirm the original positive test result, no adverse personnel action based on the
231.32 original confirmatory test may be taken against the employee or job applicant.

231.33 Subd. 10. **Limitations on employee discharge, discipline, or discrimination.** (a) An
231.34 employer may not discharge, discipline, discriminate against, or request or require

232.1 rehabilitation of an employee on the basis of a positive test result from an initial screening
232.2 test that has not been verified by a confirmatory test.

232.3 (b) In addition to the limitation under paragraph (a), an employer may not discharge an
232.4 employee for whom a positive test result on a confirmatory test was the first such result for
232.5 the employee on a drug or alcohol test or cannabis test requested by the employer unless
232.6 the following conditions have been met:

232.7 (1) the employer has first given the employee an opportunity to participate in, at the
232.8 employee's own expense or pursuant to coverage under an employee benefit plan, either a
232.9 drug ~~or~~, alcohol, or cannabis counseling or rehabilitation program, whichever is more
232.10 appropriate, as determined by the employer after consultation with a certified chemical use
232.11 counselor or a physician trained in the diagnosis and treatment of substance use disorder;
232.12 and

232.13 (2) the employee has either refused to participate in the counseling or rehabilitation
232.14 program or has failed to successfully complete the program, as evidenced by withdrawal
232.15 from the program before its completion or by a positive test result on a confirmatory test
232.16 after completion of the program.

232.17 (c) Notwithstanding paragraph (a), an employer may temporarily suspend the tested
232.18 employee or transfer that employee to another position at the same rate of pay pending the
232.19 outcome of the confirmatory test and, if requested, the confirmatory retest, provided the
232.20 employer believes that it is reasonably necessary to protect the health or safety of the
232.21 employee, coemployees, or the public. An employee who has been suspended without pay
232.22 must be reinstated with back pay if the outcome of the confirmatory test or requested
232.23 confirmatory retest is negative.

232.24 (d) An employer may not discharge, discipline, discriminate against, or request or require
232.25 rehabilitation of an employee on the basis of medical history information revealed to the
232.26 employer pursuant to subdivision 6 unless the employee was under an affirmative duty to
232.27 provide the information before, upon, or after hire.

232.28 (e) An employee must be given access to information in the employee's personnel file
232.29 relating to positive test result reports and other information acquired in the drug and alcohol
232.30 testing process or cannabis testing process and conclusions drawn from and actions taken
232.31 based on the reports or other acquired information.

232.32 Subd. 10a. Additional limitations for cannabis. An employer may discipline, discharge,
232.33 or take other adverse personnel action against an employee for cannabis flower, cannabis
232.34 product, lower-potency hemp edible, or hemp-derived consumer product use, possession,

233.1 impairment, sale, or transfer while an employee is working, on the employer's premises, or
233.2 operating the employer's vehicle, machinery, or equipment as follows:

233.3 (1) if the employee is under the influence of cannabis flower, a cannabis product, a
233.4 lower-potency hemp edible, or a hemp-derived consumer product;

233.5 (2) if cannabis testing verifies the presence of cannabis flower, a cannabis product, a
233.6 lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory
233.7 test;

233.8 (3) as provided in the employer's written work rules for cannabis flower, cannabis
233.9 products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis
233.10 testing, provided that the rules are in writing and in a written policy that contains the
233.11 minimum information required by section 181.952; or

233.12 (4) as otherwise authorized or required under state or federal law or regulations, or if a
233.13 failure to do so would cause an employer to lose a monetary or licensing-related benefit
233.14 under federal law or regulations.

233.15 Subd. 11. **Limitation on withdrawal of job offer.** If a job applicant has received a job
233.16 offer made contingent on the applicant passing drug and alcohol testing, the employer may
233.17 not withdraw the offer based on a positive test result from an initial screening test that has
233.18 not been verified by a confirmatory test.

233.19 Sec. 26. Minnesota Statutes 2022, section 181.954, is amended to read:

233.20 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

233.21 Subdivision 1. **Privacy limitations.** A laboratory may only disclose to the employer test
233.22 result data regarding the presence or absence of drugs, alcohol, or their metabolites in a
233.23 sample tested.

233.24 Subd. 2. **Confidentiality limitations.** Test result reports and other information acquired
233.25 in the drug or alcohol testing or cannabis testing process are, with respect to private sector
233.26 employees and job applicants, private and confidential information, and, with respect to
233.27 public sector employees and job applicants, private data on individuals as that phrase is
233.28 defined in chapter 13, and may not be disclosed by an employer or laboratory to another
233.29 employer or to a third-party individual, governmental agency, or private organization without
233.30 the written consent of the employee or job applicant tested.

233.31 Subd. 3. **Exceptions to privacy and confidentiality disclosure**
233.32 **limitations.** Notwithstanding subdivisions 1 and 2, evidence of a positive test result on a

234.1 confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective
234.2 bargaining agreement, an administrative hearing under chapter 43A or other applicable state
234.3 or local law, or a judicial proceeding, provided that information is relevant to the hearing
234.4 or proceeding; (2) disclosed to any federal agency or other unit of the United States
234.5 government as required under federal law, regulation, or order, or in accordance with
234.6 compliance requirements of a federal government contract; and (3) disclosed to a substance
234.7 abuse treatment facility for the purpose of evaluation or treatment of the employee.

234.8 Subd. 4. **Privilege.** Positive test results from an employer drug or alcohol testing or
234.9 cannabis testing program may not be used as evidence in a criminal action against the
234.10 employee or job applicant tested.

234.11 Sec. 27. Minnesota Statutes 2022, section 181.955, is amended to read:

234.12 **181.955 CONSTRUCTION.**

234.13 Subdivision 1. **Freedom to collectively bargain.** Sections 181.950 to 181.954 shall not
234.14 be construed to limit the parties to a collective bargaining agreement from bargaining and
234.15 agreeing with respect to a drug and alcohol testing or a cannabis testing policy that meets
234.16 or exceeds, and does not otherwise conflict with, the minimum standards and requirements
234.17 for employee protection provided in those sections.

234.18 Subd. 2. **Employee protections under existing collective bargaining**
234.19 **agreements.** Sections 181.950 to 181.954 shall not be construed to interfere with or diminish
234.20 any employee protections relating to drug and alcohol testing or cannabis testing already
234.21 provided under collective bargaining agreements in effect on the effective date of those
234.22 sections that exceed the minimum standards and requirements for employee protection
234.23 provided in those sections.

234.24 Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to
234.25 interfere with the operation of a drug and alcohol testing or cannabis testing program if:

234.26 (1) the drug and alcohol testing program is permitted under a contract between the
234.27 employer and employees; and

234.28 (2) the covered employees are employed as professional athletes.

234.29 Upon request of the commissioner of labor and industry, the exclusive representative
234.30 of the employees and the employer shall certify to the commissioner of labor and industry
234.31 that the drug and alcohol testing or cannabis testing program permitted under the contract
234.32 should operate without interference from the sections specified in this subdivision. This

235.1 subdivision must not be construed to create an exemption from controlled substance crimes
235.2 in chapter 152.

235.3 Sec. 28. Minnesota Statutes 2022, section 181.957, subdivision 1, is amended to read:

235.4 Subdivision 1. **Excluded employees and job applicants.** Except as provided under
235.5 subdivision 2, the employee and job applicant protections provided under sections 181.950
235.6 to 181.956 do not apply to employees and job applicants where the specific work performed
235.7 requires those employees and job applicants to be subject to drug and alcohol testing or
235.8 cannabis testing pursuant to:

235.9 (1) federal regulations that specifically preempt state regulation of drug and alcohol
235.10 testing or cannabis testing with respect to those employees and job applicants;

235.11 (2) federal regulations or requirements necessary to operate federally regulated facilities;

235.12 (3) federal contracts where the drug and alcohol testing or cannabis testing is conducted
235.13 for security, safety, or protection of sensitive or proprietary data; or

235.14 (4) state agency rules that adopt federal regulations applicable to the interstate component
235.15 of a federally regulated industry, and the adoption of those rules is for the purpose of
235.16 conforming the nonfederally regulated intrastate component of the industry to identical
235.17 regulation.

235.18 Sec. 29. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

235.19 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
235.20 For a background study conducted by the Department of Human Services, the commissioner
235.21 shall review:

235.22 (1) information related to names of substantiated perpetrators of maltreatment of
235.23 vulnerable adults that has been received by the commissioner as required under section
235.24 626.557, subdivision 9c, paragraph (j);

235.25 (2) the commissioner's records relating to the maltreatment of minors in licensed
235.26 programs, and from findings of maltreatment of minors as indicated through the social
235.27 service information system;

235.28 (3) information from juvenile courts as required in subdivision 4 for individuals listed
235.29 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information regarding a background study subject's registration in Minnesota as a predatory offender under section 243.166;

(5) except as provided in clause (6), information received as a result of submission of fingerprints for a national criminal history record check, as defined in section 245C.02, subdivision 13c, when the commissioner has reasonable cause for a national criminal history record check as defined under section 245C.02, subdivision 15a, or as required under section 144.057, subdivision 1, clause (2);

(6) for a background study related to a child foster family setting application for licensure, foster residence settings, children's residential facilities, a transfer of permanent legal and physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a background study required for family child care, certified license-exempt child care, child care centers, and legal nonlicensed child care authorized under chapter 119B, the commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the background study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older, or a minor under section 245C.05, subdivision 5a, paragraph (c), information received following submission of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older or a minor under section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified license-exempt child care, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, information obtained using non-fingerprint-based data including information from the criminal and sex offender registries for any state in which the background study subject resided for the past five years and information from the national crime information database and the national sex offender registry; and

(7) for a background study required for family child care, certified license-exempt child care centers, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, the background study shall also include, to the extent practicable, a name and date-of-birth search of the National Sex Offender Public website.

(b) Except as otherwise provided in this paragraph, notwithstanding expungement by a court, the commissioner may consider information obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner. The

237.1 commissioner may not consider information obtained under paragraph (a), clauses (3) and
237.2 (4), or from any other source that identifies a violation of chapter 152 without determining
237.3 if the offense involved the possession of marijuana or tetrahydrocannabinol and, if so,
237.4 whether the person received a grant of expungement or order of expungement, or the person
237.5 was resentenced to a lesser offense. If the person received a grant of expungement or order
237.6 of expungement, the commissioner may not consider information related to that violation
237.7 but may consider any other relevant information arising out of the same incident.

237.8 (c) The commissioner shall also review criminal case information received according
237.9 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
237.10 to individuals who have already been studied under this chapter and who remain affiliated
237.11 with the agency that initiated the background study.

237.12 (d) When the commissioner has reasonable cause to believe that the identity of a
237.13 background study subject is uncertain, the commissioner may require the subject to provide
237.14 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
237.15 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
237.16 shall not be saved by the commissioner after they have been used to verify the identity of
237.17 the background study subject against the particular criminal record in question.

237.18 (e) The commissioner may inform the entity that initiated a background study under
237.19 NETStudy 2.0 of the status of processing of the subject's fingerprints.

237.20 Sec. 30. Minnesota Statutes 2022, section 256.01, subdivision 18c, is amended to read:

237.21 Subd. 18c. **Drug convictions.** (a) The state court administrator shall provide a report
237.22 every six months by electronic means to the commissioner of human services, including
237.23 the name, address, date of birth, and, if available, driver's license or state identification card
237.24 number, date of the sentence, effective date of the sentence, and county in which the
237.25 conviction occurred, of each person convicted of a felony under chapter 152, except for
237.26 convictions under section 152.0263 or 152.0264, during the previous six months.

237.27 (b) The commissioner shall determine whether the individuals who are the subject of
237.28 the data reported under paragraph (a) are receiving public assistance under chapter 256D
237.29 or 256J, and if ~~the~~ an individual is receiving assistance under chapter 256D or 256J, the
237.30 commissioner shall instruct the county to proceed under section 256D.024 or 256J.26,
237.31 whichever is applicable, for this individual.

238.1 (c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that
238.2 does not relate to an individual receiving publicly funded assistance under chapter 256D or
238.3 256J.

238.4 ~~(d) In addition to the routine data transfer under paragraph (a), the state court~~
238.5 ~~administrator shall provide a onetime report of the data fields under paragraph (a) for~~
238.6 ~~individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until~~
238.7 ~~the date of the data transfer. The commissioner shall perform the tasks identified under~~
238.8 ~~paragraph (b) related to this data and shall retain the data according to paragraph (c).~~

238.9 Sec. 31. Minnesota Statutes 2022, section 256B.0625, subdivision 13d, is amended to
238.10 read:

238.11 Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its
238.12 establishment and publication shall not be subject to the requirements of the Administrative
238.13 Procedure Act, but the Formulary Committee shall review and comment on the formulary
238.14 contents.

238.15 (b) The formulary shall not include:

238.16 (1) drugs, active pharmaceutical ingredients, or products for which there is no federal
238.17 funding;

238.18 (2) over-the-counter drugs, except as provided in subdivision 13;

238.19 (3) drugs or active pharmaceutical ingredients when used for the treatment of impotence
238.20 or erectile dysfunction;

238.21 (4) drugs or active pharmaceutical ingredients for which medical value has not been
238.22 established;

238.23 (5) drugs from manufacturers who have not signed a rebate agreement with the
238.24 Department of Health and Human Services pursuant to section 1927 of title XIX of the
238.25 Social Security Act; and

238.26 (6) medical cannabis flower as defined in section ~~152.22, subdivision 6~~ 342.01,
238.27 subdivision 52, or medical cannabinoid products as defined in section 342.01, subdivision
238.28 50.

238.29 (c) If a single-source drug used by at least two percent of the fee-for-service medical
238.30 assistance recipients is removed from the formulary due to the failure of the manufacturer
238.31 to sign a rebate agreement with the Department of Health and Human Services, the
238.32 commissioner shall notify prescribing practitioners within 30 days of receiving notification

239.1 from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was
239.2 not signed.

239.3 Sec. 32. Minnesota Statutes 2022, section 256D.024, subdivision 1, is amended to read:

239.4 Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has
239.5 been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis,
239.6 marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this
239.7 chapter until five years after the applicant has completed terms of the court-ordered sentence,
239.8 unless the person is participating in a drug treatment program, has successfully completed
239.9 a drug treatment program, or has been assessed by the county and determined not to be in
239.10 need of a drug treatment program. Persons subject to the limitations of this subdivision who
239.11 become eligible for assistance under this chapter shall be subject to random drug testing as
239.12 a condition of continued eligibility and shall lose eligibility for benefits for five years
239.13 beginning the month following:

239.14 (1) any positive test result for an illegal controlled substance under chapter 152; or

239.15 (2) discharge of sentence after conviction for another drug felony.

239.16 (b) For the purposes of this subdivision, "drug offense" means a conviction that occurred
239.17 after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug
239.18 offense also means a conviction in another jurisdiction of the possession, use, or distribution
239.19 of a controlled substance, or conspiracy to commit any of these offenses, if the offense
239.20 occurred after July 1, 1997, and the conviction is ~~a felony offense in that jurisdiction, or in~~
239.21 ~~the case of New Jersey, a high misdemeanor~~ for a crime that would be a felony if committed
239.22 in Minnesota.

239.23 Sec. 33. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

239.24 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,
239.25 or confinement after conviction for a crime that ~~is a felony under the laws of the jurisdiction~~
239.26 ~~from which the individual flees, or in the case of New Jersey, is a high misdemeanor,~~ would
239.27 be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

239.28 Sec. 34. Minnesota Statutes 2022, section 256J.26, subdivision 1, is amended to read:

239.29 Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been
239.30 convicted of a felony level drug offense committed during the previous ten years from the
239.31 date of application or recertification, except for convictions related to cannabis, marijuana,
239.32 or tetrahydrocannabinols, is subject to the following:

240.1 (1) Benefits for the entire assistance unit must be paid in vendor form for shelter and
240.2 utilities during any time the applicant is part of the assistance unit.

240.3 (2) The convicted applicant or participant shall be subject to random drug testing as a
240.4 condition of continued eligibility and following any positive test for an illegal controlled
240.5 substance under chapter 152 is subject to the following sanctions:

240.6 (i) for failing a drug test the first time, the residual amount of the participant's grant after
240.7 making vendor payments for shelter and utility costs, if any, must be reduced by an amount
240.8 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size.

240.9 When a sanction under this subdivision is in effect, the job counselor must attempt to meet
240.10 with the person face-to-face. During the face-to-face meeting, the job counselor must explain
240.11 the consequences of a subsequent drug test failure and inform the participant of the right to
240.12 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the
240.13 county agency must send the participant a notice of adverse action as provided in section
240.14 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face
240.15 meeting; or

240.16 (ii) for failing a drug test two times, the participant is permanently disqualified from
240.17 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP
240.18 grant must be reduced by the amount which would have otherwise been made available to
240.19 the disqualified participant. Disqualification under this item does not make a participant
240.20 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a
240.21 disqualification under this provision is imposed, the job counselor must attempt to meet
240.22 with the participant face-to-face. During the face-to-face meeting, the job counselor must
240.23 identify other resources that may be available to the participant to meet the needs of the
240.24 family and inform the participant of the right to appeal the disqualification under section
240.25 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant
240.26 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must
240.27 include the information required in the face-to-face meeting.

240.28 (3) A participant who fails a drug test the first time and is under a sanction due to other
240.29 MFIP program requirements is considered to have more than one occurrence of
240.30 noncompliance and is subject to the applicable level of sanction as specified under section
240.31 256J.46, subdivision 1, paragraph (d).

240.32 (b) Applicants requesting only SNAP benefits or participants receiving only SNAP
240.33 benefits, who have been convicted of a drug offense that occurred after July 1, 1997, except
240.34 for convictions related to cannabis, marijuana, or tetrahydrocannabinols, may, if otherwise

241.1 eligible, receive SNAP benefits if the convicted applicant or participant is subject to random
241.2 drug testing as a condition of continued eligibility. Following a positive test for an illegal
241.3 controlled substance under chapter 152, the applicant is subject to the following sanctions:

241.4 (1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount
241.5 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this
241.6 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During
241.7 the face-to-face meeting, a job counselor must explain the consequences of a subsequent
241.8 drug test failure and inform the participant of the right to appeal the sanction under section
241.9 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant
241.10 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must
241.11 include the information required in the face-to-face meeting; and

241.12 (2) for failing a drug test two times, the participant is permanently disqualified from
241.13 receiving SNAP benefits. Before a disqualification under this provision is imposed, a job
241.14 counselor must attempt to meet with the participant face-to-face. During the face-to-face
241.15 meeting, the job counselor must identify other resources that may be available to the
241.16 participant to meet the needs of the family and inform the participant of the right to appeal
241.17 the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county
241.18 agency must send the participant a notice of adverse action as provided in section 256J.31,
241.19 subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

241.20 (c) For the purposes of this subdivision, "drug offense" means an offense that occurred
241.21 during the previous ten years from the date of application or recertification of sections
241.22 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a
241.23 conviction in another jurisdiction of the possession, use, or distribution of a controlled
241.24 substance, or conspiracy to commit any of these offenses, if the offense occurred during
241.25 the previous ten years from the date of application or recertification and the conviction is
241.26 ~~a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor~~ for
241.27 a crime that would be a felony if committed in Minnesota.

241.28 Sec. 35. Minnesota Statutes 2022, section 256J.26, subdivision 3, is amended to read:

241.29 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,
241.30 or confinement after conviction for a crime that ~~is a felony under the laws of the jurisdiction~~
241.31 ~~from which the individual flees, or in the case of New Jersey, is a high misdemeanor,~~ would
241.32 be a felony if committed in Minnesota, is disqualified from receiving MFIP.

242.1 Sec. 36. **[340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY**
242.2 **HEMP EDIBLES.**

242.3 (a) Nothing in this chapter:

242.4 (1) prohibits the issuance of a retail license or permit to a person also holding a hemp
242.5 business license authorizing the manufacture or retail sale of lower-potency hemp edibles;

242.6 (2) allows any agreement between a licensing authority and retail license or permit holder
242.7 that prohibits the license or permit holder from also holding a lower-potency hemp edible
242.8 manufacturer or retailer license; or

242.9 (3) allows the revocation or suspension of a retail license or permit, or the imposition
242.10 of a penalty on a retail license or permit holder, due to the retail license or permit holder
242.11 also holding a lower-potency hemp edible manufacturer or retailer license.

242.12 (b) For purposes of this section, "hemp business license authorizing manufacture or
242.13 retail sale of lower-potency hemp edibles" means a license issued by the Office of Cannabis
242.14 Management pursuant to sections 342.43 to 342.46.

242.15 Sec. 37. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

242.16 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,
242.17 an exclusive liquor store may sell only the following items:

242.18 (1) alcoholic beverages;

242.19 (2) tobacco products;

242.20 (3) ice;

242.21 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating
242.22 liquor;

242.23 (5) soft drinks;

242.24 (6) liqueur-filled candies;

242.25 (7) food products that contain more than one-half of one percent alcohol by volume;

242.26 (8) cork extraction devices;

242.27 (9) books and videos on the use of alcoholic beverages;

242.28 (10) magazines and other publications published primarily for information and education
242.29 on alcoholic beverages;

242.30 (11) multiple-use bags designed to carry purchased items;

243.1 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to
243.2 prevent access by underage drinkers;

243.3 (13) home brewing equipment;

243.4 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive
243.5 liquor store, and bearing no other name, brand, or identifying logo;

243.6 (15) citrus fruit; ~~and~~

243.7 (16) glassware; and

243.8 (17) lower-potency hemp edibles as defined in section 342.01, subdivision 48.

243.9 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
243.10 license may sell food for on-premise consumption when authorized by the municipality
243.11 issuing the license.

243.12 (c) An exclusive liquor store may offer live or recorded entertainment.

243.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

243.14 Sec. 38. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

243.15 Subd. 3. **Mandatory expungement.** (a) The court shall order expungement of an eviction
243.16 case commenced solely on the grounds provided in section 504B.285, subdivision 1, clause
243.17 (1), if the court finds that the defendant occupied real property that was subject to contract
243.18 for deed cancellation or mortgage foreclosure and:

243.19 (1) the time for contract cancellation or foreclosure redemption has expired and the
243.20 defendant vacated the property prior to commencement of the eviction action; or

243.21 (2) the defendant was a tenant during the contract cancellation or foreclosure redemption
243.22 period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to
243.23 vacate on a date prior to commencement of the eviction case.

243.24 (b) If a tenant brings a motion for the expungement of an eviction, the court shall order
243.25 the expungement of an eviction case that was commenced on the grounds of a violation of
243.26 section 504B.171 or any other claim of breach regardless of when the original eviction was
243.27 ordered, if the tenant could receive an automatic expungement under section 609A.05, or
243.28 if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

244.1 Sec. 39. Minnesota Statutes 2022, section 504B.171, subdivision 1, is amended to read:

244.2 Subdivision 1. **Terms of covenant.** (a) In every lease or license of residential premises,
244.3 whether in writing or parol, the landlord or licensor and the tenant or licensee covenant that:

244.4 (1) neither will:

244.5 (i) ~~unlawfully~~ allow controlled substances in those premises or in the common area and
244.6 curtilage of the premises in violation of any criminal provision of chapter 152;

244.7 (ii) allow prostitution or prostitution-related activity as defined in section 617.80,
244.8 subdivision 4, to occur on the premises or in the common area and curtilage of the premises;

244.9 (iii) allow the unlawful use or possession of a firearm in violation of section 609.66,
244.10 subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of
244.11 the premises; or

244.12 (iv) allow stolen property or property obtained by robbery in those premises or in the
244.13 common area and curtilage of the premises; and

244.14 (2) the common area and curtilage of the premises will not be used by either the landlord
244.15 or licensor or the tenant or licensee or others acting under the control of either to manufacture,
244.16 sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled
244.17 substance in violation of any criminal provision of chapter 152. The covenant is not violated
244.18 when a person other than the landlord or licensor or the tenant or licensee possesses or
244.19 allows controlled substances in the premises, common area, or curtilage, unless the landlord
244.20 or licensor or the tenant or licensee knew or had reason to know of that activity.

244.21 (b) In every lease or license of residential premises, whether in writing or parol, the
244.22 tenant or licensee covenant that the tenant or licensee will not commit an act enumerated
244.23 under section 504B.206, subdivision 1, paragraph (a), against a tenant or licensee or any
244.24 authorized occupant.

244.25 (c) A landlord cannot prohibit a tenant from legally possessing, and a tenant cannot
244.26 waive the right to legally possess, any cannabis products, lower-potency hemp edibles, or
244.27 hemp-derived consumer products, or using any cannabinoid product or hemp-derived
244.28 consumer product, other than consumption by combustion or vaporization of the product
244.29 and inhalation of smoke, aerosol, or vapor from the product.

245.1 Sec. 40. **[504B.1715] COVENANTS; SOBER HOMES.**

245.2 A sober housing program for people with substance use disorders may prohibit people
245.3 in the program from the possession and use of cannabis flower, cannabis products,
245.4 lower-potency hemp edibles, or hemp-derived consumer products.

245.5 Sec. 41. Minnesota Statutes 2022, section 609B.425, subdivision 2, is amended to read:

245.6 Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997,
245.7 except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, is ineligible
245.8 for general assistance benefits and Supplemental Security Income under chapter 256D until:

245.9 (1) five years after completing the terms of a court-ordered sentence; or

245.10 (2) unless the person is participating in a drug treatment program, has successfully
245.11 completed a program, or has been determined not to be in need of a drug treatment program.

245.12 (b) A person who becomes eligible for assistance under chapter 256D is subject to
245.13 random drug testing and shall lose eligibility for benefits for five years beginning the month
245.14 following:

245.15 (1) any positive test for an illegal controlled substance under chapter 152; or

245.16 (2) discharge of sentence for conviction of another drug felony.

245.17 (c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently
245.18 misrepresenting eligibility are also ineligible to receive benefits for ten years.

245.19 Sec. 42. Minnesota Statutes 2022, section 609B.435, subdivision 2, is amended to read:

245.20 Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for
245.21 benefits from the Minnesota family investment program or MFIP, the vehicle for temporary
245.22 assistance for needy families or TANF, and who has been convicted of a drug offense,
245.23 except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, shall be
245.24 subject to certain conditions, including random drug testing, in order to receive MFIP
245.25 benefits. Following any positive test for a controlled substance under chapter 152, the
245.26 convicted applicant or participant is subject to the following sanctions:

245.27 (1) a first time drug test failure results in a reduction of benefits in an amount equal to
245.28 30 percent of the MFIP standard of need; and

245.29 (2) a second time drug test failure results in permanent disqualification from receiving
245.30 MFIP assistance.

246.1 A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition
246.2 Assistance Program (SNAP) benefits.

246.3 Sec. 43. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
246.4 to read:

246.5 Subd. 13. **Adult-use cannabis flower.** "Adult-use cannabis flower" has the meaning
246.6 given in section 342.01, subdivision 3.

246.7 Sec. 44. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
246.8 to read:

246.9 Subd. 14. **Adult-use cannabinoid product.** "Adult-use cannabis product" has the
246.10 meaning given in section 342.01, subdivision 4.

246.11 Sec. 45. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
246.12 to read:

246.13 Subd. 15. **Medical cannabis flower.** "Medical cannabis flower" has the meaning given
246.14 in section 342.01, subdivision 52.

246.15 Sec. 46. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
246.16 to read:

246.17 Subd. 16. **Medical cannabinoid product.** "Medical cannabinoid product" has the
246.18 meaning given in section 342.01, subdivision 50.

246.19 Sec. 47. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
246.20 to read:

246.21 Subd. 17. **Patient.** "Patient" has the meaning given in section 342.01, subdivision 57.

246.22 Sec. 48. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
246.23 to read:

246.24 Subd. 18. **Qualifying medical condition.** "Qualifying medical condition" has the meaning
246.25 given in section 342.01, subdivision 59.

247.1 Sec. 49. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
247.2 to read:

247.3 Subd. 19. **Registry or registry program.** "Registry" or "registry program" has the
247.4 meaning given in section 342.01, subdivision 61.

247.5 Sec. 50. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
247.6 to read:

247.7 Subd. 20. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
247.8 the meaning given in section 342.01, subdivision 35.

247.9 Sec. 51. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
247.10 to read:

247.11 Subd. 21. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
247.12 given in section 342.01, subdivision 48.

247.13 Sec. 52. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

247.14 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
247.15 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
247.16 (1), any other firearm:

247.17 (1) a person under the age of 18 years except that a person under 18 may possess
247.18 ammunition designed for use in a firearm that the person may lawfully possess and may
247.19 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
247.20 presence or under the direct supervision of the person's parent or guardian, (ii) for the
247.21 purpose of military drill under the auspices of a legally recognized military organization
247.22 and under competent supervision, (iii) for the purpose of instruction, competition, or target
247.23 practice on a firing range approved by the chief of police or county sheriff in whose
247.24 jurisdiction the range is located and under direct supervision; or (iv) if the person has
247.25 successfully completed a course designed to teach marksmanship and safety with a pistol
247.26 or semiautomatic military-style assault weapon and approved by the commissioner of natural
247.27 resources;

247.28 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
247.29 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
247.30 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
247.31 includes crimes in other states or jurisdictions which would have been crimes of violence
247.32 as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's ability to possess a firearm and ammunition has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

249.1 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
249.2 household member and who was found by the court to have used a firearm in any way
249.3 during commission of the assault is prohibited from possessing any type of firearm or
249.4 ammunition for the period determined by the sentencing court;

249.5 (10) a person who:

249.6 (i) has been convicted in any court of a crime punishable by imprisonment for a term
249.7 exceeding one year;

249.8 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
249.9 for a crime or to avoid giving testimony in any criminal proceeding;

249.10 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use
249.11 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the
249.12 registry program or the use of adult-use cannabis flower, adult-use cannabis products,
249.13 lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of
249.14 age or older does not constitute the unlawful use of a controlled substance under this item;

249.15 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
249.16 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
249.17 public, as defined in section 253B.02;

249.18 (v) is an alien who is illegally or unlawfully in the United States;

249.19 (vi) has been discharged from the armed forces of the United States under dishonorable
249.20 conditions;

249.21 (vii) has renounced the person's citizenship having been a citizen of the United States;
249.22 or

249.23 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
249.24 922(g)(8) or (9), as amended through March 1, 2014;

249.25 (11) a person who has been convicted of the following offenses at the gross misdemeanor
249.26 level, unless three years have elapsed since the date of conviction and, during that time, the
249.27 person has not been convicted of any other violation of these sections: section 609.229
249.28 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
249.29 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
249.30 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
249.31 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
249.32 gross misdemeanor convictions include crimes committed in other states or jurisdictions
249.33 which would have been gross misdemeanors if conviction occurred in this state;

(12) a person who has been convicted of a violation of section 609.224 if the court determined that the assault was against a family or household member in accordance with section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of another violation of section 609.224 or a violation of a section listed in clause (11); or

(13) a person who is subject to an order for protection as described in section 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm or ammunition committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

Participation as a patient in the registry program or use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of age or older does not disqualify the person from possessing firearms and ammunition under this section.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

Sec. 53. Minnesota Statutes 2022, section 624.714, subdivision 6, is amended to read:

Subd. 6. **Granting and denial of permits.** (a) The sheriff must, within 30 days after the date of receipt of the application packet described in subdivision 3:

(1) issue the permit to carry;

(2) deny the application for a permit to carry solely on the grounds that the applicant failed to qualify under the criteria described in subdivision 2, paragraph (b); or

(3) deny the application on the grounds that there exists a substantial likelihood that the applicant is a danger to self or the public if authorized to carry a pistol under a permit.

251.1 (b) Failure of the sheriff to notify the applicant of the denial of the application within
251.2 30 days after the date of receipt of the application packet constitutes issuance of the permit
251.3 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny
251.4 the application, the sheriff must provide the applicant with written notification and the
251.5 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including
251.6 the source of the factual basis. The sheriff must inform the applicant of the applicant's right
251.7 to submit, within 20 business days, any additional documentation relating to the propriety
251.8 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the
251.9 denial and inform the applicant within 15 business days of the result of the reconsideration.
251.10 Any denial after reconsideration must be in the same form and substance as the original
251.11 denial and must specifically address any continued deficiencies in light of the additional
251.12 documentation submitted by the applicant. The applicant must be informed of the right to
251.13 seek de novo review of the denial as provided in subdivision 12.

251.14 (c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to
251.15 the applicant by first class mail unless personal delivery has been made. Within five business
251.16 days, the sheriff must submit the information specified in subdivision 7, paragraph (a), to
251.17 the commissioner for inclusion solely in the database required under subdivision 15,
251.18 paragraph (a). The sheriff must transmit the information in a manner and format prescribed
251.19 by the commissioner.

251.20 (d) Within five business days of learning that a permit to carry has been suspended or
251.21 revoked, the sheriff must submit information to the commissioner regarding the suspension
251.22 or revocation for inclusion solely in the databases required or permitted under subdivision
251.23 15.

251.24 (e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application
251.25 process if a charge is pending against the applicant that, if resulting in conviction, will
251.26 prohibit the applicant from possessing a firearm.

251.27 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant
251.28 is a patient enrolled in the registry program and uses medical cannabis flower or medical
251.29 cannabinoid products for a qualifying medical condition or because the person is 21 years
251.30 of age or older and uses adult-use cannabis flower, adult-use cannabis products,
251.31 lower-potency hemp edibles, or hemp-derived consumer products.

251.32 Sec. 54. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:

251.33 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's
251.34 clothes or person in a public place:

252.1 (1) when the person is under the influence of a controlled substance, as defined in section
252.2 152.01, subdivision 4;

252.3 (2) when the person is under the influence of a combination of any two or more of the
252.4 elements named in clauses (1) and (4);

252.5 (3) when the person is under the influence of an intoxicating substance as defined in
252.6 section 169A.03, subdivision 11a, and the person knows or has reason to know that the
252.7 substance has the capacity to cause impairment;

252.8 (4) when the person is under the influence of alcohol;

252.9 (5) when the person's alcohol concentration is 0.10 or more; ~~or~~

252.10 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04; or

252.11 (7) when the person is enrolled as a patient in the registry program, uses medical cannabis
252.12 flower or medical cannabinoid products, and knows or has reason to know that the medical
252.13 cannabis flower or medical cannabinoid products used by the person has the capacity to
252.14 cause impairment.

252.15 Sec. 55. Minnesota Statutes 2022, section 624.7151, is amended to read:

252.16 **624.7151 STANDARDIZED FORMS.**

252.17 By December 1, 1992, the commissioner shall adopt statewide standards governing the
252.18 form and contents, as required by sections 624.7131 to 624.714, of every application for a
252.19 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application
252.20 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or
252.21 after January 1, 1993.

252.22 Every application for a pistol transferee permit, pistol transferee permit, report of transfer
252.23 of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is
252.24 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993,
252.25 must meet the statewide standards adopted by the commissioner. Notwithstanding the
252.26 previous sentence, neither failure of the Department of Public Safety to adopt standards nor
252.27 failure of the police chief or county sheriff to meet them shall delay the timely processing
252.28 of applications nor invalidate permits issued on other forms meeting the requirements of
252.29 sections 624.7131 to 624.714.

252.30 Any form used for the purpose of approving or disapproving a person from purchasing,
252.31 owning, possessing, or carrying a firearm that inquires about the applicant's use of controlled
252.32 substances shall specifically authorize a patient in the registry program to refrain from

253.1 reporting the use of medical cannabis flower and medical cannabinoid products and shall
253.2 specifically authorize a person 21 years of age or older from refraining from reporting the
253.3 use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,
253.4 or hemp-derived consumer products.

253.5 Sec. 56. **[624.7152] LAWFUL CANNABIS USERS.**

253.6 (a) A person may not be denied the right to purchase, own, possess, or carry a firearm
253.7 solely on the basis that the person is a patient in the registry program.

253.8 (b) A person may not be denied the right to purchase, own, possess, or carry a firearm
253.9 solely on the basis that the person is 21 years of age or older and uses adult-use cannabis
253.10 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
253.11 products.

253.12 (c) A state or local agency may not access a database containing the identities of patients
253.13 in the registry program to obtain information for the purpose of approving or disapproving
253.14 a person from purchasing, owning, possessing, or carrying a firearm.

253.15 (d) A state or local agency may not use information gathered from a database containing
253.16 the identities of patients in the registry program to obtain information for the purpose of
253.17 approving or disapproving a person from purchasing, owning, possessing, or carrying a
253.18 firearm.

253.19 (e) A state or local agency may not inquire about a person's status as a patient in the
253.20 registry program for the purpose of approving or disapproving the person from purchasing,
253.21 owning, possessing, or carrying a firearm.

253.22 (f) A state or local agency may not inquire about the use of adult-use cannabis flower,
253.23 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
253.24 products by a person 21 years of age or older for the purpose of approving or disapproving
253.25 the person from purchasing, owning, possessing, or carrying a firearm.

253.26 Sec. 57. **REPEALER.**

253.27 (a) Minnesota Statutes 2022, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,
253.28 9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;
253.29 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and
253.30 3; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.30; 152.31; 152.32, subdivisions 1, 2, and 3;
253.31 152.33, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2,
253.32 3, 4, and 5; and 152.37, are repealed.

254.1 (b) Minnesota Statutes 2022, section 152.027, subdivisions 3 and 4, are repealed.

254.2 (c) Minnesota Statutes 2022, section 152.21, is repealed.

254.3 **EFFECTIVE DATE.** Paragraph (a) is effective January 1, 2024. Paragraph (b) is
254.4 effective August 1, 2023. Paragraph (c) is effective July 1, 2023.

254.5 **ARTICLE 7**

254.6 **TEMPORARY REGULATION OF CERTAIN PRODUCTS**

254.7 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

254.8 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
254.9 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
254.10 for humans or other animals, whether simple, mixed, or compound; and articles used as
254.11 components of these ingredients, except that edible cannabinoid products, as defined in
254.12 section 151.72, subdivision 1, paragraph ~~(e)~~ (f), are not food.

254.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

254.14 Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read:

254.15 **151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

254.16 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
254.17 the meanings given.

254.18 (a) "Artificially derived cannabinoid" means a cannabinoid extracted from a hemp plant
254.19 or hemp plant parts whose chemical makeup is changed after extraction to create a different
254.20 cannabinoid or other chemical compound by applying a catalyst other than heat or light.
254.21 Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol
254.22 created from cannabidiol.

254.23 (b) "Batch" means a specific quantity of a specific product containing cannabinoids
254.24 derived from hemp, including an edible cannabinoid product, that is manufactured at the
254.25 same time and using the same methods, equipment, and ingredients that is uniform and
254.26 intended to meet specifications for identity, strength, purity, and composition, and that is
254.27 manufactured, packaged, and labeled according to a single batch production record executed
254.28 and documented during the same cycle of manufacture and produced by a continuous
254.29 process.

254.30 ~~(b)~~ (c) "Certified hemp" means hemp plants that have been tested and found to meet the
254.31 requirements of chapter 18K and the rules adopted thereunder.

255.1 (d) "Commissioner" means the commissioner of health.

255.2 (e) "Distributor" means a person who sells, arranges a sale, or delivers a product
255.3 containing cannabinoids derived from hemp, including an edible cannabinoid product, that
255.4 the person did not manufacture to a retail establishment for sale to consumers. Distributor
255.5 does not include a common carrier used only to complete delivery to a retailer.

255.6 ~~(e)~~ (f) "Edible cannabinoid product" means any product that is intended to be eaten or
255.7 consumed as a beverage by humans, contains a cannabinoid in combination with food
255.8 ingredients, and is not a drug.

255.9 ~~(d)~~ (g) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision
255.10 3.

255.11 ~~(e)~~ (h) "Label" has the meaning given in section 151.01, subdivision 18.

255.12 ~~(f)~~ (i) "Labeling" means all labels and other written, printed, or graphic matter that are:
255.13 (1) affixed to the immediate container in which a product regulated under this section
255.14 is sold;

255.15 (2) provided, in any manner, with the immediate container, including but not limited to
255.16 outer containers, wrappers, package inserts, brochures, or pamphlets; or

255.17 (3) provided on that portion of a manufacturer's website that is linked by a scannable
255.18 barcode or matrix barcode.

255.19 ~~(g)~~ (j) "Matrix barcode" means a code that stores data in a two-dimensional array of
255.20 geometrically shaped dark and light cells capable of being read by the camera on a
255.21 smartphone or other mobile device.

255.22 ~~(h)~~ (k) "Nonintoxicating cannabinoid" means substances extracted from certified hemp
255.23 plants that do not produce intoxicating effects when consumed by any route of administration.

255.24 (l) "Synthetic cannabinoid" means a substance with a similar chemical structure and
255.25 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp
255.26 plants, or hemp plant parts and is instead created or produced by chemical or biochemical
255.27 synthesis.

255.28 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains
255.29 cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended
255.30 for human or animal consumption by any route of administration.

255.31 (b) This section does not apply to any product dispensed by a registered medical cannabis
255.32 manufacturer pursuant to sections 152.22 to 152.37.

256.1 (c) The ~~board~~ commissioner must have no authority over food products, as defined in
256.2 section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from
256.3 hemp.

256.4 Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other
256.5 section of this chapter, a product containing nonintoxicating cannabinoids, including an
256.6 edible cannabinoid product, may be sold for human or animal consumption only if all of
256.7 the requirements of this section are met, provided that a product sold for human or animal
256.8 consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an
256.9 edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that
256.10 exceeds the limits established in subdivision 5a, paragraph (f).

256.11 (b) No other substance extracted or otherwise derived from hemp may be sold for human
256.12 consumption if the substance is intended:

256.13 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
256.14 of disease in humans or other animals; or

256.15 (2) to affect the structure or any function of the bodies of humans or other animals.

256.16 (c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise
256.17 derived from hemp may be sold to any individual who is under the age of 21.

256.18 (d) Products that meet the requirements of this section are not controlled substances
256.19 under section 152.02.

256.20 Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this
256.21 section must submit representative samples of each batch of the product to an independent,
256.22 accredited laboratory in order to certify that the product complies with the standards adopted
256.23 by the board on or before July 1, 2023, or the standards adopted by the commissioner.
256.24 Testing must be consistent with generally accepted industry standards for herbal and botanical
256.25 substances, and, at a minimum, the testing must confirm that the product:

256.26 (1) contains the amount or percentage of cannabinoids that is stated on the label of the
256.27 product;

256.28 (2) does not contain more than trace amounts of any mold, residual solvents or other
256.29 catalysts, pesticides, fertilizers, or heavy metals; and

256.30 (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

256.31 (b) A manufacturer of a product regulated under this section must disclose all known
256.32 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to

257.1 industrial hemp or added to industrial hemp during any production or processing stages of
257.2 any batch from which a representative sample has been sent for testing, including any
257.3 catalysts used to create artificially derived cannabinoids. Disclosure must be made to the
257.4 laboratory performing testing or sampling and, upon request, to the commissioner. Disclosure
257.5 must include all information known to the licensee regardless of whether the application or
257.6 addition was made intentionally or accidentally, or by the manufacturer or any other person.

257.7 ~~(b)~~ (c) Upon the request of the ~~board~~ commissioner, the manufacturer of the product
257.8 must provide the ~~board~~ commissioner with the results of the testing required in this section.

257.9 (d) The commissioner may determine that any testing laboratory that does not operate
257.10 formal management systems under the International Organization for Standardization is not
257.11 an accredited laboratory and require that a representative sample of a batch of the product
257.12 be retested by a testing laboratory that meets this requirement.

257.13 ~~(e)~~ (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived,
257.14 or possession of a certificate of analysis for such hemp, does not meet the testing requirements
257.15 of this section.

257.16 Subd. 5. **Labeling requirements.** (a) A product regulated under this section must bear
257.17 a label that contains, at a minimum:

257.18 (1) the name, location, contact phone number, and website of the manufacturer of the
257.19 product;

257.20 (2) the name and address of the independent, accredited laboratory used by the
257.21 manufacturer to test the product; ~~and~~

257.22 (3) the batch number; and

257.23 ~~(3)~~ (4) an accurate statement of the amount or percentage of cannabinoids found in each
257.24 unit of the product meant to be consumed.

257.25 (b) The information in paragraph (a) may be provided on an outer package if the
257.26 immediate container that holds the product is too small to contain all of the information.

257.27 (c) The information required in paragraph (a) may be provided through the use of a
257.28 scannable barcode or matrix barcode that links to a page on the manufacturer's website if
257.29 that page contains all of the information required by this subdivision.

257.30 (d) The label must also include a statement stating that the product does not claim to
257.31 diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the
257.32 United States Food and Drug Administration (FDA) unless the product has been so approved.

258.1 (e) The information required by this subdivision must be prominently and conspicuously
258.2 placed on the label or displayed on the website in terms that can be easily read and understood
258.3 by the consumer.

258.4 (f) The labeling must not contain any claim that the product may be used or is effective
258.5 for the prevention, treatment, or cure of a disease or that it may be used to alter the structure
258.6 or function of human or animal bodies, unless the claim has been approved by the FDA.

258.7 Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition
258.8 to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid
258.9 must meet the requirements of this subdivision.

258.10 (b) An edible cannabinoid product must not:

258.11 (1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,
258.12 animal, or fruit that appeals to children;

258.13 (2) be modeled after a brand of products primarily consumed by or marketed to children;

258.14 (3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a
258.15 commercially available candy or snack food item;

258.16 (4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved
258.17 by the United States Food and Drug Administration for use in food;

258.18 (5) be packaged in a way that resembles the trademarked, characteristic, or
258.19 product-specialized packaging of any commercially available food product; or

258.20 (6) be packaged in a container that includes a statement, artwork, or design that could
258.21 reasonably mislead any person to believe that the package contains anything other than an
258.22 edible cannabinoid product.

258.23 (c) An edible cannabinoid product must be prepackaged in packaging or a container that
258.24 is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is
258.25 child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The
258.26 requirement that packaging be child-resistant does not apply to an edible cannabinoid product
258.27 that is intended to be consumed as a beverage and which contains no more than a ~~trace~~
258.28 ~~amount of any tetrahydrocannabinol~~ total of 0.25 milligrams of all tetrahydrocannabinols.

258.29 (d) If an edible cannabinoid product is intended for more than a single use or contains
258.30 multiple servings, each serving must be indicated by scoring, wrapping, or other indicators
258.31 designating the individual serving size that appear on the edible cannabinoid product.

259.1 (e) A label containing at least the following information must be affixed to the packaging
259.2 or container of all edible cannabinoid products sold to consumers:

259.3 (1) the serving size;

259.4 (2) the cannabinoid profile per serving and in total;

259.5 (3) a list of ingredients, including identification of any major food allergens declared
259.6 by name; and

259.7 (4) the following statement: "Keep this product out of reach of children."

259.8 (f) An edible cannabinoid product must not contain more than five milligrams of any
259.9 tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any
259.10 tetrahydrocannabinol per package.

259.11 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9
259.12 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is an
259.13 artificially derived cannabinoid. Edible cannabinoid products are prohibited from containing
259.14 any other artificially derived cannabinoid, including but not limited to THC-P, THC-O, and
259.15 HHC, unless the commissioner authorizes use of the artificially derived cannabinoid in
259.16 edible cannabinoid products. Edible cannabinoid products are prohibited from containing
259.17 synthetic cannabinoids.

259.18 Subd. 5b. **Registration; prohibitions.** (a) On or before October 1, 2023, every person
259.19 selling edible cannabinoid products to consumers must apply for registration with the
259.20 commissioner in a form and manner established by the commissioner. After October 1,
259.21 2023, the sale of edible cannabinoid products by a person that is not registered is prohibited.

259.22 (b) The commissioner shall approve completed registration applications unless the
259.23 applicant is operating in violation of this section or the commissioner reasonably believes
259.24 that the applicant will operate in violation of this section.

259.25 (c) The commissioner shall not charge a fee for registration under this subdivision.

259.26 (d) A registered retailer shall not:

259.27 (1) permit the on-site consumption of edible cannabinoid products; or

259.28 (2) provide free samples of edible cannabinoid products, except that a retailer may
259.29 provide a single package of an edible cannabinoid product with the purchase of a childproof
259.30 packaging container or other device designed to ensure the safe storage and monitoring of
259.31 edible cannabinoid products in the home to prevent access by individuals under 21 years
259.32 of age.

260.1 Subd. 5c. **Age verification.** (a) Prior to initiating a sale of an edible cannabinoid product,
260.2 an employee of a retailer must verify that the customer is at least 21 years of age.

260.3 (b) Proof of age may be established only by one of the following:

260.4 (1) a valid driver's license or identification card issued by Minnesota, another state, or
260.5 a province of Canada and including the photograph and date of birth of the licensed person;

260.6 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

260.7 (3) a valid passport issued by the United States;

260.8 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
260.9 purchase edible cannabinoid products, which includes a photograph and the date of birth
260.10 of the person issued the permit; or

260.11 (5) in the case of a foreign national, by a valid passport.

260.12 (c) A registered retailer may seize a form of identification listed under paragraph (b) if
260.13 the registered retailer has reasonable grounds to believe that the form of identification has
260.14 been altered or falsified or is being used to violate any law. A registered retailer that seizes
260.15 a form of identification as authorized under this paragraph must deliver it to a law
260.16 enforcement agency within 24 hours of seizing it.

260.17 Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this
260.18 section, including an edible cannabinoid product, shall be considered ~~an adulterated drug~~
260.19 a noncompliant product if the product is offered for sale in this state or if the product is
260.20 manufactured, imported, distributed, or stored with the intent to be offered for sale in this
260.21 state in violation of any provision of this section, including but not limited to if:

260.22 (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

260.23 (2) it has been produced, prepared, packed, or held under unsanitary conditions where
260.24 it may have been rendered injurious to health, or where it may have been contaminated with
260.25 filth;

260.26 (3) its container is composed, in whole or in part, of any poisonous or deleterious
260.27 substance that may render the contents injurious to health;

260.28 (4) it contains any food additives, color additives, or excipients that have been found by
260.29 the FDA to be unsafe for human or animal consumption;

260.30 (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different
260.31 than the amount or percentage stated on the label;

(6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or

(7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a ~~misbranded drug~~ noncompliant product if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) ~~The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any~~ commissioner may assume that any product regulated under this section that is present in the state, other than a product lawfully possessed for personal use, has been manufactured, imported, distributed, or stored with the intent to be offered for sale in this state if a product of the same type and brand was sold in the state on or after July 1, 2023, or if the product is in the possession of a person who has sold any product in violation of this section.

(d) The commissioner may enforce this section, including enforcement against a manufacturer or distributor of a product regulated under this section, under sections 144.989 to 144.993.

(e) The commissioner may enter into an interagency agreement with the Office of Cannabis Management to perform inspections and take other enforcement actions on behalf of the commissioner.

Subd. 7. Violations; criminal penalties. (a) Notwithstanding section 144.99, subdivision 11, a person who does any of the following regarding a product regulated under this section is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both:

(1) knowingly alters or otherwise falsifies testing results;

(2) intentionally alters or falsifies any information required to be included on the label of an edible cannabinoid product; or

(3) intentionally makes a false material statement to the commissioner.

(b) Notwithstanding section 144.99, subdivision 11, a person who does any of the following on the premises of a registered retailer or another business that sells retail goods

262.1 to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for
262.2 not more than one year or to payment of a fine of not more than \$3,000, or both:

262.3 (1) sells an edible cannabinoid product knowing that the product does not comply with
262.4 the limits on the amount or types of cannabinoids that a product may contain;

262.5 (2) sells an edible cannabinoid product knowing that the product does not comply with
262.6 the applicable testing, packaging, or labeling requirements; or

262.7 (3) sells an edible cannabinoid product to a person under the age of 21, except that it is
262.8 an affirmative defense to a charge under this clause if the defendant proves by a
262.9 preponderance of the evidence that the defendant reasonably and in good faith relied on
262.10 proof of age as described in subdivision 5c.

262.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

262.12 Sec. 3. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

262.13 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,
262.14 an exclusive liquor store may sell only the following items:

262.15 (1) alcoholic beverages;

262.16 (2) tobacco products;

262.17 (3) ice;

262.18 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating
262.19 liquor;

262.20 (5) soft drinks;

262.21 (6) liqueur-filled candies;

262.22 (7) food products that contain more than one-half of one percent alcohol by volume;

262.23 (8) cork extraction devices;

262.24 (9) books and videos on the use of alcoholic beverages;

262.25 (10) magazines and other publications published primarily for information and education
262.26 on alcoholic beverages;

262.27 (11) multiple-use bags designed to carry purchased items;

262.28 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to
262.29 prevent access by underage drinkers;

263.1 (13) home brewing equipment;

263.2 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive
263.3 liquor store, and bearing no other name, brand, or identifying logo;

263.4 (15) citrus fruit; ~~and~~

263.5 (16) glassware; and

263.6 (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph
263.7 (f).

263.8 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
263.9 license may sell food for on-premise consumption when authorized by the municipality
263.10 issuing the license.

263.11 (c) An exclusive liquor store may offer live or recorded entertainment.

263.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

263.13 Sec. 4. **EDIBLE CANNABINOID PRODUCTS; ENFORCEMENT.**

263.14 (a) The Department of Health shall enforce the provisions of Minnesota Statutes, section
263.15 151.72, and all rules, orders, stipulation agreements, settlements, compliance agreements,
263.16 and registrations related to that section adopted or issued by the Office of Medical Cannabis
263.17 or the Department of Health pursuant to the Health Enforcement Consolidation Act of 1993
263.18 contained in Minnesota Statutes, sections 144.989 to 144.993. The commissioner of health
263.19 may assign enforcement responsibilities to the Office of Medical Cannabis.

263.20 (b) The enforcement authority under paragraph (a) shall transfer to the Office of Cannabis
263.21 Management at any such time that the powers and duties of the Department of Health with
263.22 respect to the medical cannabis program under Minnesota Statutes, sections 152.22 to
263.23 152.37, are transferred to the Office of Cannabis Management. The director of the Office
263.24 of Cannabis Management may assign enforcement responsibilities to the Division of Medical
263.25 Cannabis.

263.26 (c) This section shall expire on July 1, 2024.

263.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

263.28 Sec. 5. **REPEALER.**

263.29 Minnesota Statutes 2022, section 151.72, is repealed.

263.30 **EFFECTIVE DATE.** This section is effective July 1, 2024.

ARTICLE 8**SCHEDULING OF MARIJUANA**

Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following substances, including their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers, and salts is possible:

(1) acetylmethadol;

(2) allylprodine;

(3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);

(4) alphameprodine;

(5) alphamethadol;

(6) alpha-methylfentanyl benzethidine;

(7) betacetylmethadol;

(8) betameprodine;

(9) betamethadol;

(10) betaprodine;

(11) clonitazene;

(12) dextromoramide;

(13) diampromide;

(14) diethylambutene;

(15) difenoxin;

(16) dimenoxadol;

(17) dimepheptanol;

(18) dimethylambutene;

(19) dioxaphetyl butyrate;

- 265.1 (20) dipipanone;
- 265.2 (21) ethylmethylthiambutene;
- 265.3 (22) etonitazene;
- 265.4 (23) etoxeridine;
- 265.5 (24) furethidine;
- 265.6 (25) hydroxypethidine;
- 265.7 (26) ketobemidone;
- 265.8 (27) levomoramide;
- 265.9 (28) levophenacylmorphane;
- 265.10 (29) 3-methylfentanyl;
- 265.11 (30) acetyl-alpha-methylfentanyl;
- 265.12 (31) alpha-methylthiofentanyl;
- 265.13 (32) benzylfentanyl beta-hydroxyfentanyl;
- 265.14 (33) beta-hydroxy-3-methylfentanyl;
- 265.15 (34) 3-methylthiofentanyl;
- 265.16 (35) thenylfentanyl;
- 265.17 (36) thiofentanyl;
- 265.18 (37) para-fluorofentanyl;
- 265.19 (38) morpheridine;
- 265.20 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 265.21 (40) noracymethadol;
- 265.22 (41) norlevorphanol;
- 265.23 (42) normethadone;
- 265.24 (43) norpipanone;
- 265.25 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 265.26 (45) phenadoxone;
- 265.27 (46) phenampromide;

- 266.1 (47) phenomorphan;
- 266.2 (48) phenoperidine;
- 266.3 (49) piritramide;
- 266.4 (50) proheptazine;
- 266.5 (51) properidine;
- 266.6 (52) propiram;
- 266.7 (53) racemoramide;
- 266.8 (54) tilidine;
- 266.9 (55) trimeperidine;
- 266.10 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 266.11 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 266.12 methylbenzamide(U47700);
- 266.13 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 266.14 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 266.15 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 266.16 fentanyl);
- 266.17 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 266.18 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 266.19 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 266.20 fentanyl);
- 266.21 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 266.22 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 266.23 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 266.24 (para-chloroisobutyryl fentanyl);
- 266.25 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 266.26 fentanyl);
- 266.27 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 266.28 (para-methoxybutyryl fentanyl);
- 266.29 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);

267.1 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
267.2 fentanyl or para-fluoroisobutyryl fentanyl);

267.3 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
267.4 acryloylfentanyl);

267.5 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
267.6 fentanyl);

267.7 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
267.8 or 2-fluorofentanyl);

267.9 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
267.10 (tetrahydrofuranyl fentanyl); and

267.11 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
267.12 esters and ethers, meaning any substance not otherwise listed under another federal
267.13 Administration Controlled Substance Code Number or not otherwise listed in this section,
267.14 and for which no exemption or approval is in effect under section 505 of the Federal Food,
267.15 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
267.16 to fentanyl by one or more of the following modifications:

267.17 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
267.18 or not further substituted in or on the monocycle;

267.19 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo,
267.20 haloalkyl, amino, or nitro groups;

267.21 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether,
267.22 hydroxyl, halo, haloalkyl, amino, or nitro groups;

267.23 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
267.24 substituted in or on the aromatic monocycle; or

267.25 (v) replacement of the N-propionyl group by another acyl group.

267.26 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
267.27 and salts of isomers, unless specifically excepted or unless listed in another schedule,
267.28 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

267.29 (1) acetorphine;

267.30 (2) acetyldihydrocodeine;

267.31 (3) benzylmorphine;

- 268.1 (4) codeine methylbromide;
- 268.2 (5) codeine-n-oxide;
- 268.3 (6) cyprenorphine;
- 268.4 (7) desomorphine;
- 268.5 (8) dihydromorphine;
- 268.6 (9) drotebanol;
- 268.7 (10) etorphine;
- 268.8 (11) heroin;
- 268.9 (12) hydromorphenol;
- 268.10 (13) methyldesorphine;
- 268.11 (14) methyldihydromorphine;
- 268.12 (15) morphine methylbromide;
- 268.13 (16) morphine methylsulfonate;
- 268.14 (17) morphine-n-oxide;
- 268.15 (18) myrophine;
- 268.16 (19) nicocodeine;
- 268.17 (20) nicomorphine;
- 268.18 (21) normorphine;
- 268.19 (22) pholcodine; and
- 268.20 (23) thebacon.

268.21 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
268.22 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
268.23 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
268.24 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
268.25 possible:

- 268.26 (1) methylenedioxy amphetamine;
- 268.27 (2) methylenedioxymethamphetamine;
- 268.28 (3) methylenedioxy-N-ethylamphetamine (MDEA);

- 269.1 (4) n-hydroxy-methylenedioxyamphetamine;
- 269.2 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 269.3 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 269.4 (7) 4-methoxyamphetamine;
- 269.5 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 269.6 (9) alpha-ethyltryptamine;
- 269.7 (10) bufotenine;
- 269.8 (11) diethyltryptamine;
- 269.9 (12) dimethyltryptamine;
- 269.10 (13) 3,4,5-trimethoxyamphetamine;
- 269.11 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 269.12 (15) ibogaine;
- 269.13 (16) lysergic acid diethylamide (LSD);
- 269.14 (17) mescaline;
- 269.15 (18) parahexyl;
- 269.16 (19) N-ethyl-3-piperidyl benzilate;
- 269.17 (20) N-methyl-3-piperidyl benzilate;
- 269.18 (21) psilocybin;
- 269.19 (22) psilocyn;
- 269.20 (23) tenocyclidine (TCP or TCP);
- 269.21 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 269.22 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 269.23 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 269.24 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 269.25 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 269.26 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 269.27 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);

- 270.1 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 270.2 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 270.3 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 270.4 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 270.5 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 270.6 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 270.7 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 270.8 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 270.9 (2-CB-FLY);
- 270.10 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 270.11 (40) alpha-methyltryptamine (AMT);
- 270.12 (41) N,N-diisopropyltryptamine (DiPT);
- 270.13 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 270.14 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 270.15 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 270.16 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 270.17 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 270.18 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 270.19 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 270.20 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 270.21 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 270.22 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 270.23 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 270.24 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 270.25 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 270.26 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 270.27 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);

- 271.1 (57) methoxetamine (MXE);
- 271.2 (58) 5-iodo-2-aminoindane (5-IAI);
- 271.3 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 271.4 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 271.5 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 271.6 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 271.7 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 271.8 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 271.9 (65) N,N-Dipropyltryptamine (DPT);
- 271.10 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 271.11 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 271.12 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 271.13 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 271.14 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
- 271.15 ethketamine, NENK);
- 271.16 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 271.17 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 271.18 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 271.19 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
- 271.20 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
- 271.21 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
- 271.22 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
- 271.23 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
- 271.24 Church, and members of the American Indian Church are exempt from registration. Any
- 271.25 person who manufactures peyote for or distributes peyote to the American Indian Church,
- 271.26 however, is required to obtain federal registration annually and to comply with all other
- 271.27 requirements of law.
- 271.28 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
- 271.29 another schedule, any material compound, mixture, or preparation which contains any

272.1 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
272.2 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

272.3 (1) mecloqualone;

272.4 (2) methaqualone;

272.5 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

272.6 (4) flunitrazepam;

272.7 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
272.8 methoxyketamine);

272.9 (6) tianeptine;

272.10 (7) clonazolam;

272.11 (8) etizolam;

272.12 (9) flubromazolam; and

272.13 (10) flubromazepam.

272.14 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
272.15 material compound, mixture, or preparation which contains any quantity of the following
272.16 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
272.17 analogs, salts, isomers, and salts of isomers is possible:

272.18 (1) aminorex;

272.19 (2) cathinone;

272.20 (3) fenethylamine;

272.21 (4) methcathinone;

272.22 (5) methylaminorex;

272.23 (6) N,N-dimethylamphetamine;

272.24 (7) N-benzylpiperazine (BZP);

272.25 (8) methylmethcathinone (mephedrone);

272.26 (9) 3,4-methylenedioxy-N-methylcathinone (methyldrone);

272.27 (10) methoxymethcathinone (methedrone);

272.28 (11) methylenedioxypyrovalerone (MDPV);

- 273.1 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 273.2 (13) methylethcathinone (MEC);
- 273.3 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 273.4 (15) dimethylmethcathinone (DMMC);
- 273.5 (16) fluoroamphetamine;
- 273.6 (17) fluoromethamphetamine;
- 273.7 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 273.8 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 273.9 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 273.10 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 273.11 naphyrone);
- 273.12 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 273.13 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 273.14 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 273.15 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 273.16 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 273.17 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 273.18 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 273.19 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 273.20 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 273.21 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 273.22 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 273.23 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 273.24 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 273.25 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 273.26 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 273.27 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);

274.1 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);

274.2 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);

274.3 and

274.4 (40) any other substance, except bupropion or compounds listed under a different
274.5 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
274.6 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
274.7 compound is further modified in any of the following ways:

274.8 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
274.9 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
274.10 system by one or more other univalent substituents;

274.11 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

274.12 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
274.13 methoxybenzyl groups; or

274.14 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

274.15 ~~(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically~~
274.16 ~~excepted or unless listed in another schedule, any natural or synthetic material, compound,~~
274.17 ~~mixture, or preparation that contains any quantity of the following substances, their analogs,~~
274.18 ~~isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence~~
274.19 ~~of the isomers, esters, ethers, or salts is possible:~~

274.20 ~~(1) marijuana;~~

274.21 ~~(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except~~
274.22 ~~that tetrahydrocannabinols do not include any material, compound, mixture, or preparation~~
274.23 ~~that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic~~
274.24 ~~equivalents of the substances contained in the cannabis plant or in the resinous extractives~~
274.25 ~~of the plant; or synthetic substances with similar chemical structure and pharmacological~~
274.26 ~~activity to those substances contained in the plant or resinous extract, including, but not~~
274.27 ~~limited to, 1-cis or trans tetrahydrocannabinol, 6-cis or trans tetrahydrocannabinol, and 3,4~~
274.28 ~~cis or trans tetrahydrocannabinol;~~

274.29 ~~(3)~~ (h) Synthetic cannabinoids, including the following substances:

274.30 ~~(i)~~ (1) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
274.31 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
274.32 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)l)methyl or

275.1 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
275.2 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
275.3 naphthoylindoles include, but are not limited to:

275.4 ~~(A)~~ (i) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

275.5 ~~(B)~~ (ii) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

275.6 ~~(C)~~ (iii) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

275.7 ~~(D)~~ (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

275.8 ~~(E)~~ (v) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

275.9 ~~(F)~~ (vi) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

275.10 ~~(G)~~ (vii) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

275.11 ~~(H)~~ (viii) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

275.12 ~~(I)~~ (ix) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

275.13 ~~(J)~~ (x) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

275.14 ~~(ii)~~ (2) Naphthylmethylinindoles, which are any compounds containing a
275.15 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
275.16 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
275.17 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
275.18 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
275.19 ring to any extent. Examples of naphthylmethylinindoles include, but are not limited to:

275.20 ~~(A)~~ (i) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

275.21 ~~(B)~~ (ii) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

275.22 ~~(iii)~~ (3) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
275.23 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
275.24 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
275.25 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
275.26 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
275.27 naphthoylpyrroles include, but are not limited to,
275.28 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

275.29 ~~(iv)~~ (4) Naphthylmethylinindenes, which are any compounds containing a
275.30 naphthylideneindene structure with substitution at the 3-position of the indene ring by an
275.31 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

276.1 1-(N-methyl-2-piperidiny)lmethyl or 2-(4-morpholiny)ethyl group whether or not further
276.2 substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring
276.3 to any extent. Examples of naphthylemethylindenes include, but are not limited to,
276.4 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

276.5 ~~(v)~~ (5) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
276.6 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
276.7 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)lmethyl or
276.8 2-(4-morpholiny)ethyl group whether or not further substituted in the indole ring to any
276.9 extent, whether or not substituted in the phenyl ring to any extent. Examples of
276.10 phenylacetylindoles include, but are not limited to:

276.11 ~~(A)~~ (i) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

276.12 ~~(B)~~ (ii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

276.13 ~~(C)~~ (iii) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

276.14 ~~(D)~~ (iv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

276.15 ~~(vi)~~ (6) Cyclohexylphenols, which are compounds containing a
276.16 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
276.17 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
276.18 1-(N-methyl-2-piperidiny)lmethyl or 2-(4-morpholiny)ethyl group whether or not substituted
276.19 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
276.20 limited to:

276.21 ~~(A)~~ (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

276.22 ~~(B)~~ (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
276.23 (Cannabicyclohexanol or CP 47,497 C8 homologue);

276.24 ~~(C)~~ (iii) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
276.25 -phenol (CP 55,940).

276.26 ~~(vii)~~ (7) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole
276.27 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
276.28 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)lmethyl or
276.29 2-(4-morpholiny)ethyl group whether or not further substituted in the indole ring to any
276.30 extent and whether or not substituted in the phenyl ring to any extent. Examples of
276.31 benzoylindoles include, but are not limited to:

276.32 ~~(A)~~ (i) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

- 277.1 ~~(B)~~ (ii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 277.2 ~~(C)~~ (iii) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
- 277.3 (WIN 48,098 or Pravadoline).
- 277.4 ~~(viii)~~ (8) Others specifically named:
- 277.5 ~~(A)~~ (i) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 277.6 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 277.7 ~~(B)~~ (ii) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 277.8 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 277.9 ~~(C)~~ (iii) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
- 277.10 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 277.11 ~~(D)~~ (iv) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 277.12 ~~(E)~~ (v) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
- 277.13 (XLR-11);
- 277.14 ~~(F)~~ (vi) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
- 277.15 (AKB-48(APINACA));
- 277.16 ~~(G)~~ (vii) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
- 277.17 (5-Fluoro-AKB-48);
- 277.18 ~~(H)~~ (viii) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 277.19 ~~(I)~~ (ix) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro
- 277.20 PB-22);
- 277.21 ~~(J)~~ (x) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
- 277.22 (AB-PINACA);
- 277.23 ~~(K)~~ (xi) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
- 277.24 1H-indazole-3-carboxamide (AB-FUBINACA);
- 277.25 ~~(L)~~ (xii) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
- 277.26 indazole-3-carboxamide(AB-CHMINACA);
- 277.27 ~~(M)~~ (xiii) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-
- 277.28 methylbutanoate (5-fluoro-AMB);
- 277.29 ~~(N)~~ (xiv) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);

- 278.1 ~~(Θ)~~ (xv) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone)
- 278.2 (FUBIMINA);
- 278.3 ~~(P)~~ (xvi) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
- 278.4 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 278.5 ~~(Q)~~ (xvii) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
- 278.6 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 278.7 ~~(R)~~ (xviii) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 278.8 -1H-indole-3-carboxamide;
- 278.9 ~~(S)~~ (xix) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 278.10 -1H-indazole-3-carboxamide;
- 278.11 ~~(T)~~ (xx) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)
- 278.12 -3,3-dimethylbutanoate;
- 278.13 ~~(U)~~ (xxi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
- 278.14 H-indazole-3-carboxamide (MAB-CHMINACA);
- 278.15 ~~(V)~~ (xxii)
- 278.16 N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
- 278.17 (ADB-PINACA);
- 278.18 ~~(W)~~ (xxiii) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 278.19 ~~(X)~~ (xxiv)
- 278.20 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
- 278.21 3-carboxamide. (APP-CHMINACA);
- 278.22 ~~(Y)~~ (xxv) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 278.23 ~~(Z)~~ (xxvi) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate
- 278.24 (MMB-CHMICA).
- 278.25 ~~(ix)~~ (9) Additional substances specifically named:
- 278.26 ~~(A)~~ (i) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
- 278.27 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 278.28 ~~(B)~~ (ii) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
- 278.29 (4-CN-Cumyl-Butinaca);
- 278.30 ~~(C)~~ (iii) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201;
- 278.31 CBL2201);

279.1 ~~(D)~~ (iv) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1

279.2 H-indazole-3-carboxamide (5F-ABPINACA);

279.3 ~~(E)~~ (v) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate

279.4 (MDMB CHMICA);

279.5 ~~(F)~~ (vi) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate

279.6 (5F-ADB; 5F-MDMB-PINACA); and

279.7 ~~(G)~~ (vii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)

279.8 1H-indazole-3-carboxamide (ADB-FUBINACA).

279.9 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
279.10 for human consumption.

279.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

279.12 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 4, is amended to read:

279.13 Subd. 4. **Schedule III.** (a) Schedule III consists of the substances listed in this subdivision.

279.14 (b) Stimulants. Unless specifically excepted or unless listed in another schedule, any
279.15 material, compound, mixture, or preparation which contains any quantity of the following
279.16 substances having a potential for abuse associated with a stimulant effect on the central
279.17 nervous system, including its salts, isomers, and salts of such isomers whenever the existence
279.18 of such salts, isomers, and salts of isomers is possible within the specific chemical
279.19 designation:

279.20 (1) benzphetamine;

279.21 (2) chlorphentermine;

279.22 (3) clortermine;

279.23 (4) phendimetrazine.

279.24 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
279.25 material, compound, mixture, or preparation which contains any quantity of the following
279.26 substances having a potential for abuse associated with a depressant effect on the central
279.27 nervous system:

279.28 (1) any compound, mixture, or preparation containing amobarbital, secobarbital,
279.29 pentobarbital or any salt thereof and one or more other active medicinal ingredients which
279.30 are not listed in any schedule;

280.1 (2) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or
280.2 any salt of any of these drugs and approved by the food and drug administration for marketing
280.3 only as a suppository;

280.4 (3) any substance which contains any quantity of a derivative of barbituric acid, or any
280.5 salt of a derivative of barbituric acid, except those substances which are specifically listed
280.6 in other schedules;

280.7 (4) any drug product containing gamma hydroxybutyric acid, including its salts, isomers,
280.8 and salts of isomers, for which an application is approved under section 505 of the federal
280.9 Food, Drug, and Cosmetic Act;

280.10 (5) any of the following substances:

280.11 (i) chlorhexadol;

280.12 (ii) ketamine, its salts, isomers and salts of isomers;

280.13 (iii) lysergic acid;

280.14 (iv) lysergic acid amide;

280.15 (v) methyprylon;

280.16 (vi) sulfondiethylmethane;

280.17 (vii) sulfonethylmethane;

280.18 (viii) sulfonmethane;

280.19 (ix) tiletamine and zolazepam and any salt thereof;

280.20 (x) embutramide;

280.21 (xi) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-Dihydropyridin-3-yl)
280.22 benzonitrile].

280.23 (d) Nalorphine.

280.24 (e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
280.25 any material, compound, mixture, or preparation containing any of the following narcotic
280.26 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
280.27 as follows:

280.28 (1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
280.29 per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

281.1 (2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
281.2 per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
281.3 amounts;

281.4 (3) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90
281.5 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
281.6 therapeutic amounts;

281.7 (4) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than
281.8 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
281.9 therapeutic amounts;

281.10 (5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not
281.11 more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients
281.12 in recognized therapeutic amounts;

281.13 (6) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with
281.14 one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

281.15 (f) Anabolic steroids, human growth hormone, and chorionic gonadotropin.

281.16 (1) Anabolic steroids, for purposes of this subdivision, means any drug or hormonal
281.17 substance, chemically and pharmacologically related to testosterone, other than estrogens,
281.18 progestins, corticosteroids, and dehydroepiandrosterone, and includes:

281.19 (i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;

281.20 (ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;

281.21 (iii) androstanedione (5[alpha]-androstane-3,17-dione);

281.22 (iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene;

281.23 (v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);

281.24 (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);

281.25 (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);

281.26 (viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);

281.27 (ix) 4-androstenedione (androst-4-en-3,17-dione);

281.28 (x) 5-androstenedione (androst-5-en-3,17-dione);

281.29 (xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

281.30 (xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);

- 282.1 (xiii) boldione (androsta-1,4-diene-3,17-dione);
- 282.2 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 282.3 (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);
- 282.4 (xvi) dehydrochloromethyltestosterone
- 282.5 (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);
- 282.6 (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
- 282.7 (xviii) [delta]1-dihydrotestosterone- (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 282.8 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);
- 282.9 (xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- 282.10 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- 282.11 (xxii) fluoxymesterone
- 282.12 (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);
- 282.13 (xxiii) formebolone
- 282.14 (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
- 282.15 (xxiv) furazabol
- 282.16 (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta]
- 282.17 -hydroxygon-4-en-3-one;
- 282.18 (xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);
- 282.19 (xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);
- 282.20 (xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 282.21 (xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 282.22 (xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
- 282.23 (xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);
- 282.24 (xxxi) methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one);
- 282.25 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 282.26 (xxxiii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 282.27 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 282.28 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;

- 283.1 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone
- 283.2 (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 283.3 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
- 283.4 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);
- 283.5 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
- 283.6 (xl) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);
- 283.7 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
- 283.8 (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);
- 283.9 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one);
- 283.10 (xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene;
- 283.11 (xliv) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol
- 283.12 (3[beta],17[beta]-dihydroxyestr-5-ene;
- 283.13 (xlv) 3[alpha],17[beta]-dihydroxyestr-5-ene);
- 283.14 (xlvi) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 283.15 (xlvii) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 283.16 (xlviii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- 283.17 (xlix) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- 283.18 (l) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- 283.19 (li) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- 283.20 (lii) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);
- 283.21 (liii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- 283.22 (liv) oxymetholone
- 283.23 (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 283.24 (lv) prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-C]pyrazole;
- 283.25 (lvi) stanozolol
- 283.26 (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);
- 283.27 (lvii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);
- 283.28 (lviii) testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);

- 284.1 (lix) testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- 284.2 (lx) tetrahydrogestrinone
- 284.3 (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- 284.4 (lxi) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);
- 284.5 (lxii) any salt, ester, or ether of a drug or substance described in this paragraph.
- 284.6 Anabolic steroids are not included if they are: (A) expressly intended for administration
- 284.7 through implants to cattle or other nonhuman species; and (B) approved by the United States
- 284.8 Food and Drug Administration for that use;
- 284.9 (2) Human growth hormones.
- 284.10 (3) Chorionic gonadotropin, except that a product containing chorionic gonadotropin is
- 284.11 not included if it is:
- 284.12 (i) expressly intended for administration to cattle or other nonhuman species; and
- 284.13 (ii) approved by the United States Food and Drug Administration for that use.
- 284.14 (g) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated
- 284.15 in a soft gelatin capsule in a United States Food and Drug Administration approved product.
- 284.16 (h) Any material, compound, mixture, or preparation containing the following narcotic
- 284.17 drug or its salt: buprenorphine.
- 284.18 (i) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
- 284.19 excepted or unless listed in another schedule, any natural or synthetic material, compound,
- 284.20 mixture, or preparation that contains any quantity of the following substances, their analogs,
- 284.21 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
- 284.22 of the isomers, esters, ethers, or salts is possible:
- 284.23 (1) marijuana;
- 284.24 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
- 284.25 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation
- 284.26 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
- 284.27 equivalents of the substances contained in the cannabis plant or in the resinous extractives
- 284.28 of the plant; or synthetic substances with similar chemical structure and pharmacological
- 284.29 activity to those substances contained in the plant or resinous extract, including but not
- 284.30 limited to 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
- 284.31 cis or trans tetrahydrocannabinol.

285.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

285.2 **ARTICLE 9**

285.3 **APPROPRIATIONS**

285.4 Section 1. **OFFICE OF CANNABIS MANAGEMENT; IMPLEMENTATION.**

285.5 (a) \$3,000,000 in fiscal year 2023 is appropriated from the general fund to the
285.6 commissioner of agriculture for the planning, research, analysis, and other efforts needed
285.7 to establish the Office of Cannabis Management and transition programs, authorities, and
285.8 responsibilities contained in Minnesota Statutes, chapter 342, to that office. This is a onetime
285.9 appropriation and is available until June 30, 2025.

285.10 (b) Upon the effective date of this act, the commissioner of agriculture may exercise all
285.11 authorities and responsibilities granted to the Office of Cannabis Management under
285.12 Minnesota Statutes, chapter 342, that are necessary to establish the Office of Cannabis
285.13 Management and transition programs, authorities, and responsibilities to that office.

285.14 (c) On or after January 1, 2024, and at such time the Office of Cannabis Management
285.15 is able to fulfill the powers and duties enumerated in Minnesota Statutes, section 342.02,
285.16 subdivision 2, the commissioner of agriculture may transfer all or some Minnesota Statutes,
285.17 chapter 342, programs, authorities, and responsibilities to the Office of Cannabis
285.18 Management. Upon such transfer, existing contracts, obligations, and funds managed by
285.19 the commissioner of agriculture that are necessary to administer the transferred programs,
285.20 authorities, or responsibilities shall be transferred to the Office of Cannabis Management.

285.21 (d) To the extent necessary to establish the Office of Cannabis Management and fulfill
285.22 the powers and duties enumerated in Minnesota Statutes, section 342.02, the commissioner
285.23 of agriculture and the Office of Cannabis Management are exempt from the requirements
285.24 of Minnesota Statutes, section 16A.15, subdivision 3, and chapter 16C, and any other state
285.25 procurement laws, rules, and procedures. This exemption expires on July 1, 2025.

285.26 Sec. 2. **APPROPRIATIONS.**

285.27 Subdivision 1. **Office of Cannabis Management.** (a) \$7,595,000 in fiscal year 2024
285.28 and \$7,659,000 in fiscal year 2025 are appropriated from the general fund to the Cannabis
285.29 Management Board for purposes of this act. The base for this appropriation is \$14,705,500
285.30 in fiscal year 2026 and \$21,004,000 in fiscal year 2027.

(b) Of the amount appropriated under paragraph (a), \$133,000 in fiscal year 2024 and \$461,000 in fiscal year 2025 are for rulemaking. The base for this appropriation is \$151,000 in fiscal year 2024 and thereafter.

(c) Of the base established in paragraph (a), \$12,000,000 in fiscal year 2026 and \$20,000,000 in fiscal year 2027 are for cannabis industry community renewal grants. Of these amounts, up to three percent may be used for administrative expenses.

(d) Of the base established in paragraph (a), \$600,000 in fiscal year 2026 and \$1,004,000 in fiscal year 2027 are for the administration of substance use treatment, recovery, and prevention grants.

Subd. 2. **Office of Cannabis Management; extension and research grants.** (a) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general fund to the Office of Cannabis Management for grants to the University of Minnesota for cannabis genetics and agronomy research.

(b) Projects involving cannabis genetics and agronomy research that are not currently receiving financial support from the University of Minnesota are eligible for grants under this section. Grant money must be used for the creation and maintenance of a University of Minnesota Extension position and a postdoctoral position.

(c) In awarding grants, the Office of Cannabis Management must give priority to applications by researchers who would be eligible to be social equity applicants as defined in Minnesota Statutes, section 342.16.

(d) The minimum state contribution to a grant is \$100,000. The maximum state contribution is either:

(1) \$500,000; or

(2) \$1,500,000, if state contributions are matched by an equal or greater amount of new private research investment.

Subd. 3. **Department of Agriculture.** \$912,000 in fiscal year 2024 and \$1,736,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of agriculture for food safety and pesticide enforcement lab testing and rulemaking related to changes in cannabis laws. The base for this appropriation is \$1,447,000 in fiscal year 2026 and \$1,178,000 in fiscal year 2027.

Subd. 4. **Cannabis Expungement Board.** \$921,000 in fiscal year 2024 and \$844,000 in fiscal year 2025 are appropriated from the general fund to the Cannabis Expungement Board for staffing and other expenses related to reviewing criminal convictions and issuing

287.1 decisions related to expungement and resentencing. The base for this appropriation is
287.2 \$844,000 in fiscal years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter
287.3 is \$0.

287.4 Subd. 5. **Department of Commerce.** \$63,000 in fiscal year 2024 and \$230,000 in fiscal
287.5 year 2025 are appropriated from the general fund to the commissioner of commerce for the
287.6 purposes of this act. The base for this appropriation is \$452,000 in fiscal year 2026 and
287.7 \$626,000 in fiscal year 2027.

287.8 Subd. 6. **Department of Corrections.** An appropriation to the commissioner of
287.9 corrections for correctional institutions is reduced by \$177,000 in fiscal year 2024 and
287.10 \$345,000 in fiscal year 2025. The base for this appropriation is reduced by \$407,000 in
287.11 fiscal year 2026 and \$458,000 in fiscal year 2027.

287.12 Subd. 7. **Department of Education.** \$36,000 in fiscal year 2024 and \$29,000 in fiscal
287.13 year 2025 are appropriated from the general fund to the commissioner of education for the
287.14 purposes of this act.

287.15 Subd. 8. **Department of Employment and Economic Development.** (a) \$10,400,000
287.16 in fiscal year 2024 and \$6,700,000 in fiscal year 2025 are appropriated from the general
287.17 fund to the commissioner of employment and economic development for the CanStartup,
287.18 CanNavigate, and CanTrain programs. Any unencumbered balances remaining in the first
287.19 year do not cancel but are available for the second year.

287.20 (b) Of the amount appropriated under paragraph (a), \$4,000,000 in fiscal year 2024 and
287.21 \$2,619,000 in fiscal year 2025 are for the CanStartup program.

287.22 (c) Of the amount appropriated under paragraph (a), \$2,000,000 in fiscal year 2024 and
287.23 \$1,884,000 in fiscal year 2025 are for the CanNavigate program.

287.24 (d) Of the amount appropriated under paragraph (a), \$4,400,000 in fiscal year 2024 and
287.25 \$2,197,000 in fiscal year 2025 are for the CanTrain program.

287.26 (e) Of these amounts, up to four percent may be used for administrative expenses.

287.27 Subd. 9. **Department of Health.** (a) \$6,235,000 in fiscal year 2024 and \$6,231,000 in
287.28 fiscal year 2025 are appropriated from the general fund to the commissioner of health for
287.29 the purposes of this act. The base for this appropriation is \$9,077,000 in fiscal year 2026
287.30 and \$9,132,000 in fiscal year 2027.

287.31 (b) Of the amount appropriated under paragraph (a), \$1,674,000 in fiscal year 2024 and
287.32 \$1,674,000 in fiscal year 2025 are for education for women who are pregnant, breastfeeding,
287.33 or who may become pregnant. Of this amount, \$1,000,000 each year is for media campaign

288.1 contracts. The base for this appropriation is \$3,174,000 in fiscal year 2026 and thereafter.
288.2 Of the amounts appropriated in fiscal year 2026 and thereafter, \$2,500,000 is for media
288.3 campaign contracts.

288.4 (c) Of the amount appropriated under paragraph (a), \$330,000 in fiscal year 2024 and
288.5 \$277,000 in fiscal year 2025 are for data collection and reports. The base for this
288.6 appropriation is \$227,000 in fiscal year 2026 and \$277,000 in fiscal year 2027.

288.7 (d) Of the amount appropriated under paragraph (a), \$719,000 in fiscal year 2024 and
288.8 \$771,000 in fiscal year 2025 are for testing required by this act. The base for this
288.9 appropriation is \$690,000 in fiscal year 2026 and thereafter.

288.10 (e) Of the amount appropriated under paragraph (a), \$2,998,000 in fiscal year 2024 and
288.11 \$2,998,000 in fiscal year 2025 are for education for youth. Of this amount, \$1,000,000 each
288.12 year is for statewide youth awareness campaign contracts. The base for this appropriation
288.13 is \$4,498,000 in fiscal year 2026 and thereafter. Of the amounts in fiscal year 2026 and
288.14 thereafter, \$2,500,000 is for media campaign contracts.

288.15 (f) Of the amount appropriated under paragraph (a), \$..... in fiscal year 2024 and \$.....
288.16 in fiscal year 2025 are for grants to local health departments for: (1) creation and
288.17 dissemination of educational materials on cannabis flower, cannabis products, lower-potency
288.18 hemp edibles, and hemp-derived consumer products; and (2) community education, technical
288.19 assistance, and outreach on prevention and safe use regarding cannabis flower, cannabis
288.20 products, lower-potency hemp edibles, and hemp-derived consumer products. The
288.21 commissioner shall distribute these grants according to a contract with the Local Public
288.22 Health Association of Minnesota. Of the appropriations in this paragraph, the commissioner
288.23 may withhold up to ten percent for grant administration and technical assistance to local
288.24 health departments. The base for this appropriation is \$..... in fiscal year 2026 and thereafter.

288.25 (g) Of the amount appropriated under paragraph (a), \$..... in fiscal year 2024 and \$.....
288.26 in fiscal year 2025 are for grants to Tribal health departments for: (1) creation and
288.27 dissemination of educational materials on cannabis flower, cannabis products, lower-potency
288.28 hemp edibles, and hemp-derived consumer products; and (2) community education, technical
288.29 assistance, and outreach on prevention and safe use regarding cannabis flower, cannabis
288.30 products, lower-potency hemp edibles, and hemp-derived consumer products. Of the
288.31 appropriations in this paragraph, the commissioner may withhold up to ten percent for grant
288.32 administration and technical assistance to Tribal health departments. The base for this
288.33 appropriation is \$..... in fiscal year 2026 and thereafter.

Subd. 10. **Department of Human Services.** (a) \$1,250,000 in fiscal year 2024 and \$1,232,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of human services for the purposes of this act. The base for this appropriation is \$1,232,000 in fiscal years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter is \$411,000.

(b) Of the amount appropriated under paragraph (a), \$729,000 in fiscal year 2024 and \$821,000 in fiscal year 2025 are for the Background Studies Legal Division. The base for this appropriation is \$821,000 in fiscal years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter is \$0.

(c) Of the amount appropriated under paragraph (a), \$152,000 in fiscal year 2024 is for technology system changes. This is a onetime appropriation.

(d) Of the amount appropriated under paragraph (a), \$369,000 in fiscal year 2024 and \$411,000 in fiscal year 2025 are for costs associated with the Substance Use Disorder Advisory Council.

Subd. 11. **Department of Labor and Industry.** \$121,000 in fiscal year 2024 and \$121,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of labor and industry to identify occupational competency standards and provide technical assistance for developing dual-training programs under Minnesota Statutes, section 175.45, for the legal cannabis industry.

Subd. 12. **Department of Natural Resources.** \$299,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of natural resources for the purposes of this act. This is a onetime appropriation.

Subd. 13. **Office of Higher Education.** \$1,000,000 in fiscal year 2024 and \$1,000,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of higher education for transfer to the dual training account in the special revenue fund under Minnesota Statutes, section 136A.246, subdivision 10, for grants to employers in the legal cannabis industry. The commissioner shall give priority to applications from employers who are, or who are training employees who are, eligible to be social equity applicants under Minnesota Statutes, section 342.16. After June 30, 2025, any unencumbered balance from this appropriation may be used for grants to any eligible employer under Minnesota Statutes, section 136A.246.

Subd. 14. **Pollution Control Agency.** (a) \$518,000 in fiscal year 2024 and \$495,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of the Pollution Control Agency for the purposes of this act. The base for this appropriation is \$64,000 in fiscal year 2026 and \$0 in fiscal year 2027 and thereafter.

290.1 (b) Of the amount appropriated under paragraph (a), \$390,000 in fiscal year 2024 and
290.2 \$431,000 in fiscal year 2025 are for rulemaking. The base for this appropriation is \$0 in
290.3 fiscal year 2026 and thereafter.

290.4 (c) Of the amount appropriated under paragraph (a), \$64,000 in fiscal year 2024 is for
290.5 wastewater staff. This is a onetime appropriation.

290.6 (d) Of the amount appropriated under paragraph (a), \$64,000 in fiscal year 2024 and
290.7 \$64,000 in fiscal year 2025 are for small business assistance staff. The base for this
290.8 appropriation is \$64,000 in fiscal year 2026 and \$0 in fiscal year 2027 and thereafter.

290.9 Subd. 15. **Department of Public Safety; Bureau of Criminal Apprehension.** (a)
290.10 \$3,013,000 in fiscal year 2024 and \$2,487,000 in fiscal year 2025 are appropriated from
290.11 the general fund to the commissioner of public safety for use by the Bureau of Criminal
290.12 Apprehension. The base for this appropriation is \$2,487,000 in fiscal years 2026, 2027, and
290.13 2028. The base in fiscal year 2029 and thereafter is \$1,495,000.

290.14 (b) Of the amount appropriated under paragraph (a), \$992,000 in fiscal year 2024 and
290.15 \$992,000 in fiscal year 2025 are for expenses related to identifying and providing records
290.16 of convictions for certain offenses involving the possession of cannabis that may be eligible
290.17 for expungement and resentencing. The base for this appropriation is \$992,000 in fiscal
290.18 years 2026, 2027, and 2028. The base in fiscal year 2029 and thereafter is \$0.

290.19 (c) Of the amount appropriated under paragraph (a), \$1,766,000 in fiscal year 2024 and
290.20 \$1,240,000 in fiscal year 2025 are for forensic science services including additional staff,
290.21 equipment, and supplies.

290.22 (d) Of the amount appropriated under paragraph (a), \$255,000 in fiscal year 2024 and
290.23 \$255,000 in fiscal year 2025 are for investigation of diversion crimes.

290.24 Subd. 16. **Department of Public Safety; State Patrol.** \$3,621,000 in fiscal year 2024
290.25 and \$1,443,000 in fiscal year 2025 are appropriated from the trunk highway fund to the
290.26 commissioner of public safety for use by the Minnesota State Patrol for the purposes of this
290.27 act, including identifying and investigating incidents and offenses that involve driving under
290.28 the influence.

290.29 Subd. 17. **Department of Revenue.** \$3,085,000 in fiscal year 2024 and \$3,070,500 in
290.30 fiscal year 2025 are appropriated from the general fund to the commissioner of revenue for
290.31 the purposes of this act. The base for this appropriation is \$3,006,750 in fiscal year 2026
290.32 and \$3,006,750 in fiscal year 2027.

291.1 Subd. 18. **Department of Public Safety; State Patrol.** \$500,000 in fiscal year 2024
291.2 and \$500,000 in fiscal year 2025 are appropriated from the general fund to the Minnesota
291.3 State Patrol for its drug evaluation and classification program for drug recognition evaluator
291.4 training, additional phlebotomists, and drug recognition training for peace officers, as defined
291.5 in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

291.6 Subd. 19. **Supreme court.** \$545,000 in fiscal year 2024 and \$545,000 in fiscal year
291.7 2025 are appropriated from the general fund to the supreme court for reviewing records and
291.8 issuing orders related to the expungement or resentencing of certain cannabis offenses. The
291.9 base for this appropriation is \$0 in fiscal year 2026 and thereafter.

291.10 Subd. 20. **Substance use treatment, recovery, and prevention grant account.** Money
291.11 for substance use treatment, recovery, and prevention is transferred from the general fund
291.12 to the substance use treatment, recovery, and prevention grant account established under
291.13 Minnesota Statutes, section 342.72. The transfer is \$4,000,000 in fiscal years 2024 and
291.14 2025. The base for this transfer is \$12,000,000 in fiscal year 2026 and \$16,000,000 in fiscal
291.15 year 2027.

291.16 Subd. 21. **Department of Health; Minnesota Poison Control System.** \$500,000 in
291.17 fiscal year 2024 and \$500,000 in fiscal year 2025 are appropriated from the general fund
291.18 to the commissioner of health to support the poison control system and award or supplement
291.19 grants pursuant to Minnesota Statutes, section 145.93.

151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(c) "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

(d) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(e) "Label" has the meaning given in section 151.01, subdivision 18.

(f) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) affixed to the immediate container in which a product regulated under this section is sold;

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

(g) "Matrix barcode" means a code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

(h) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

(c) The board must have no authority over food products, as defined in section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from hemp.

Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; or

(2) to affect the structure or any function of the bodies of humans or other animals.

(c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.

(d) Products that meet the requirements of this section are not controlled substances under section 152.02.

Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

(1) contains the amount or percentage of cannabinoids that is stated on the label of the product;

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(2) does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals; and

(3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

(c) Testing of the hemp from which the nonintoxicating cannabinoid was derived, or possession of a certificate of analysis for such hemp, does not meet the testing requirements of this section.

Subd. 5. Labeling requirements. (a) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and

(3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed.

(b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information.

(c) The information required in paragraph (a) may be provided through the use of a scannable barcode or matrix barcode that links to a page on the manufacturer's website if that page contains all of the information required by this subdivision.

(d) The label must also include a statement stating that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously placed on the label or displayed on the website in terms that can be easily read and understood by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.

Subd. 5a. Additional requirements for edible cannabinoid products. (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

(b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;

(4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

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(d) If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.

(e) A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:

- (1) the serving size;
- (2) the cannabinoid profile per serving and in total;
- (3) a list of ingredients, including identification of any major food allergens declared by name; and
- (4) the following statement: "Keep this product out of reach of children."

(f) An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

Subd. 6. **Enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered an adulterated drug if:

- (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;
- (2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;
- (3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;
- (4) it contains any food additives, color additives, or excipients that have been found by the FDA to be unsafe for human or animal consumption;
- (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount or percentage stated on the label;
- (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or
- (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be

required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

152.21 THC THERAPEUTIC RESEARCH ACT.

Subdivision 1. **Findings and purpose.** The legislature finds that scientific literature indicates promise for delta-9-tetrahydro-cannabinol (THC), the active component of marijuana, in alleviating certain side effects of cancer chemotherapy under strictly controlled medical circumstances.

The legislature also finds that further research and strictly controlled experimentation regarding the therapeutic use of THC is necessary and desirable. The intent of this section is to establish an extensive research program to investigate and report on the therapeutic effects of THC under strictly controlled circumstances in compliance with all federal laws and regulations promulgated by the federal Food and Drug Administration, the National Institute on Drug Abuse and the Drug Enforcement Administration. The intent of the legislature is to allow this research program the greatest possible access to qualified cancer patients residing in Minnesota who meet protocol requirements. The establishment of this research program is not intended in any manner whatsoever to condone or promote the illicit recreational use of marijuana.

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

(a) "Commissioner" means the commissioner of health.

(b) "Marijuana" means marijuana as defined in section 152.01, subdivision 9, and delta-9-tetrahydro-cannabinol (THC), tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols, and all species of the genus Cannabis.

(c) "Principal investigator" means the individual responsible for the medical and scientific aspects of the research, development of protocol, and contacting and qualifying the clinical investigators in the state.

(d) "Clinical investigators" means those individuals who conduct the clinical trials.

(e) "Sponsor" means that individual or organization who, acting on behalf of the state, has the total responsibility for the state program.

Subd. 3. **Research grant.** The commissioner of health shall grant funds to the principal investigator selected by the commissioner pursuant to subdivision 4 for the purpose of conducting a research program under a protocol approved by the FDA regarding the therapeutic use of oral THC and other dosage forms, if available, according to the guidelines and requirements of the federal Food and Drug Administration, the Drug Enforcement Administration and the National Institute on Drug Abuse. The commissioner shall ensure that the research principal investigator complies with the requirements of subdivision 5. The commissioner may designate the principal investigator as the sponsor.

Subd. 4. **Principal investigator.** Within three months of April 25, 1980, the commissioner shall, in consultation with a representative chosen by the state Board of Pharmacy and a representative chosen by the state Board of Medical Examiners, select a person or research organization to be the principal investigator of the research program.

Subd. 5. **Duties.** The principal investigator shall:

(1) apply to the Food and Drug Administration for a notice of "Claimed Investigational Exemption for a New Drug (IND)" pursuant to the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 301, et seq., and shall comply with all applicable laws and regulations of the federal Food and Drug Administration, the Drug Enforcement Administration, and the National Institute on Drug Abuse in establishing the program;

(2) notify every oncologist in the state of the program, explain the purposes and requirements of the program to them, provide on request each of them with a copy of the approved protocol which shall include summaries of current papers in medical journals reporting on research concerning the safety, efficacy and appropriate use of THC in alleviating the nausea and emetic effects of cancer chemotherapy, and provide on request each of them with a bibliography of other articles published in medical journals;

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(3) allow each oncologist (clinical investigator) in the state who meets or agrees to meet all applicable federal requirements for investigational new drug research and who so requests to be included in the research program as a clinical investigator to conduct the clinical trials;

(4) provide explanatory information and assistance to each clinical investigator in understanding the nature of therapeutic use of THC within program requirements, including the informed consent document contained in the protocol, informing and counseling patients involved in the program regarding the appropriate use and the effects of therapeutic use of THC;

(5) apply to contract with the National Institute on Drug Abuse for receipt of dosage forms of THC, fully characterized as to contents and delivery to the human system, pursuant to regulations promulgated by the National Institute on Drug Abuse, and the federal Food and Drug Administration. The principal investigator shall ensure delivery of the THC dosages to clinical investigators as needed for participation in the program;

(6) conduct the research program in compliance with federal laws and regulations promulgated by the federal Food and Drug Administration, the Drug Enforcement Administration, the National Institute on Drug Abuse, and the purposes and provisions of this section;

(7) submit periodic reports as determined by the commissioner on the numbers of oncologists and patients involved in the program and the results of the program;

(8) submit reports on intermediate or final research results, as appropriate, to the major scientific journals in the United States; and

(9) otherwise comply with the provisions of this section.

Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the following are not violations under this chapter:

(1) use or possession of THC, or both, by a patient in the research program;

(2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and

(3) possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under sections 609.531 to 609.5316.

For the purposes of this section, THC is removed from Schedule I contained in section 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision 3.

Subd. 7. **Citation.** This section may be cited as the "THC Therapeutic Research Act."

152.22 DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of sections 152.22 to 152.37, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 3. **Disqualifying felony offense.** "Disqualifying felony offense" means a violation of a state or federal controlled substance law that is a felony under Minnesota law, or would be a felony if committed in Minnesota, regardless of the sentence imposed, unless the commissioner determines that the person's conviction was for the medical use of cannabis or assisting with the medical use of cannabis.

Subd. 4. **Health care practitioner.** "Health care practitioner" means a Minnesota licensed doctor of medicine, a Minnesota licensed physician assistant, or a Minnesota licensed advanced practice registered nurse who has the primary responsibility for the care and treatment of the qualifying medical condition of a person diagnosed with a qualifying medical condition.

Subd. 5. **Health records.** "Health records" means health records as defined in section 144.291, subdivision 2, paragraph (c).

Subd. 5a. **Hemp.** "Hemp" has the meaning given to industrial hemp in section 18K.02, subdivision 3.

Subd. 5b. **Hemp grower.** "Hemp grower" means a person licensed by the commissioner of agriculture under chapter 18K to grow hemp for commercial purposes.

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Subd. 6. **Medical cannabis.** (a) "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

- (1) liquid, including, but not limited to, oil;
- (2) pill;
- (3) vaporized delivery method with use of liquid or oil;
- (4) combustion with use of dried raw cannabis; or
- (5) any other method approved by the commissioner.

(b) This definition includes any part of the genus cannabis plant prior to being processed into a form allowed under paragraph (a), that is possessed by a person while that person is engaged in employment duties necessary to carry out a requirement under sections 152.22 to 152.37 for a registered manufacturer or a laboratory under contract with a registered manufacturer. This definition also includes any hemp acquired by a manufacturer by a hemp grower as permitted under section 152.29, subdivision 1, paragraph (b).

Subd. 7. **Medical cannabis manufacturer.** "Medical cannabis manufacturer" or "manufacturer" means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.

Subd. 8. **Medical cannabis product.** "Medical cannabis product" means any delivery device or related supplies and educational materials used in the administration of medical cannabis for a patient with a qualifying medical condition enrolled in the registry program.

Subd. 9. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has otherwise met any other requirements for patients under sections 152.22 to 152.37 to participate in the registry program under sections 152.22 to 152.37.

Subd. 10. **Patient registry number.** "Patient registry number" means a unique identification number assigned by the commissioner to a patient enrolled in the registry program.

Subd. 11. **Registered designated caregiver.** "Registered designated caregiver" means a person who:

- (1) is at least 18 years old;
- (2) does not have a conviction for a disqualifying felony offense;
- (3) has been approved by the commissioner to assist a patient who requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility; and
- (4) is authorized by the commissioner to assist the patient with the use of medical cannabis.

Subd. 12. **Registry program.** "Registry program" means the patient registry established in sections 152.22 to 152.37.

Subd. 13. **Registry verification.** "Registry verification" means the verification provided by the commissioner that a patient is enrolled in the registry program and that includes the patient's name, registry number, and, if applicable, the name of the patient's registered designated caregiver or parent, legal guardian, or spouse.

Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

- (1) cancer, if the underlying condition or treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting;
- (2) glaucoma;
- (3) human immunodeficiency virus or acquired immune deficiency syndrome;

- (4) Tourette's syndrome;
- (5) amyotrophic lateral sclerosis;
- (6) seizures, including those characteristic of epilepsy;
- (7) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (8) inflammatory bowel disease, including Crohn's disease;
- (9) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting; or
- (10) any other medical condition or its treatment approved by the commissioner.

152.23 LIMITATIONS.

(a) Nothing in sections 152.22 to 152.37 permits any person to engage in and does not prevent the imposition of any civil, criminal, or other penalties for:

- (1) undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice;
- (2) possessing or engaging in the use of medical cannabis:
 - (i) on a school bus or van;
 - (ii) on the grounds of any preschool or primary or secondary school;
 - (iii) in any correctional facility; or
 - (iv) on the grounds of any child care facility or home day care;
- (3) vaporizing or combusting medical cannabis pursuant to section 152.22, subdivision 6:
 - (i) on any form of public transportation;
 - (ii) where the vapor would be inhaled by a nonpatient minor child or where the smoke would be inhaled by a minor child; or
 - (iii) in any public place, including any indoor or outdoor area used by or open to the general public or a place of employment as defined under section 144.413, subdivision 1b; and
- (4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat, or working on transportation property, equipment, or facilities while under the influence of medical cannabis.

(b) Nothing in sections 152.22 to 152.37 require the medical assistance and MinnesotaCare programs to reimburse an enrollee or a provider for costs associated with the medical use of cannabis. Medical assistance and MinnesotaCare shall continue to provide coverage for all services related to treatment of an enrollee's qualifying medical condition if the service is covered under chapter 256B or 256L.

152.24 FEDERALLY APPROVED CLINICAL TRIALS.

The commissioner may prohibit enrollment of a patient in the registry program if the patient is simultaneously enrolled in a federally approved clinical trial for the treatment of a qualifying medical condition with medical cannabis. The commissioner shall provide information to all patients enrolled in the registry program on the existence of federally approved clinical trials for the treatment of the patient's qualifying medical condition with medical cannabis as an alternative to enrollment in the patient registry program.

152.25 COMMISSIONER DUTIES.

Subdivision 1. **Medical cannabis manufacturer registration.** (a) The commissioner shall register two in-state manufacturers for the production of all medical cannabis within the state. A registration agreement between the commissioner and a manufacturer is nontransferable. The commissioner shall register new manufacturers or reregister the existing manufacturers by December

1 every two years, using the factors described in this subdivision. The commissioner shall accept applications after December 1, 2014, if one of the manufacturers registered before December 1, 2014, ceases to be registered as a manufacturer. The commissioner's determination that no manufacturer exists to fulfill the duties under sections 152.22 to 152.37 is subject to judicial review in Ramsey County District Court. Data submitted during the application process are private data on individuals or nonpublic data as defined in section 13.02 until the manufacturer is registered under this section. Data on a manufacturer that is registered are public data, unless the data are trade secret or security information under section 13.37.

(b) As a condition for registration, a manufacturer must agree to:

- (1) begin supplying medical cannabis to patients by July 1, 2015; and
- (2) comply with all requirements under sections 152.22 to 152.37.

(c) The commissioner shall consider the following factors when determining which manufacturer to register:

- (1) the technical expertise of the manufacturer in cultivating medical cannabis and converting the medical cannabis into an acceptable delivery method under section 152.22, subdivision 6;
- (2) the qualifications of the manufacturer's employees;
- (3) the long-term financial stability of the manufacturer;
- (4) the ability to provide appropriate security measures on the premises of the manufacturer;
- (5) whether the manufacturer has demonstrated an ability to meet the medical cannabis production needs required by sections 152.22 to 152.37; and
- (6) the manufacturer's projection and ongoing assessment of fees on patients with a qualifying medical condition.

(d) If an officer, director, or controlling person of the manufacturer pleads or is found guilty of intentionally diverting medical cannabis to a person other than allowed by law under section 152.33, subdivision 1, the commissioner may decide not to renew the registration of the manufacturer, provided the violation occurred while the person was an officer, director, or controlling person of the manufacturer.

(e) The commissioner shall require each medical cannabis manufacturer to contract with an independent laboratory to test medical cannabis produced by the manufacturer. The commissioner shall approve the laboratory chosen by each manufacturer and require that the laboratory report testing results to the manufacturer in a manner determined by the commissioner.

Subd. 1a. Revocation or nonrenewal of a medical cannabis manufacturer registration. If the commissioner intends to revoke or not renew a registration issued under this section, the commissioner must first notify in writing the manufacturer against whom the action is to be taken and provide the manufacturer with an opportunity to request a hearing under the contested case provisions of chapter 14. If the manufacturer does not request a hearing by notifying the commissioner in writing within 20 days after receipt of the notice of proposed action, the commissioner may proceed with the action without a hearing. For revocations, the registration of a manufacturer is considered revoked on the date specified in the commissioner's written notice of revocation.

Subd. 1b. Temporary suspension proceedings. The commissioner may institute proceedings to temporarily suspend the registration of a medical cannabis manufacturer for a period of up to 90 days by notifying the manufacturer in writing if any action by an employee, agent, officer, director, or controlling person of the manufacturer:

- (1) violates any of the requirements of sections 152.21 to 152.37 or the rules adopted thereunder;
- (2) permits, aids, or abets the commission of any violation of state law at the manufacturer's location for cultivation, harvesting, manufacturing, packaging, and processing or at any site for distribution of medical cannabis;
- (3) performs any act contrary to the welfare of a registered patient or registered designated caregiver; or
- (4) obtains, or attempts to obtain, a registration by fraudulent means or misrepresentation.

Subd. 1c. **Notice to patients.** Upon the revocation or nonrenewal of a manufacturer's registration under subdivision 1a or implementation of an enforcement action under subdivision 1b that may affect the ability of a registered patient, registered designated caregiver, or a registered patient's parent, legal guardian, or spouse to obtain medical cannabis from the manufacturer subject to the enforcement action, the commissioner shall notify in writing each registered patient and the patient's registered designated caregiver or registered patient's parent, legal guardian, or spouse about the outcome of the proceeding and information regarding alternative registered manufacturers. This notice must be provided two or more business days prior to the effective date of the revocation, nonrenewal, or other enforcement action.

Subd. 2. **Range of compounds and dosages; report.** The commissioner shall review and publicly report the existing medical and scientific literature regarding the range of recommended dosages for each qualifying condition and the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the qualifying medical conditions. The commissioner shall make this information available to patients with qualifying medical conditions beginning December 1, 2014, and update the information annually. The commissioner may consult with the independent laboratory under contract with the manufacturer or other experts in reporting the range of recommended dosages for each qualifying medical condition, the range of chemical compositions that will likely be medically beneficial, and any risks of noncannabis drug interactions. The commissioner shall consult with each manufacturer on an annual basis on medical cannabis offered by the manufacturer. The list of medical cannabis offered by a manufacturer shall be published on the Department of Health website.

Subd. 3. **Deadlines.** The commissioner shall adopt rules necessary for the manufacturer to begin distribution of medical cannabis to patients under the registry program by July 1, 2015, and have notice of proposed rules published in the State Register prior to January 1, 2015.

Subd. 4. **Reports.** (a) The commissioner shall provide regular updates to the task force on medical cannabis therapeutic research and to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services, public safety, judiciary, and civil law regarding: (1) any changes in federal law or regulatory restrictions regarding the use of medical cannabis or hemp; and (2) the market demand and supply in this state for products made from hemp that can be used for medicinal purposes.

(b) The commissioner may submit medical research based on the data collected under sections 152.22 to 152.37 to any federal agency with regulatory or enforcement authority over medical cannabis to demonstrate the effectiveness of medical cannabis for treating a qualifying medical condition.

152.26 RULEMAKING.

(a) The commissioner may adopt rules to implement sections 152.22 to 152.37. Rules for which notice is published in the State Register before January 1, 2015, may be adopted using the process in section 14.389.

(b) The commissioner may adopt or amend rules, using the procedure in section 14.386, paragraph (a), to implement the addition of dried raw cannabis as an allowable form of medical cannabis under section 152.22, subdivision 6, paragraph (a), clause (4). Section 14.386, paragraph (b), does not apply to these rules.

152.261 RULES; ADVERSE INCIDENTS.

(a) The commissioner of health shall adopt rules to establish requirements for reporting incidents when individuals who are not authorized to possess medical cannabis under sections 152.22 to 152.37 are found in possession of medical cannabis. The rules must identify professionals required to report, the information they are required to report, and actions the reporter must take to secure the medical cannabis.

(b) The commissioner of health shall adopt rules to establish requirements for law enforcement officials and health care professionals to report incidents involving an overdose of medical cannabis to the commissioner of health.

(c) Rules must include the method by which the commissioner will collect and tabulate reports of unauthorized possession and overdose.

152.27 PATIENT REGISTRY PROGRAM ESTABLISHED.

Subdivision 1. **Patient registry program; establishment.** (a) The commissioner shall establish a patient registry program to evaluate data on patient demographics, effective treatment options,

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clinical outcomes, and quality-of-life outcomes for the purpose of reporting on the benefits, risks, and outcomes regarding patients with a qualifying medical condition engaged in the therapeutic use of medical cannabis.

(b) The establishment of the registry program shall not be construed or interpreted to condone or promote the illicit recreational use of marijuana.

Subd. 2. **Commissioner duties.** (a) The commissioner shall:

(1) give notice of the program to health care practitioners in the state who are eligible to serve as health care practitioners and explain the purposes and requirements of the program;

(2) allow each health care practitioner who meets or agrees to meet the program's requirements and who requests to participate, to be included in the registry program to collect data for the patient registry;

(3) provide explanatory information and assistance to each health care practitioner in understanding the nature of therapeutic use of medical cannabis within program requirements;

(4) create and provide a certification to be used by a health care practitioner for the practitioner to certify whether a patient has been diagnosed with a qualifying medical condition and include in the certification an option for the practitioner to certify whether the patient, in the health care practitioner's medical opinion, is developmentally or physically disabled and, as a result of that disability, the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility;

(5) supervise the participation of the health care practitioner in conducting patient treatment and health records reporting in a manner that ensures stringent security and record-keeping requirements and that prevents the unauthorized release of private data on individuals as defined by section 13.02;

(6) develop safety criteria for patients with a qualifying medical condition as a requirement of the patient's participation in the program, to prevent the patient from undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice on the part of the patient; and

(7) conduct research and studies based on data from health records submitted to the registry program and submit reports on intermediate or final research results to the legislature and major scientific journals. The commissioner may contract with a third party to complete the requirements of this clause. Any reports submitted must comply with section 152.28, subdivision 2.

(b) The commissioner may add a delivery method under section 152.22, subdivision 6, or add, remove, or modify a qualifying medical condition under section 152.22, subdivision 14, upon a petition from a member of the public or the task force on medical cannabis therapeutic research or as directed by law. The commissioner shall evaluate all petitions to add a qualifying medical condition or to remove or modify an existing qualifying medical condition submitted by the task force on medical cannabis therapeutic research or as directed by law and may make the addition, removal, or modification if the commissioner determines the addition, removal, or modification is warranted based on the best available evidence and research. If the commissioner wishes to add a delivery method under section 152.22, subdivision 6, or add or remove a qualifying medical condition under section 152.22, subdivision 14, the commissioner must notify the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety of the addition or removal and the reasons for its addition or removal, including any written comments received by the commissioner from the public and any guidance received from the task force on medical cannabis research, by January 15 of the year in which the commissioner wishes to make the change. The change shall be effective on August 1 of that year, unless the legislature by law provides otherwise.

Subd. 3. **Patient application.** (a) The commissioner shall develop a patient application for enrollment into the registry program. The application shall be available to the patient and given to health care practitioners in the state who are eligible to serve as health care practitioners. The application must include:

(1) the name, mailing address, and date of birth of the patient;

(2) the name, mailing address, and telephone number of the patient's health care practitioner;

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(3) the name, mailing address, and date of birth of the patient's designated caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver;

(4) a copy of the certification from the patient's health care practitioner that is dated within 90 days prior to submitting the application that certifies that the patient has been diagnosed with a qualifying medical condition; and

(5) all other signed affidavits and enrollment forms required by the commissioner under sections 152.22 to 152.37, including, but not limited to, the disclosure form required under paragraph (c).

(b) The commissioner shall require a patient to resubmit a copy of the certification from the patient's health care practitioner on a yearly basis and shall require that the recertification be dated within 90 days of submission.

(c) The commissioner shall develop a disclosure form and require, as a condition of enrollment, all patients to sign a copy of the disclosure. The disclosure must include:

(1) a statement that, notwithstanding any law to the contrary, the commissioner, or an employee of any state agency, may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37; and

(2) the patient's acknowledgment that enrollment in the patient registry program is conditional on the patient's agreement to meet all of the requirements of sections 152.22 to 152.37.

Subd. 4. Registered designated caregiver. (a) The commissioner shall register a designated caregiver for a patient if the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility and the caregiver has agreed, in writing, to be the patient's designated caregiver. As a condition of registration as a designated caregiver, the commissioner shall require the person to:

(1) be at least 18 years of age;

(2) agree to only possess the patient's medical cannabis for purposes of assisting the patient; and

(3) agree that if the application is approved, the person will not be a registered designated caregiver for more than six registered patients at one time. Patients who reside in the same residence shall count as one patient.

(b) The commissioner shall conduct a criminal background check on the designated caregiver prior to registration to ensure that the person does not have a conviction for a disqualifying felony offense. Any cost of the background check shall be paid by the person seeking registration as a designated caregiver. A designated caregiver must have the criminal background check renewed every two years.

(c) Nothing in sections 152.22 to 152.37 shall be construed to prevent a person registered as a designated caregiver from also being enrolled in the registry program as a patient and possessing and using medical cannabis as a patient.

Subd. 5. Parents, legal guardians, and spouses. A parent, legal guardian, or spouse of a patient may act as the caregiver to the patient without having to register as a designated caregiver. The parent, legal guardian, or spouse shall follow all of the requirements of parents, legal guardians, and spouses listed in sections 152.22 to 152.37. Nothing in sections 152.22 to 152.37 limits any legal authority a parent, legal guardian, or spouse may have for the patient under any other law.

Subd. 6. Patient enrollment. (a) After receipt of a patient's application, application fees, and signed disclosure, the commissioner shall enroll the patient in the registry program and issue the patient and patient's registered designated caregiver or parent, legal guardian, or spouse, if applicable, a registry verification. The commissioner shall approve or deny a patient's application for participation in the registry program within 30 days after the commissioner receives the patient's application and application fee. The commissioner may approve applications up to 60 days after the receipt of a patient's application and application fees until January 1, 2016. A patient's enrollment in the registry program shall only be denied if the patient:

(1) does not have certification from a health care practitioner that the patient has been diagnosed with a qualifying medical condition;

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(2) has not signed and returned the disclosure form required under subdivision 3, paragraph (c), to the commissioner;

(3) does not provide the information required;

(4) has previously been removed from the registry program for violations of section 152.30 or 152.33; or

(5) provides false information.

(b) The commissioner shall give written notice to a patient of the reason for denying enrollment in the registry program.

(c) Denial of enrollment into the registry program is considered a final decision of the commissioner and is subject to judicial review under the Administrative Procedure Act pursuant to chapter 14.

(d) A patient's enrollment in the registry program may only be revoked upon the death of the patient or if a patient violates a requirement under section 152.30 or 152.33.

(e) The commissioner shall develop a registry verification to provide to the patient, the health care practitioner identified in the patient's application, and to the manufacturer. The registry verification shall include:

(1) the patient's name and date of birth;

(2) the patient registry number assigned to the patient; and

(3) the name and date of birth of the patient's registered designated caregiver, if any, or the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver.

Subd. 7. **Notice requirements.** Patients and registered designated caregivers shall notify the commissioner of any address or name change within 30 days of the change having occurred. A patient or registered designated caregiver is subject to a \$100 fine for failure to notify the commissioner of the change.

152.28 HEALTH CARE PRACTITIONER DUTIES.

Subdivision 1. **Health care practitioner duties.** (a) Prior to a patient's enrollment in the registry program, a health care practitioner shall:

(1) determine, in the health care practitioner's medical judgment, whether a patient suffers from a qualifying medical condition, and, if so determined, provide the patient with a certification of that diagnosis;

(2) advise patients, registered designated caregivers, and parents, legal guardians, or spouses who are acting as caregivers of the existence of any nonprofit patient support groups or organizations;

(3) provide explanatory information from the commissioner to patients with qualifying medical conditions, including disclosure to all patients about the experimental nature of therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the proposed treatment; the application and other materials from the commissioner; and provide patients with the Tennessee warning as required by section 13.04, subdivision 2; and

(4) agree to continue treatment of the patient's qualifying medical condition and report medical findings to the commissioner.

(b) Upon notification from the commissioner of the patient's enrollment in the registry program, the health care practitioner shall:

(1) participate in the patient registry reporting system under the guidance and supervision of the commissioner;

(2) report health records of the patient throughout the ongoing treatment of the patient to the commissioner in a manner determined by the commissioner and in accordance with subdivision 2;

(3) determine, on a yearly basis, if the patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certification of that diagnosis; and

(4) otherwise comply with all requirements developed by the commissioner.

(c) A health care practitioner may conduct a patient assessment to issue a recertification as required under paragraph (b), clause (3), via telehealth, as defined in section 62A.673, subdivision 2.

(d) Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 2. **Data.** Data collected on patients by a health care practitioner and reported to the patient registry are health records under section 144.291, and are private data on individuals under section 13.02, but may be used or reported in an aggregated, nonidentifiable form as part of a scientific, peer-reviewed publication of research conducted under section 152.25 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Subd. 3. **Advertising restrictions.** (a) A health care practitioner shall not publish or cause to be published any advertisement that:

(1) contains false or misleading statements about medical cannabis or about the medical cannabis registry program;

(2) uses colloquial terms to refer to medical cannabis, such as pot, weed, or grass;

(3) states or implies the health care practitioner is endorsed by the Department of Health or by the medical cannabis registry program;

(4) includes images of cannabis in its plant or leaf form or of cannabis-smoking paraphernalia; or

(5) contains medical symbols that could reasonably be confused with symbols of established medical associations or groups.

(b) A health care practitioner found by the commissioner to have violated this subdivision is prohibited from certifying that patients have a qualifying medical condition for purposes of patient participation in the registry program. The commissioner's decision that a health care practitioner has violated this subdivision is a final decision of the commissioner and is not subject to the contested case procedures in chapter 14.

152.29 MANUFACTURER OF MEDICAL CANNABIS DUTIES.

Subdivision 1. **Manufacturer; requirements.** (a) A manufacturer may operate eight distribution facilities, which may include the manufacturer's single location for cultivation, harvesting, manufacturing, packaging, and processing but is not required to include that location. The commissioner shall designate the geographical service areas to be served by each manufacturer based on geographical need throughout the state to improve patient access. A manufacturer shall not have more than two distribution facilities in each geographical service area assigned to the manufacturer by the commissioner. A manufacturer shall operate only one location where all cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis shall be conducted. This location may be one of the manufacturer's distribution facility sites. The additional distribution facilities may dispense medical cannabis and medical cannabis products but may not contain any medical cannabis in a form other than those forms allowed under section 152.22, subdivision 6, and the manufacturer shall not conduct any cultivation, harvesting, manufacturing, packaging, or processing at the other distribution facility sites. Any distribution facility operated by the manufacturer is subject to all of the requirements applying to the manufacturer under sections 152.22 to 152.37, including, but not limited to, security and distribution requirements.

(b) A manufacturer may acquire hemp grown in this state from a hemp grower, and may acquire hemp products produced by a hemp processor. A manufacturer may manufacture or process hemp and hemp products into an allowable form of medical cannabis under section 152.22, subdivision 6. Hemp and hemp products acquired by a manufacturer under this paragraph are subject to the same quality control program, security and testing requirements, and other requirements that apply to medical cannabis under sections 152.22 to 152.37 and Minnesota Rules, chapter 4770.

(c) A medical cannabis manufacturer shall contract with a laboratory approved by the commissioner, subject to any additional requirements set by the commissioner, for purposes of testing medical cannabis manufactured or hemp or hemp products acquired by the medical cannabis manufacturer as to content, contamination, and consistency to verify the medical cannabis meets the requirements of section 152.22, subdivision 6. The cost of laboratory testing shall be paid by the manufacturer.

(d) The operating documents of a manufacturer must include:

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(1) procedures for the oversight of the manufacturer and procedures to ensure accurate record keeping;

(2) procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis; and

(3) procedures for the delivery and transportation of hemp between hemp growers and manufacturers and for the delivery and transportation of hemp products between hemp processors and manufacturers.

(e) A manufacturer shall implement security requirements, including requirements for the delivery and transportation of hemp and hemp products, protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

(f) A manufacturer shall not share office space with, refer patients to a health care practitioner, or have any financial relationship with a health care practitioner.

(g) A manufacturer shall not permit any person to consume medical cannabis on the property of the manufacturer.

(h) A manufacturer is subject to reasonable inspection by the commissioner.

(i) For purposes of sections 152.22 to 152.37, a medical cannabis manufacturer is not subject to the Board of Pharmacy licensure or regulatory requirements under chapter 151.

(j) A medical cannabis manufacturer may not employ any person who is under 21 years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabis manufacturer must submit a completed criminal history records check consent form, a full set of classifiable fingerprints, and the required fees for submission to the Bureau of Criminal Apprehension before an employee may begin working with the manufacturer. The bureau must conduct a Minnesota criminal history records check and the superintendent is authorized to exchange the fingerprints with the Federal Bureau of Investigation to obtain the applicant's national criminal history record information. The bureau shall return the results of the Minnesota and federal criminal history records checks to the commissioner.

(k) A manufacturer may not operate in any location, whether for distribution or cultivation, harvesting, manufacturing, packaging, or processing, within 1,000 feet of a public or private school existing before the date of the manufacturer's registration with the commissioner.

(l) A manufacturer shall comply with reasonable restrictions set by the commissioner relating to signage, marketing, display, and advertising of medical cannabis.

(m) Before a manufacturer acquires hemp from a hemp grower or hemp products from a hemp processor, the manufacturer must verify that the hemp grower or hemp processor has a valid license issued by the commissioner of agriculture under chapter 18K.

(n) Until a state-centralized, seed-to-sale system is implemented that can track a specific medical cannabis plant from cultivation through testing and point of sale, the commissioner shall conduct at least one unannounced inspection per year of each manufacturer that includes inspection of:

(1) business operations;

(2) physical locations of the manufacturer's manufacturing facility and distribution facilities;

(3) financial information and inventory documentation, including laboratory testing results; and

(4) physical and electronic security alarm systems.

Subd. 2. **Manufacturer; production.** (a) A manufacturer of medical cannabis shall provide a reliable and ongoing supply of all medical cannabis needed for the registry program through cultivation by the manufacturer and through the purchase of hemp from hemp growers.

(b) All cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis must take place in an enclosed, locked facility at a physical address provided to the commissioner during the registration process.

(c) A manufacturer must process and prepare any medical cannabis plant material or hemp plant material into a form allowable under section 152.22, subdivision 6, prior to distribution of any medical cannabis.

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Subd. 3. **Manufacturer; distribution.** (a) A manufacturer shall require that employees licensed as pharmacists pursuant to chapter 151 be the only employees to give final approval for the distribution of medical cannabis to a patient. A manufacturer may transport medical cannabis or medical cannabis products that have been cultivated, harvested, manufactured, packaged, and processed by that manufacturer to another registered manufacturer for the other manufacturer to distribute.

(b) A manufacturer may distribute medical cannabis products, whether or not the products have been manufactured by that manufacturer.

(c) Prior to distribution of any medical cannabis, the manufacturer shall:

(1) verify that the manufacturer has received the registry verification from the commissioner for that individual patient;

(2) verify that the person requesting the distribution of medical cannabis is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse listed in the registry verification using the procedures described in section 152.11, subdivision 2d;

(3) assign a tracking number to any medical cannabis distributed from the manufacturer;

(4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to chapter 151 has consulted with the patient to determine the proper dosage for the individual patient after reviewing the ranges of chemical compositions of the medical cannabis and the ranges of proper dosages reported by the commissioner. For purposes of this clause, a consultation may be conducted remotely by secure videoconference, telephone, or other remote means, so long as the employee providing the consultation is able to confirm the identity of the patient and the consultation adheres to patient privacy requirements that apply to health care services delivered through telehealth. A pharmacist consultation under this clause is not required when a manufacturer is distributing medical cannabis to a patient according to a patient-specific dosage plan established with that manufacturer and is not modifying the dosage or product being distributed under that plan and the medical cannabis is distributed by a pharmacy technician;

(5) properly package medical cannabis in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients, and label distributed medical cannabis with a list of all active ingredients and individually identifying information, including:

(i) the patient's name and date of birth;

(ii) the name and date of birth of the patient's registered designated caregiver or, if listed on the registry verification, the name of the patient's parent or legal guardian, if applicable;

(iii) the patient's registry identification number;

(iv) the chemical composition of the medical cannabis; and

(v) the dosage; and

(6) ensure that the medical cannabis distributed contains a maximum of a 90-day supply of the dosage determined for that patient.

(d) A manufacturer shall require any employee of the manufacturer who is transporting medical cannabis or medical cannabis products to a distribution facility or to another registered manufacturer to carry identification showing that the person is an employee of the manufacturer.

(e) A manufacturer shall distribute medical cannabis in dried raw cannabis form only to a patient age 21 or older, or to the registered designated caregiver, parent, legal guardian, or spouse of a patient age 21 or older.

Subd. 3a. **Transportation of medical cannabis; staffing.** (a) A medical cannabis manufacturer may staff a transport motor vehicle with only one employee if the medical cannabis manufacturer is transporting medical cannabis to either a certified laboratory for the purpose of testing or a facility for the purpose of disposal. If the medical cannabis manufacturer is transporting medical cannabis for any other purpose or destination, the transport motor vehicle must be staffed with a minimum of two employees as required by rules adopted by the commissioner.

(b) Notwithstanding paragraph (a), a medical cannabis manufacturer that is only transporting hemp for any purpose may staff the transport motor vehicle with only one employee.

Subd. 4. **Report.** Each manufacturer shall report to the commissioner on a monthly basis the following information on each individual patient for the month prior to the report:

- (1) the amount and dosages of medical cannabis distributed;
- (2) the chemical composition of the medical cannabis; and
- (3) the tracking number assigned to any medical cannabis distributed.

152.30 PATIENT DUTIES.

(a) A patient shall apply to the commissioner for enrollment in the registry program by submitting an application as required in section 152.27 and an annual registration fee as determined under section 152.35.

(b) As a condition of continued enrollment, patients shall agree to:

(1) continue to receive regularly scheduled treatment for their qualifying medical condition from their health care practitioner; and

(2) report changes in their qualifying medical condition to their health care practitioner.

(c) A patient shall only receive medical cannabis from a registered manufacturer but is not required to receive medical cannabis products from only a registered manufacturer.

152.31 DATA PRACTICES.

(a) Government data in patient files maintained by the commissioner and the health care practitioner, and data submitted to or by a medical cannabis manufacturer, are private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9, but may be used for purposes of complying with chapter 13 and complying with a request from the legislative auditor or the state auditor in the performance of official duties. The provisions of section 13.05, subdivision 11, apply to a registration agreement entered between the commissioner and a medical cannabis manufacturer under section 152.25.

(b) Not public data maintained by the commissioner may not be used for any purpose not provided for in sections 152.22 to 152.37, and may not be combined or linked in any manner with any other list, dataset, or database.

(c) The commissioner may execute data sharing arrangements with the commissioner of agriculture to verify licensing, inspection, and compliance information related to hemp growers and hemp processors under chapter 18K.

152.32 PROTECTIONS FOR REGISTRY PROGRAM PARTICIPATION.

Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized use of medical cannabis.

(b) The presumption may be rebutted by evidence that conduct related to use of medical cannabis was not for the purpose of treating or alleviating the patient's qualifying medical condition or symptoms associated with the patient's qualifying medical condition.

Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following are not violations under this chapter:

(1) use or possession of medical cannabis or medical cannabis products by a patient enrolled in the registry program, or possession by a registered designated caregiver or the parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed on the registry verification;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

(3) possession of medical cannabis or medical cannabis products by any person while carrying out the duties required under sections 152.22 to 152.37.

(b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and associated property is not subject to forfeiture under sections 609.531 to 609.5316.

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of

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Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of Minnesota, or an employee of any state agency may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may release data or information about an individual contained in any report, document, or registry created under sections 152.22 to 152.37 or any information obtained about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty of a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or registered manufacturers or others related to activity that is no longer subject to criminal penalties under state law pursuant to sections 152.22 to 152.37.

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

Subd. 3. Discrimination prohibited. (a) No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registry program enrollee's use of medical cannabis under sections 152.22 to 152.37 is considered the equivalent of the authorized use of any other medication used at the discretion of a physician, advanced practice registered nurse, or physician assistant and does not constitute the use of an illicit substance or otherwise disqualify a patient from needed medical care.

(c) Unless a failure to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following:

(1) the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37; or

(2) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during the hours of employment.

(d) An employee who is required to undergo employer drug testing pursuant to section 181.953 may present verification of enrollment in the patient registry as part of the employee's explanation under section 181.953, subdivision 6.

(e) A person shall not be denied custody of a minor child or visitation rights or parenting time with a minor child solely based on the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37. There shall be no presumption of neglect or child endangerment

for conduct allowed under sections 152.22 to 152.37, unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

152.33 VIOLATIONS.

Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally transfers medical cannabis to a person other than another registered manufacturer, a patient, a registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both. A person convicted under this subdivision may not continue to be affiliated with the manufacturer and is disqualified from further participation under sections 152.22 to 152.37.

Subd. 1a. **Intentional diversion outside the state; penalties.** (a) In addition to any other applicable penalty in law, the commissioner may levy a fine of \$250,000 against a manufacturer and may immediately initiate proceedings to revoke the manufacturer's registration, using the procedure in section 152.25, if:

(1) an officer, director, or controlling person of the manufacturer pleads or is found guilty under subdivision 1 of intentionally transferring medical cannabis, while the person was an officer, director, or controlling person of the manufacturer, to a person other than allowed by law; and

(2) in intentionally transferring medical cannabis to a person other than allowed by law, the officer, director, or controlling person transported or directed the transport of medical cannabis outside of Minnesota.

(b) All fines collected under this subdivision shall be deposited in the state government special revenue fund.

Subd. 2. **Diversion by patient, registered designated caregiver, parent, legal guardian, or patient's spouse; criminal penalty.** In addition to any other applicable penalty in law, a patient, registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient who intentionally sells or otherwise transfers medical cannabis to a person other than a patient, designated registered caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 3. **False statement; criminal penalty.** A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both. The penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by sections 152.22 to 152.37. If a person convicted of violating this subdivision is a patient or a registered designated caregiver, the person is disqualified from further participation under sections 152.22 to 152.37.

Subd. 4. **Submission of false records; criminal penalty.** A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis under sections 152.22 to 152.37 is guilty of a felony and may be sentenced to imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 5. **Violation by health care practitioner; criminal penalty.** A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both.

Subd. 6. **Other violations; civil penalty.** A manufacturer shall be fined up to \$1,000 for any violation of sections 152.22 to 152.37, or the regulations issued pursuant to them, where no penalty has been specified. This penalty is in addition to any other applicable penalties in law.

152.34 HEALTH CARE FACILITIES.

(a) Health care facilities licensed under chapter 144A, hospice providers licensed under chapter 144A, boarding care homes or supervised living facilities licensed under section 144.50, assisted living facilities, facilities owned, controlled, managed, or under common control with hospitals licensed under chapter 144, and other health facilities licensed by the commissioner of health, may

adopt reasonable restrictions on the use of medical cannabis by a patient enrolled in the registry program who resides at or is actively receiving treatment or care at the facility. The restrictions may include a provision that the facility will not store or maintain the patient's supply of medical cannabis, that the facility is not responsible for providing the medical cannabis for patients, and that medical cannabis be used only in a place specified by the facility.

(b) Any employee or agent of a facility listed in this section or a person licensed under chapter 144E is not subject to violations under this chapter for possession of medical cannabis while carrying out employment duties, including providing or supervising care to a registered patient, or distribution of medical cannabis to a registered patient who resides at or is actively receiving treatment or care at the facility with which the employee or agent is affiliated. Nothing in this section shall require the facilities to adopt such restrictions and no facility shall unreasonably limit a patient's access to or use of medical cannabis to the extent that use is authorized by the patient under sections 152.22 to 152.37.

152.35 FEES; DEPOSIT OF REVENUE.

(a) The commissioner shall collect an enrollment fee of \$200 from patients enrolled under this section. If the patient provides evidence of receiving Social Security disability insurance (SSDI), Supplemental Security Income (SSI), veterans disability, or railroad disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee shall be \$50. For purposes of this section:

(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time the patient was transitioned to retirement benefits by the United States Social Security Administration; and

(2) veterans disability payments include VA dependency and indemnity compensation.

Unless a patient provides evidence of receiving payments from or participating in one of the programs specifically listed in this paragraph, the commissioner of health must collect the \$200 enrollment fee from a patient to enroll the patient in the registry program. The fees shall be payable annually and are due on the anniversary date of the patient's enrollment. The fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(b) The commissioner shall collect an application fee of \$20,000 from each entity submitting an application for registration as a medical cannabis manufacturer. Revenue from the fee shall be deposited in the state treasury and credited to the state government special revenue fund.

(c) The commissioner shall establish and collect an annual fee from a medical cannabis manufacturer equal to the cost of regulating and inspecting the manufacturer in that year. Revenue from the fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(d) A medical cannabis manufacturer may charge patients enrolled in the registry program a reasonable fee for costs associated with the operations of the manufacturer. The manufacturer may establish a sliding scale of patient fees based upon a patient's household income and may accept private donations to reduce patient fees.

152.36 IMPACT ASSESSMENT OF MEDICAL CANNABIS THERAPEUTIC RESEARCH.

Subdivision 1. **Task force on medical cannabis therapeutic research.** (a) A 23-member task force on medical cannabis therapeutic research is created to conduct an impact assessment of medical cannabis therapeutic research. The task force shall consist of the following members:

(1) two members of the house of representatives, one selected by the speaker of the house, the other selected by the minority leader;

(2) two members of the senate, one selected by the majority leader, the other selected by the minority leader;

(3) four members representing consumers or patients enrolled in the registry program, including at least two parents of patients under age 18;

(4) four members representing health care providers, including one licensed pharmacist;

(5) four members representing law enforcement, one from the Minnesota Chiefs of Police Association, one from the Minnesota Sheriff's Association, one from the Minnesota Police and Peace Officers Association, and one from the Minnesota County Attorneys Association;

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(6) four members representing substance use disorder treatment providers; and

(7) the commissioners of health, human services, and public safety.

(b) Task force members listed under paragraph (a), clauses (3), (4), (5), and (6), shall be appointed by the governor under the appointment process in section 15.0597. Members shall serve on the task force at the pleasure of the appointing authority. All members must be appointed by July 15, 2014, and the commissioner of health shall convene the first meeting of the task force by August 1, 2014.

(c) There shall be two cochair of the task force chosen from the members listed under paragraph (a). One cochair shall be selected by the speaker of the house and the other cochair shall be selected by the majority leader of the senate. The authority to convene meetings shall alternate between the cochairs.

(d) Members of the task force other than those in paragraph (a), clauses (1), (2), and (7), shall receive expenses as provided in section 15.059, subdivision 6.

Subd. 1a. **Administration.** The commissioner of health shall provide administrative and technical support to the task force.

Subd. 2. **Impact assessment.** The task force shall hold hearings to evaluate the impact of the use of medical cannabis and hemp and Minnesota's activities involving medical cannabis and hemp, including, but not limited to:

- (1) program design and implementation;
- (2) the impact on the health care provider community;
- (3) patient experiences;
- (4) the impact on the incidence of substance abuse;
- (5) access to and quality of medical cannabis, hemp, and medical cannabis products;
- (6) the impact on law enforcement and prosecutions;
- (7) public awareness and perception; and
- (8) any unintended consequences.

Subd. 3. **Cost assessment.** By January 15 of each year, beginning January 15, 2015, and ending January 15, 2019, the commissioners of state departments impacted by the medical cannabis therapeutic research study shall report to the cochairs of the task force on the costs incurred by each department on implementing sections 152.22 to 152.37. The reports must compare actual costs to the estimated costs of implementing these sections and must be submitted to the task force on medical cannabis therapeutic research.

Subd. 4. **Reports to the legislature.** (a) The cochairs of the task force shall submit the following reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services, public safety, judiciary, and civil law:

(1) by February 1, 2015, a report on the design and implementation of the registry program; and every two years thereafter, a complete impact assessment report; and

(2) upon receipt of a cost assessment from a commissioner of a state agency, the completed cost assessment.

(b) The task force may make recommendations to the legislature on whether to add or remove conditions from the list of qualifying medical conditions.

Subd. 5. **No expiration.** The task force on medical cannabis therapeutic research does not expire.

152.37 FINANCIAL EXAMINATIONS; PRICING REVIEWS.

Subdivision 1. **Financial records.** A medical cannabis manufacturer shall maintain detailed financial records in a manner and format approved by the commissioner, and shall keep all records updated and accessible to the commissioner when requested.

Subd. 2. **Certified annual audit.** A medical cannabis manufacturer shall submit the results of an annual certified financial audit to the commissioner no later than May 1 of each year for the calendar year beginning January 2015. The annual audit shall be conducted by an independent certified public accountant and the costs of the audit are the responsibility of the medical cannabis manufacturer. Results of the audit shall be provided to the medical cannabis manufacturer and the

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commissioner. The commissioner may also require another audit of the medical cannabis manufacturer by a certified public accountant chosen by the commissioner with the costs of the audit paid by the medical cannabis manufacturer.

Subd. 3. **Power to examine.** (a) The commissioner or designee may examine the business affairs and conditions of any medical cannabis manufacturer, including but not limited to a review of the financing, budgets, revenues, sales, and pricing.

(b) An examination may cover the medical cannabis manufacturer's business affairs, practices, and conditions including but not limited to a review of the financing, budgets, revenues, sales, and pricing. The commissioner shall determine the nature and scope of each examination and in doing so shall take into account all available relevant factors concerning the financial and business affairs, practices, and conditions of the examinee. The costs incurred by the department in conducting an examination shall be paid for by the medical cannabis manufacturer.

(c) When making an examination under this section, the commissioner may retain attorneys, appraisers, independent economists, independent certified public accountants, or other professionals and specialists as designees. A certified public accountant retained by the commissioner may not be the same certified public accountant providing the certified annual audit in subdivision 2.

(d) The commissioner shall make a report of an examination conducted under this section and provide a copy to the medical cannabis manufacturer. The commissioner shall then post a copy of the report on the department's website. All working papers, recorded information, documents, and copies produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination, other than the information contained in any commissioner official report, made under this section are private data on individuals or nonpublic data, as defined in section 13.02.

Meeting Date: 04/11/2023

Information

Title:

Zoning Code Update

Purpose/Background:

Over the past nine months, the Planning Commission and Planning Staff have been working on updating the Zoning Code. Review of a city's Zoning Code is required following the adoption of a Comprehensive Plan. The 2040 Comprehensive Plan is Ramsey's guiding policy document that identifies general land use, transportation, utility, and natural resource visions for the next twenty years. The Zoning Code is the toolbox that is used to implement the Comprehensive Plan. The Zoning Code is a compilation of regulations relating to the use of land and structures in the community.

The current Code, Chapter 117, is long, difficult to navigate, and has several inconsistent (and undefined) terms. The goals of the Update are based on the ease of use by property owners, developers, and staff:

- Consistency in terms with definitions
- Clear purpose and intent of zoning districts
- Clear distinctions between districts
- Get regulations to align with the Comprehensive Plan
- Get it organized/Eliminate redundancies and contradictions
- Streamline processes

Attached is the working draft of the proposed new Zoning Code. Much of the content has remained, though re-organized for better efficiency and eliminated redundancies. There are still pieces of it that are being worked on such as the tree preservation, landscape standards, and bufferyards that will be on an upcoming EPB agenda. A proposed zoning map will be prepared in the upcoming weeks as well.

There are several new concepts in the draft. Most notably is the Urban Reserve zoning district. This district acknowledges that land is within the MUSA, but due to lack of infrastructure or utilities, is not considered developable until such time as utilities are extended. Also, staff is proposing to streamline processes to make it easier to conduct business in Ramsey by eliminating zoning permits and allowing more opportunities for administrative site plan reviews.

Timeframe:

20 minutes. Tonight's discussion is intended to be an overview of the process to date with some highlights of the work the Commission and Staff have done. The Council is welcome to dive into the sections at future meetings.

Funding Source:

This work is being done as a part of staff's normal duties.

Responsible Party(ies):

Outcome:

Please provide staff direction on topics or sections that the Council would like to discuss more in-depth at future works sessions. The Planning Commission is anticipating a public hearing at its June 22 meeting.

Attachments

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	04/06/2023 11:45 AM
Form Started By: Todd Larson		Started On: 04/03/2023 10:02 AM
Final Approval Date: 04/06/2023		

Green Text = Carried over verbatim

Gold Text=Partially verbatim, paraphrased, or combined carried over paragraphs.

~~Red Text~~ = Text deleted from a carried over paragraph

Blue Text = New text

Purple Text = Text added based on Planning Commission Comments

Yellow Highlight = References to update, items to check on further

100 Title

This chapter may be known, cited, and referred to as the “Ramsey Zoning Code” or “Zoning Code,” except as referred to herein where it may be known as “this chapter.”

101 Authority

This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 to 462.364, as amended from time to time.

102 Purpose

The following zoning provisions and the zoning map established hereby have been enacted in accordance with an adopted Comprehensive Plan of land use for the purpose of: promoting the health, safety, morals, comfort, convenience, prosperity, and general welfare of the residents of the city; dividing the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for specified uses; regulating the intensity of the use of land; regulating and determining the area of open spaces surrounding buildings in order to prevent the overcrowding of land and to ensure adequate light and air; protecting waterways and natural resources; establishing building lines and the location of buildings designed for specified industrial, commercial, residential and other uses within such areas and fixing standards to which buildings or structures shall conform therein; prohibiting uses, buildings, or structures incompatible with the character of the specified districts; preventing additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder; limiting congestion in the public streets by providing for off-street parking and loading and unloading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings and structures; and conserving the economic value of land and buildings throughout the city.

103 Coordination with other Codes

This chapter is intended to work in tandem with the adopted state Building Codes and state Fire Codes and any locally-adopted optional chapters as amended from time to time. It is also intended to work in tandem with the regulations set forth from the local watershed management organization. Nothing in this chapter is intended to preclude or supersede any requirements in those Codes or regulations.

104 Rules of Construction and Interpretation

(A) *Conflicting conditions.* Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions by another provision of this chapter or by other chapters of this Code, rule or regulation of the City, the provision which imposes the more restrictive condition, standard, or requirement shall prevail.

(B) *Language rules of construction.* The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

(1) All measured distances expressed in feet shall be the nearest tenth of a foot. All distances unless otherwise specified shall be measured horizontally.

(2) The present tense includes the past and future tenses; and the future tense includes the present tense.

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- (3) The singular number includes the plural; and the plural number includes the singular.
- (4) The words “shall” and “must” are mandatory and the words “should” and “may” are permissive.

105 Definitions

If a word or term defined in this chapter appears in the text, its meaning may be construed as set forth in the definition of the word or term as found this section, except where the context clearly indicates a different meaning. If a word is not defined herein, a term is defined by commonly used English language dictionaries.

Access path. An area designated to provide ingress and egress to public waters.

Accessory structure means any subordinate building located on the same lot as the principal building containing a use which is incidental to that of the principal building.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Addition means a physical enlargement of an existing structure.

Adjacent. Having a boundary that physically touches or adjoins.

Adult use — body painting studio means an establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas.

Adult use — bookstore means a building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film or any other audio or visual media if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult use — cabaret means a building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas.

Adult use — companionship establishment means a companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — conversation/rap parlor means a conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — health/sport club means a health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — hotel or motel means adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult use — massage parlor, health club means a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — mini-motion picture theater means a building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age, or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — modeling studio means an establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult use — motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult use — motion picture theater means a building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — novelty business means a business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult use — sauna means a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — steam room/bathhouse facility means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult uses includes adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

(1) *Specified anatomical areas.*

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2) *Specified sexual activities.* Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct:

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- 1 a. Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty,
2 pedophilia, piquerism, sapphism, zooerasty;
- 3 b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
- 4 c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- 5 d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
- 6 e. Situations involving a person, any of whom are nude, clad in undergarments or in sexually
7 revealing costumes, and who are engaged in activities involving the flagellation, torture,
8 fettering, binding or other physical restraint of any such persons;
- 9 f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human
10 being;
- 11 g. Human excretion, urination, menstruation, vaginal or anal irrigation.
- 12 *Adult uses — accessory* means a use, business, or establishment having ten percent of its stock in trade
13 or floor area allocated to, or 20 percent of its gross receipts derived from movie rentals or magazine
14 sales.
- 15 *Adult uses — principal* means a use, business, or establishment having more than ten percent of its stock
16 in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any
17 adult use.
- 18 *Agricultural use* means the raising, cultivation, drying, or storage of agricultural products for sale, or the
19 storage of machinery or equipment currently used in support of agricultural production by the same
20 farm entity.
- 21 *Alternative design*. Subdivision design methods such as conservation design, transfer of development
22 density, or similar zoning and site design techniques that protect open space and natural areas.
- 23 *Amortization* means the establishment of a time schedule over which the cost of an investment is
24 depreciated.
- 25 *Animal Service Business* means a business that provides veterinary care, grooming, training, and/or
26 boarding to pets and animals.
- 27 *Applicant* means a person who is applying for a *land use application approval* as required by this chapter.
28 The term "applicant" also means that person's agents, employees, and others acting under this
29 person's direction.
- 30 *Assisted Living, Memory Care, and Nursing Home Facilities* means a state-licensed residential structure
31 where varying levels of medical care are provided for its residents.
- 32 *Auto salvage*. See *Vehicle wrecking yard*.
- 33 *Barge fleeting*. Temporarily parking and securing barges on the river, on or off channel, while tows are
34 assembled or broken up.
- 35 *Base flood elevation* means the elevation of the "regional flood". The term "base flood elevation" is used
36 in the flood insurance study.
- 37 *Basement* means any area of a structure, including crawl spaces, having its floor or base subgrade
38 (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 39 *Berm* means an earthen mound designed to provide visual interest, screen undesirable views, and/or
40 decrease noise.
- 41 *Best management practices (BMPs)* means erosion and sediment control and water quality management
42 practices that are the most effective and practicable means of controlling, preventing, and minimizing
43 degradation of surface water, including construction-phasing, minimizing the length of time soil areas
44 are exposed, prohibitions, and other management practices published by state or designated area-
45 wide planning agencies. (Refer to the current versions of the Minnesota Pollution Control Agency's
46 publications, "Protecting Water Quality in Urban Areas," and, "Storm-Water and Wetlands: Planning
47 and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt
48 Runoff on Wetlands," the United States Environmental Protection Agency's, "Stormwater
49 Management for Construction Activities: Developing Pollution Prevention Plans and Best

Management Practices," and the state department of transportation's, "Erosion Control Design Manual" for suitable BMPs.)

Biological and ecological functions. The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

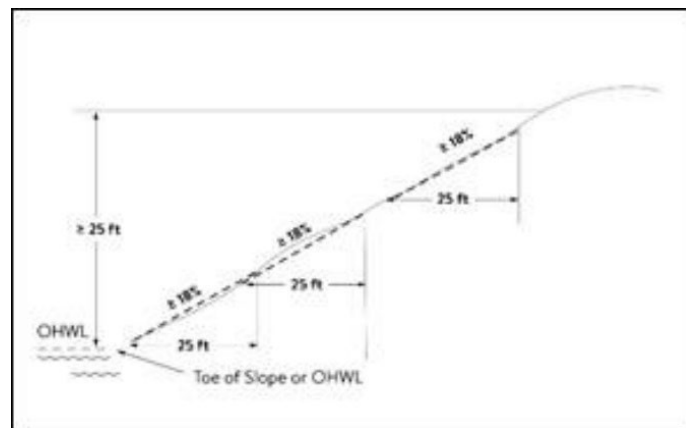
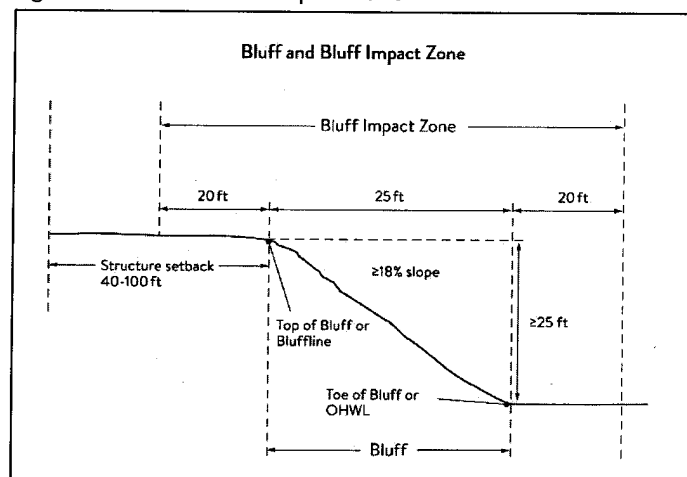
Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above ordinary high water level average 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

Bluff. A natural topographic feature having:

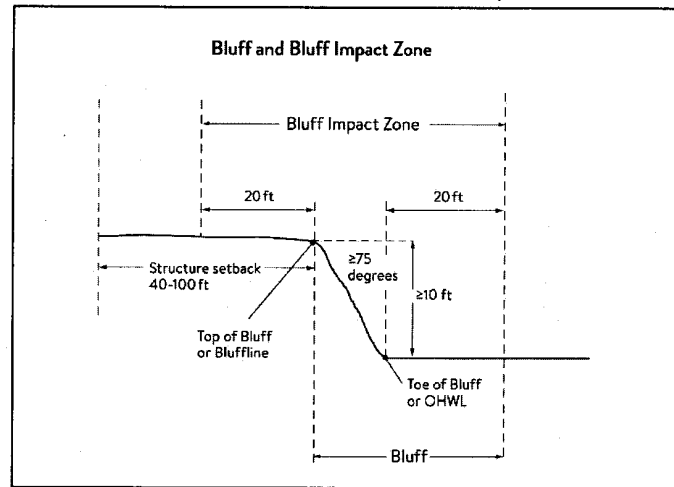
- (A) A slope that rises at least 25 feet and where the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

Figure 1. Bluff and Bluff Impact Zone



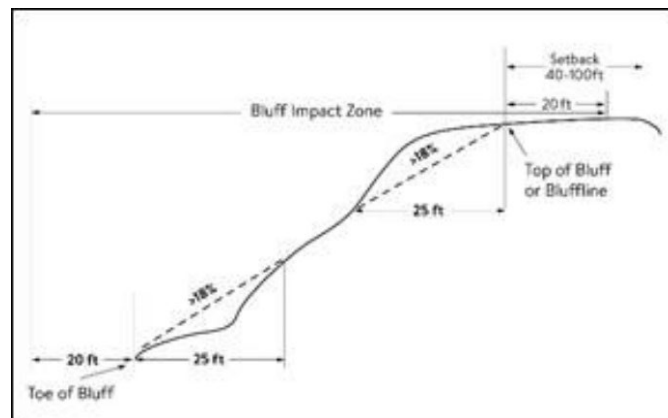
- (B) A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

Bluff impact zone. A bluff and land located within 20 feet of the bluff. See Figures 1 and 2.



Bluffline. A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figures 1 and 2.

Bluff line means:

- (1) A line along the top of a slope connecting the points at which the slope of land becomes more than 12 percent. This applies to those slopes within the land use district which are beyond the setback provisions from the ordinary high water level; or
- (2) The line which generally follows the river bank where the slope changes from steep (more than 12 percent) to less than 12 percent).

Bluff, toe of. A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.

Bluff, top of. A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.

Boathouse means a structure designed or used solely for the storage of boats or boating equipment.

Boulevard means that part of the property not covered by sidewalk or other paving, lying between the property line and the curb line of any street. In the absence of a curb, the curb line of a street shall be deemed to be the edge of that portion of the public right-of-way maintained and open to the use of the public for purposes of public travel.

Brewpub means a business operating as defined and regulated by Minn. Stats. Chapter 340A.

Buffer area means the outer area of a site where the site activity is screened, distanced, or muffled from adjacent land uses. At a minimum the buffer area must be consistent with the intent of Minn. Stats. § 473.823, subd. 3.

Buildable area. The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

Building. A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

Building means any structure, with the exception of enclosed trailers with or without axles or shipping containers, having a roof which may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building height means a distance to be measured from the mean ground level to the highest point of a flat roof, or average height of the highest gable of a pitched or hip roof.

Carport means an automobile shelter open on two ~~one~~ or more sides, and shall be considered an accessory building.

Certificate of compliance. A document written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

Certified arborist means any person holding a valid and current arborist certification as issued by the International Society of Arboriculture (ISA).

Certified forester means any person holding a valid and current forester certification as issued by the Society of American Foresters (SAF).

CFR means the Code of Federal Regulations.

Club means a business operating as defined and regulated by Minn. Stats. Chapter 340A.

Commercial recreation – indoor means private recreational facilities operated for profit and open to members and/or the general public including tennis and racquetball clubs, indoor swimming pools, video arcades (amusement centers), indoor batting cages, pool halls, and the like, excluding health and fitness clubs.

Commercial recreation – outdoor means private recreational facilities operated for profit or not and open to members and/or the general public including golf courses and driving ranges, miniature golf, riding stables, skating rinks, outdoor swimming pools, archery or trapshooting ranges, batting cages, softball, baseball, volleyball, soccer, or football facilities, and the like.

Commissioner. The commissioner of the ~~Minnesota Department of Natural Resources~~, applicable state agency.

Comprehensive plan means a computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in Minn. Stats. § 462.352, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

Conservation design. A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Construction equipment trailer/field office means a mobile trailer or structure used for equipment storage or as a field office for contractors and subcontractors, which is not open to the general public.

1 *Covenant* means a contract between two individuals which constitutes a restriction of a particular use of
2 land that is not enforced by the City, County, State, or Federal government.

3 *Conventional subdivision*. A pattern of subdivision that is characterized by lots that are spread regularly
4 throughout a parcel in a lot and block design.

5 *Data Center* means a facility that houses information technology (IT) infrastructure for building, running,
6 and delivering applications and services and for storing and managing the data associated with
7 those applications and services.

8 *Daycare Centers* means a licensed business that provides supervision of and care for children, physically
9 or mentally disabled adults, or the elderly for a portion of the day or night.

10 *Deck*. A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached
11 railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

12 *Density* means a number expressing the ratio of dwelling units to an acre of land. *Net Density* deducts
13 waterbodies and wetlands.

14 *Detailing services* means a business that provide comprehensive cleaning and reconditioning of both a
15 vehicle's interior and exterior.

16 *Developer*. Having the meaning given under Minn. Stats. § 116G.03.

17 *Development*. Having the meaning given under Minn. Stats. § 116G.03.

18 *Discharge* means the conveyance, channeling, runoff, or drainage, of stormwater, including snowmelt,
19 from a ~~construction~~ site.

20 *Discretionary action*. An action under this chapter related to land use that requires a public hearing by
21 local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit
22 developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

23 *Distribution Facility* means an establishment where shipments of tangible personal property are
24 processed for delivery to customers.

25 *Dock*. Having the meaning given under Minnesota Rules, chapter 6115.

26 *Driveway* means an onsite prepared surface traffic lane, which shall be the traffic lane leading directly
27 from a public street to the primary garage or a parking pad or lot on the subject parcel;

28 *Dustless Surface* consists of compacted bituminous millings or crushed rock. The crushed rock must all be
29 similar in size with no fine particles. Aggregate material similar to state DOT class 5 is not considered
30 dustless.

31 *Dwelling, manufactured home*, means a structure, transportable in one or more sections, which in the
32 traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when
33 erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated
34 to be used as a dwelling with or without a permanent foundation when connected to the required
35 utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained
36 therein; except that the term includes any structure which meets all the requirements and with
37 respect to which the manufacturer voluntarily files a certification pursuant to Minn. Stats. §§
38 327.31—327.36. The term "dwelling, manufactured home," does not include "recreational vehicle"
39 as defined herein.

40 *Dwelling, multiple-family*, means a building designed with three or more dwelling units exclusively for
41 occupancy by three or more families living independently of each other but sharing hallways and
42 main entrances and exits.

43 *Dwelling, senior living*, means a building designed with three or more dwelling units exclusively for
44 occupancy where at least one of the residents in each unit is aged 55 or greater living independently
45 of each other but sharing hallways and main entrances and exits.

46 *Dwelling, single-family detached*, means a dwelling unit designed exclusively for occupancy by one family.

47 ~~*Dwelling, townhouse*, means structures that are designed for single household habitation, but have~~
48 ~~outdoor areas and/or indoor centers that are commonly owned and maintained by a homeowners'~~
49 ~~association. Townhouses have a minimum of one individual entrance/exit per unit.~~

Dwelling, Townhomes (Attached) means structures housing two three or more dwelling units contiguous to each other only by the sharing of one or more common walls; such structures are of the back-to-back or row-house type as contrasted to multiple dwelling apartment structures.

Dwelling, Townhomes (Detached) means a dwelling unit not attached to another dwelling or structure and have outdoor areas and/or indoor centers that are commonly owned or maintained by a homeowners' association.

Dwelling, Two-family attached, means a structure designed exclusively for occupancy by two families having separate kitchen, bathroom, and living spaces.

Easement means a grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of construction and maintaining utilities and/or roadways.

Electric power facilities. Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minn. Stats. § 216E.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Equipment, commercial use, means a variety of heavy machines, either specifically designed or used for commercial purposes, which perform specific construction or demolition functions, such as hoisting, excavating, hauling, grading, paving, drilling, or pile driving, under power. Trailers, either enclosed or flatbed, 6×12 or smaller, are exempt unless they have a department of transportation certificate or number; trailers used for transport of recreational vehicles and not used for any commercial use are exempt.

A licensed, self-propelled vehicle which:

- (1) Has a gross vehicle weight rating (GVWR) OF 10,001 pounds or more and contains print or logos which advertise a business; or
- (2) Has external modifications to the structure or body, where external modifications are defined as both dealer and non-dealer modifications which result in pick-up trucks that do not have the traditional pick-up truck bed and side walls, and vans that have an expanded cargo area that is taller or wider than a passenger van, except those modified for use as either a recreational vehicle or to accommodate handicapped passengers and which are currently being utilized for this purpose. Motorized vehicles that have racks, storage boxes, or shells added to the traditional pick-up bed are exempt from this definition.

Equipment, private use, means any motorized or non-motorized apparatus whose primary use is for personal activities not related to generating revenue or profit.

Erosion means the wearing away of the ground surface as a result of the movement of wind, water and/or ice or any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion and sediment practice specifications or practice means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the city, county or local watershed group, whichever is more stringent.

Essential services. Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minn. Stats. § 115.01, electric power facilities or transmission services.

Exterior solid fuel-fired heating device means an external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs.

1 *Family* means an individual; two or more persons related by blood, marriage, adoption, or foster care; or
2 not more than four persons not related by blood, marriage, adoption, or foster care occupying a
3 dwelling unit as an individual housekeeping organization.

4 *Farm* means a tract of land used for agricultural uses which is under cultivation or is fenced and utilized
5 as pasture.

6 *Farm fence* means an open type fence of posts and wire, which is permitted to accommodate agricultural
7 activities and the raising of livestock and animals in certain zoning districts, and is not considered to
8 be a structure with regard to floodplain regulations.

9 *Farming* means process of operating a farm for the growing and harvesting of crops which shall include
10 those necessary accessory buildings, related to operating a farm, and the keeping of domestic farm
11 animals. See also *Agriculture*.

12 *Feedlot*. Having the meaning given for animal feedlots under Minnesota Rules chapter 7020.

13 *Fence* means any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

14 *Fill* means a deposit of earth material placed by artificial means so as to elevate the grade of a work site.

15 *Fitness Center* means a gym, health club, or exercise business and auxiliary uses customary to them such
16 as locker rooms, swimming pools, and the like.

17 *Flood* means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake
18 that results in the inundation of normally dry areas.

19 *Flood frequency* means the frequency for which it is expected that a specific flood stage or discharge
20 may be equaled or exceeded.

21 *Flood fringe* means that portion of the floodplain outside of the floodway. The term "flood fringe" is
22 synonymous with the term "floodway fringe" used in the flood insurance study for the city.

23 *Floodplain*. Having the meaning given the meaning given under Minnesota Rules chapter 6120.

24 *Floodproofing* means a combination of structural provisions, changes, or adjustments to properties and
25 structures subject to flooding, primarily for the reduction or elimination of flood damages.

26 *Floodway* means the channel of the watercourse and those portions of the adjoining floodplain which are
27 reasonably required to carry and discharge the regional flood.

28 *Floor area* means the sum of the gross horizontal areas of the several floors of a building or buildings
29 measured from the exterior faces of exterior walls or from the centerline of party walls.

30 *Floor area ratio* means the total floor area on a zoning lot divided by the total site area of the lot or parcel
31 being developed.

32 *Forest land conversion* means the clear-cutting of forested lands to prepare for a new land use other than
33 reestablishment of a subsequent forest stand.

34 *Forestry* means the use and management, including logging, of a forest, woodland or plantation, and
35 related research and educational activities, including the construction, alteration or maintenance
36 of woodroads, skidways, landings, and fences.

37 *Fully reconstructs*. The reconstruction of an existing impervious surface that involves site grading and
38 subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are
39 not considered fully reconstructed.

40 *Garage, primary residential*, means a garage attached to the principal building or dwelling, or a detached
41 garage where an attached garage does not exist, intended for the storage of vehicles and items
42 accessory to the principal use of the property. Primary residential garages, attached or detached,
43 shall be considered accessory structures.

44 *Glare* means direct light emitting from a luminaire that causes reduced vision or momentary blindness.

45 *Ground source heat pump system (geothermal system)* means a system that uses the relatively constant
46 temperature of the earth or a body of water to provide heating in the winter and cooling in the
47 summer. System components include open or closed loops of pipe, coils, or plates; fluid that absorbs
48 and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling;
49 and an air distribution system.

1 *Grade* means the vertical rise or drop from any fixed horizontal line or point.

2 *Grading* means:

3 (1) Changing the natural or existing topography of land; or

4 (2) The placement, removal or movement of earth by use of mechanical equipment on a

5 property.

6 *Groundcover* means turf grass or natural native landscaping.

7 *Hard-surface trail*. A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose

8 use, as determined by local, regional, or state agency plans.

9 *Hedge* means a row of closely planted shrubs or low growing trees forming a fence or boundary.

10 *Heliport* means an area of land that is used or intended to be used for the landing and takeoff of

11 helicopters, and includes its buildings and facilities.

12 *Historic property*. An archaeological site, standing structure, site, district, or other property that is:

13 1. Listed in the National Register of Historic Places or the state register of historic places or

14 locally designated as a historic site under Minn. Stats. ch. 471;

15 2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the

16 State register of historic places as determined by the director of the Minnesota Historical

17 Society; or

18 3. An unplatted cemetery that falls under the provisions of Minn. Stats. ch. 307, in consultation

19 with the office of the state archaeologist.

20 *Homeowners' association (HOA)* means an organization comprising neighbors concerned with managing

21 the common areas of a subdivision, governed by a board, that create a set of bylaws, in addition to

22 city regulation, to govern themselves. These boards own and maintain commonly-held land within

23 a townhouse or single-family development, and are responsible for private street maintenance,

24 snow removal, landscaping, and/or building maintenance. Each homeowners' association varies in

25 its scope and responsibilities. The homeowners' association is responsible for enforcing any

26 covenants, conditions, and restrictions that apply to the property.

27 *Horse boarding, commercial*, means the housing or keeping of horses for profit. Horse boarding will be

28 considered to be commercial when horse care is offered to the general public through any form of

29 advertising.

30 *Horse boarding, noncommercial*, means the housing or keeping of horses for friends, neighbors, and

31 relatives when the charge for such boarding is limited to the actual costs incurred and the person

32 providing the service has not attempted to solicit business through any form of advertising.

33 *Hotel* means a building or group of detached, semi-detached or attached buildings containing guestrooms

34 or units, each of which has a separate entrance directly from the outside of the building or corridor,

35 with garage or parking space conveniently located to each unit, and which is designed, used or

36 intended to be used primarily for the accommodation of transient guests.

37 *Hydroponics (hydrophytic vegetation)* means macrophytic (large enough to be observed by the naked eye)

38 plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a

39 result of excessive water content.

40 *Impervious surface*. A constructed hard surface that either prevents or retards the entry of water into the

41 soil and causes water to run off the surface in greater quantities and at an increased rate of flow

42 than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots,

43 storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

44 *Improvements* means the construction or installation of public or private utilities, including but not limited

45 to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks,

46 curbs and gutters, paving barricades, trees and other plantings, lighting, fuel or energy and the

47 transmission thereof, transportation systems or facilities connected therewith and communication

48 systems which are necessary, desirable or convenient in the maintenance of the health, safety and

49 the general welfare.

Incinerator means any furnace or other device used in the process of burning solid waste, hazardous waste, medical waste or special waste for the purpose of reducing the volume of the waste by removing combustible material.

Intensive vegetation clearing. The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Interim use. A use having the meaning given under Minn. Stats. §§ 394 and 462.

Land alteration. An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

Land disturbance activity means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- (1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- (2) Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under 500 square feet of exposed soil.
- (3) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.
- (4) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which result in creating under 500 square feet of exposed soil.
- (5) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Landscape plan means the design and specifications for the placement of any live plant materials such as trees, shrubs, ground cover and grasses as well as humanmade structures such as walls, fences, and berms. This also includes the retention of existing vegetation for the purposes of enhancing property value and aesthetics, protecting the community's environment, and minimizing negative impacts on visual order of the community.

Landscaping means the use of natural plant materials including but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation, and maintenance of such plant materials and includes such elements as fences, walls, lighting, and earth mounding.

Licensed Residential Facilities means a state-licensed 24-hour supervised residential care facility housing up to six unrelated individuals.

Local government. Counties, cities, and townships.

~~*Local park agencies.* Intentionally deleted. Anoka County Parks is the implementing agency for Regional Parks within Ramsey.~~

Lot. Having the meaning given under Minnesota Rules chapter 6120.

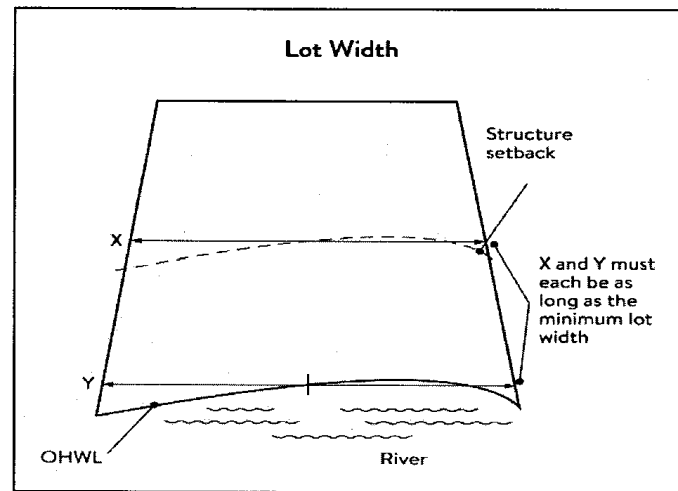
Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot line means a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Lot of record means any lot which individually, or as part of a subdivision, was a separate parcel of record on April 28, 1972.

1 *Lot, depth of*, means a mean horizontal distance between the front and rear lot lines measured in the
2 mean direction of the side lot lines.
3 *Lot, frontage*, means the front of a lot shall be, for purposes of complying with this Code, that boundary
4 abutting a public right-of-way having the least width.
5 *Lot, interior*, means a lot, other than a corner lot, including through lots.
6 *Lot width* means the uniform width measured at the property line abutting the street at the minimum
7 building setback line of the underlying zoning district. In the case of a lot abutting a cul-de-sac, the
8 lot width is the width measured at right angles to the depth at the building setback requirement.
9 *Lot width*. The shortest distance between lot lines measured at both the ordinary high water level and at
10 the required structure setback from the ordinary high water level. See Figure 3.

Figure 3. Lot Width



11
12 *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or
13 flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area
14 other than a basement area, is not considered a building's lowest floor.
15 *Marina*. Having the meaning given under Minnesota Rules chapter 6115.
16 *Manufacturing*. the processing or assembly of raw materials or parts into finished goods through the use
17 of tools, human labor, machinery, and chemical processing. This definition includes hydroponics.
18 *Mississippi River Corridor Critical Area (MRCCA)*. The area within the River Corridor Boundary (~~See section~~
19 ~~117-148(b)(6)bs~~) (~~Definitions — River Corridor Boundary~~).
20 *Mississippi River Corridor Critical Area (MRCCA) Plan*. A chapter or other element in the City of Ramsey
21 comprehensive plan.
22 *Model home* means a dwelling in a developing subdivision, located on a legal lot of record, that is limited
23 to temporary use as a sales office for the subdivision and to provide an example of the dwellings
24 which have been built or which are proposed to be built within the same subdivision.
25 *Mooring facility*. Having the meaning given under Minnesota Rules chapter 6115.0170.
26 *Motor fuel station* means a place where gasoline is stored only in underground tanks, kerosene or motor
27 oil and lubricants or grease, for operation of vehicles.
28 *Motor vehicle, commercial use*, means any device designed to be self-propelled that is eligible for legal
29 operation on the public roads and highways and whose primary use is to facilitate the generation
30 of revenue. This shall not include standard passenger automobiles, pick-up trucks and vans
31 displaying company logos and/or advertisements.
32 *Motor vehicle, private use*, means any device which is designed to be self-propelled, and not deriving its
33 power from overhead wires. This shall also include standard passenger automobiles, pickup trucks
34 and vans displaying company logos and/or advertisements.

1 *Motor Vehicle repair* means general repair, rebuilding or reconditioning engines, motor vehicles or
2 trailers, collision service, including body, frame or fender straightening or repair, overall painting or
3 paint job, minor repairs, replacement of parts, and motor services.

4 *Motor Vehicle Sales and Showrooms* means a business that is licensed by the State of Minnesota as
5 defined by Minn. Stats. 168.27, subd. 1(f) for new motor vehicle dealers, used motor vehicle dealers,
6 motor vehicle brokers, wholesalers, auctioneers, lessors of new or used motor vehicles. This
7 definition does not include scrap metal processors, used vehicle parts dealers, and salvage pools.

8 *Native plant community*. A plant community that has been identified as part of the Minnesota Biological
9 Survey or biological survey issued or adopted by a local, state, or federal agency.

10 *Natural area* means an area that does not include noxious weeds that is purposely left to grow in a
11 natural state and contains vegetation that can maintain itself in a stable condition.

12 *Natural-surface trail*. A trail composed of native soil and rock or compacted granular stone, primarily
13 intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state
14 agency plans.

15 *Natural vegetation*. Any combination of ground cover, understory, and tree canopy that, while it may have
16 been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat,
17 and recharge groundwater.

18 *Nonconforming use* means any use of land established before the effective date of the ordinance from
19 which this chapter is derived which does not conform to the use restrictions of a particular zoning
20 district. This should not be confused with substandard dimensions of a conforming use.

21 *Nonconforming use, illegal*, means a building, structure, premises, or use which at the time of its
22 establishment did not comply or conform with the applicable conditions or provisions of this Code
23 which were in effect at such date, and which continues such noncompliance and nonconformance
24 with the present Code.

25 *Nonconforming use, legal*, means a building, structure, premises, or use which at the time of its
26 establishment was in compliance and conformance with the applicable conditions and provisions
27 of this Code which were in effect at such date, but which does not now comply or conform to
28 conditions and provisions of the current Code.

29 *Nonconformity*. Having the meaning given under Minn. Stats. § 394.22.

30 *Noncomplying Sewage Treatment System* has the same meaning as in Chapter 113.

31 *Nonmetallic mining*. Construction, reconstruction, repair, relocation, expansion, or removal of any facility
32 for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such a
33 stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads,
34 bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes
35 all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures
36 that drain or divert public waters to allow mining.

37 *Obstruction* means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection,
38 excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or
39 matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which
40 may impede, retard, or change the direction of the flow of water, either in itself or by catching or
41 collecting debris carried by such water.

42 *Off-premise advertising signs*. Those signs that direct attention to a product, service, business, or
43 entertainment venue that is not exclusively related to the premises where the sign is located.

44 *Off-street loading space* means a space accessible from the street, alley or way, in a building or on the lot
45 for the use of trucks while loading or unloading merchandise or materials. Such space shall be of
46 such size as to accommodate one truck of the type typically used in the particular business and shall
47 be exclusive of general public and employee parking spaces.

48 *On site* means any location within the boundaries of a site.

49 *One hundred-year floodplain* means lands inundated by the regional flood.

Open space means an area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.

Open space recreation uses means recreation use particularly oriented to and utilizing the outdoor character of any area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Operable motor vehicle means a vehicle that can be presented in a self-propelled condition within seven days of the city's request for such action.

Ordinary high water level (OHWL). Having the meaning given under Minn. Stats. § 103G.005.

Ordinary high-water mark means either of the following:

(1) The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.

(2) Generally the boundary elevation where the vegetation changes from predominately aquatic (where "aquatic" broadly means that the vegetation can survive moist conditions) to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minn. Stats. § 103G.005, subd. 14 provides that the "... "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

a. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

b. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

c. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. The term "ordinary high water mark" is further defined in Minn. Rules pt. 6120.2500, subpt. 11. Ordinary high-water marks are determined by the state department of natural resources' area hydrologist.

Outdoor display means an area of land where goods are displayed and which are available for sale to the general public from inside a retail outlet or warehousing facility.

Outdoor sales means an outdoor area where goods are sold and displayed for sale and is freely accessible to the public.

Outdoor storage means the exterior storage of goods, inventory, materials, equipment, or other items which are not necessarily intended for sale nor accessible to the public.

Outlot means a parcel that is not a developable piece of property unless re-platted in accordance with city ordinances.

Owner means any person, firm or corporation, or any other legal entity, or a combination of any of them, having sufficient legal proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Overlay district. A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those

1 of the underlying zoning district. Overlay districts are often used to protect historic features and
2 natural resources such as shoreland or floodplain.

3 *Parcel.* Having the meaning given under Minn. Stats. § 116G.03.
4 *Parcel means an individual lot or tract of land.*

5 *Park* includes any city public spaces designated for recreation and/or conservation.

6 *Patio.* A constructed hard surface located at ground level with no railings and open to the sky.

7 *Paved means a surface made of concrete, asphalt, pervious pavement, driveway quality pavers.*

8 *Permitted use* means a use which may be lawfully established in a particular district, provided it conforms
9 with all requirements, regulations, and performance standards (if any) of such districts.

10 *Person* means an individual, firm, partnership, association, corporation or organization of any kind.

11 *Personal Services* means a retail business that provides a service rather than a product for sale. Examples
12 of such uses are barbershops, salons, massage studios, body art studios, and photography studios.

13 *Personal use heliport* means restricted to use by one person.

14 *Pervious surface* means a surface that permits the entry of water into the soil. Examples include lawns,
15 planting beds and paving brick surfaces designed to infiltrate water into the underlying soils.

16 *Picnic shelter.* A roofed structure open on all sides, accessory to a recreational use.

17 *Planned unit development.* A method of land development that merges zoning and subdivision controls,
18 allowing developers to plan and develop a large area as a single entity, characterized by a unified
19 site design, a mix of structure types and land uses, and phasing of development over a number of
20 years. Planned unit development includes any conversion of existing structures and land uses that
21 utilize this method of development.

22 *Plat.* Having the meaning given under Minn. Stats. chs. 505 and 515B.

23 *Port.* A water transportation complex established and operated under the jurisdiction of a port authority
24 according to Minn. Stats. ch. 458.

25 *Post-Secondary Educational Facility* means a private or public facility engaged in for-credit or skill and
26 trade certifications of students post high-school age. Examples include, but are not limited to,
27 beauty schools, business schools, and trade schools.

28 *Primary conservation areas.* Key resources and features, including shore impact zones, bluff impact zones,
29 floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes,
30 unstable soils and bedrock, native plant communities, cultural and historic properties, and
31 significant existing vegetative stands, tree canopies, and other resources identified in local
32 government plans.

33 *Primitive campsites* means an area that consists of individual remote campsites accessible only by foot or
34 water.

35 *Principal use or structure* means all uses or structures that are not accessory uses or structures.

36 *Private facilities.* Private roads, driveways, and parking areas, private water access and viewing facilities,
37 decks and patios in setback areas, and private signs.

38 *Professional engineer.* An engineer licensed to practice in Minnesota.

39 *Professional Services* means a business that provides a service in an office setting rather than a product
40 for sale, other than medical or dental services. Examples of such uses are law offices, engineering
41 services, architectural services, and consulting services.

42 *Property owner* means the person owning such property as shown by the county auditor's plat of the City
43 of Ramsey, Minnesota.

44 *Protected waters* means any public waters as defined in Minn. Stats. § 103G.005. However, no lake, pond
45 or flowage of less than ten acres in size and no river or stream having a total drainage area less than
46 two square miles shall be regulated for the purposes of these regulations.

47 *Protective covenants* means contracts made between private parties as to the manner in which land may
48 be used, with the view to protecting and preserving the physical and economic integrity of a given
49 area.

1 *Public facilities.* Public utilities, public transportation facilities, and public recreational facilities.

2 *Public recreation facilities.* Recreational facilities provided by the state or a local government and

3 dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks,

4 fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities

5 used for recreation.

6 *Public river corridor views.* Views toward the river from public parkland, historic properties, and public

7 overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore,

8 as seen during the summer months and documented in the MRCCA plan/chapter of the

9 comprehensive plan.

10 *Public transportation facilities.* All transportation facilities provided by federal, state, or local government

11 and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

12 *Public utilities.* Electric power facilities, essential services, and transmission services.

13 *Public waters.* Having the meaning given under Minn. Stats. § 103G.005.

14 *Reach* means a hydraulic engineering term to describe a longitudinal segment of a stream or river

15 influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or

16 river between two consecutive bridge crossings would most typically constitute a reach.

17 *Readily visible.* Land and development that are easily seen from the ordinary high water level of the

18 opposite shore during summer months.

19 *Recreation field or building* means an area of land, water, or any building in which amusement,

20 recreation or athletic sports are provided for public or semi-public use, whether temporary or

21 permanent, except a theater, whether provision is made for the accommodation of an assembly

22 or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or

23 building for the purpose of this Code.

24 *Recreational vehicle* means a vehicle that is built on a single chassis, is 400 square feet or less when

25 measured at the largest horizontal projection, is designed to be self-propelled or permanently

26 towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as

27 a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of

28 subdivision III (floodplain overlay districts), the term recreational vehicle is synonymous with the

29 term 'travel trailer/travel vehicle'.

30 *Regional flood* means a flood which is representative of large floods known to have occurred generally in

31 Minnesota and reasonably characteristic of what can be expected to occur on an average

32 frequency in the magnitude of the 100-year recurrence interval. The term "regional flood" is

33 synonymous with the term "base flood" used in the Flood Insurance Study.

34 *Regulatory flood protection elevation* means an elevation no lower than one foot above the elevation of

35 the regional flood plus any increases in flood elevation caused by encroachments on the

36 floodplain that result from designation of a floodway.

37 *Religious Institution* means a building, together with its accessory buildings and uses, where persons

38 regularly assemble for religious worship and which building, together with its accessory buildings

39 and uses, is maintained and controlled by a religious body organized to sustain public worship.

40 *Resource agency.* A federal, state, regional, or local agency that engages in environmental, natural, or

41 cultural resource protection or restoration activities, including planning, implementation, and

42 monitoring.

43 *Retaining wall.* A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or

44 stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet

45 pilings, poured concrete, concrete blocks, or other durable materials.

46 *Right-of-way* means the area within the limits of a street, alley, pedestrian way, thoroughfare or

47 easement.

1 *River corridor boundary.* The boundary approved and adopted by the Metropolitan Council under Minn.
2 Stats. § 116G.06, as approved and adopted by the legislature in Minn. Stats. § 116G.15, and as
3 legally described in the State Register, volume 43, pages 508 to 518.

4 *River-dependent use.* The use of land for commercial, industrial, or utility purposes, where access to and
5 use of a public water feature is an integral part of the normal conduct of business and where the
6 use is dependent on shoreline facilities.

7 *Rock Riprap.* Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge
8 abutments, pilings and other shoreline structures against scour, or water or ice erosion.

9 *Sediment* means the product of an erosion process; solid material both mineral and organic, that is in
10 suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on
11 the earth's surface either above or below water level.

12 *Sediment control* means the methods employed to prevent sediment from leaving the development site.
13 Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check
14 dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or
15 permanent sedimentation basins.

16 *Sedimentation* means the process or action of depositing sediment caused by erosion.

17 *Selective cutting* means the removal of single scattered trees.

18 *Selective vegetation removal.* The removal of isolated individual trees or shrubs that are not in a
19 contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or
20 understory cover.

21 *Setback* means the minimum horizontal distance between a use and lot line or other distinguished area.
22 Distances are to be measured from ground level except as provided hereinafter.

23 *Setback.* A separation distance measured horizontally.

24 *Semi-public use* means the use of land by a private, nonprofit organization to provide a public service that
25 is ordinarily open to some persons outside the regular constituency of the organization.

26 *Sewage treatment system* means:

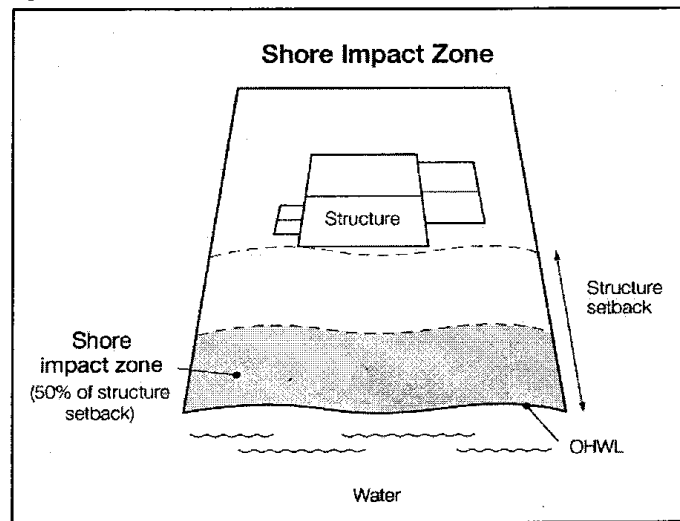
27 (1) Any system for the collection, treatment and dispersion of sewage including but not limited
28 to septic tanks, soil absorption systems and drain fields; or

29 (2) Septic tank and soil absorption system or other individual or cluster type sewage treatment
30 system as described and regulated in this chapter.

31 *Shore impact zone* means land located between the ordinary high water level of a public water and a line
32 parallel to it at a setback of 50 percent of the structure setback.

33 *Shore impact zone.* Land located between the ordinary high water level of public waters and a line parallel
34 to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet
35 landward of the ordinary high water level. See Figure 4.

Figure 4. Shore Impact Zone



Shoreland means the land within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Shoreline facilities. Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope means the degree of deviation of a surface from the horizontal, usually expressed in percent, degrees, or ratio.

Special purpose units of government. The University of Minnesota, the St. Paul Port Authority, watershed management organizations established under Minn. Stats. ch. 103B, watershed districts established under Minn. Stats. ch. 103D, and any other unit of government other than local government or a state or regional agency.

State or regional agency. The Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan Council, and other state agencies.

Steep slope. A natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Storm water management facilities. Facilities for the collection, conveyance, treatment, or disposal of storm water.

Story means that portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

Street frontage means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two such frontages.

Structure. A building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.

Structure means either:

- (1) Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including towers, poles and other supporting appurtenances.
- (2) Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
- (3) Any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electrical, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances, and fences used to control livestock or delineate boundaries.

Structure, principal, means anything that houses or facilitates the principal use of a property.

Subdivision. Having the meaning given under Minn. Stats. § 462.352.

Substandard use means any use within the land use district existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this chapter.

Subsurface sewage treatment system. Having the meaning given under Minnesota Rules, part 7080.1100.

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Temporary real estate office means a structure with or without a foundation or footings, used only as a temporary real estate office, which is open to the general public.

Toe of the bluff means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Topsoil means black dirt composed of unconsolidated material, largely undecomposed organic matter that is a suitable foundation for vegetative growth. The composition of topsoil should contain no more than 35 percent sand content.

Tow Yard. See *Vehicle Wrecking Yard*.

1 *Transmission services.*

2 (A) Electric power lines, cables, pipelines, or conduits that are:

3 (1) Used to transport power between two points, as identified and defined under Minn.
4 Stats. § 216E.01, subd. 4; or

5 (2) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas,
6 liquids, or solids in suspension between two points; and

7 (B) Telecommunication lines, cables, pipelines, or conduits.

8 *Treeline.* The more or less continuous line formed by the tops of trees in a wooded area when viewed
9 from a particular point. The treeline is determined during all seasons as if under full foliage.

10 *Truck Terminal.* means a building, structure or land where trucks and/or tractor trailers are rented,
11 leased, or stored, or are dispatched for hire as common carriers.

12 *Twin Cities Metropolitan area.* The area over which the Metropolitan Council has jurisdiction according to
13 Minn. Stats. § 473.121, subd. 2.

14 *Unlicensed Supportive Living Facility* means a residential dwelling that is not licensed as a Licensed
15 Residential Facility that provides congregate and supportive living environment for no more than
16 six unrelated individuals classified under the Americans with Disabilities Act (ADA).

17 *Use, principal,* means the purpose or activity for which the land or building thereon is designated,
18 arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the
19 performance of such activity as defined by the performance standards of this chapter.

20 *Variance.* Having the meaning given under Minn. Stats. § 394.22.

21 *Vegetation* means the sum total of plant life in some area; or a plant community with distinguishable
22 characteristics.

23 *Vehicle wrecking yard* means any place where vehicles not in running condition and/or not licensed, or
24 parts thereof, are stored in the open or any land used for wrecking or storing of such motor vehicles
25 or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles
26 or merchandise.

27 *Water access ramp.* A boat ramp, carry-down site, boarding dock, and approach road, or other access that
28 allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and
29 trailer.

30 *Water body* means a body of water (lake, pond) in a depression of land or expanded part of a river, or an
31 enclosed basin that holds water and is surrounded by land.

32 *Water-oriented accessory structure or facility* means a small, above ground building or other
33 improvement, except stairways, fences, docks, and retaining walls, which, because of the
34 relationship of its use to a surface water feature, reasonably needs to be located closer to public
35 waters than the normal structure setback. Examples of such structures and facilities include
36 boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

37 *Water-oriented accessory structure.* A small building or other improvement, except stairways, fences,
38 docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be
39 located closer to public waters than the normal structure setback. Examples include gazebos, screen
40 houses, fish houses, pump houses, and detached decks and patios.

41 *Water quality impact zone.* Land within the shore impact zone or within 50 feet of the boundary of a public
42 water, wetland, or natural drainage way, whichever is greater.

43 *Wetland.* Having the meaning given under Minn. Stats. § 103G.005.

44 *Wharf.* Having the meaning given under Minnesota Rules, part 6115.0170.

45 *Wholesale Sales* means sales of products to a business or person who will resell the articles in the regular
46 course of business or incorporate the article into another product that will be sold.

47 *Wind energy conversion system (WECS)* means any device such as a wind charger, wind mill, or wind
48 turbine and associated facilities that converts wind energy to electrical energy. This equipment

includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, or other component used in the system.

Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, front, means that area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, side, means a yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the structure to the rear property line.

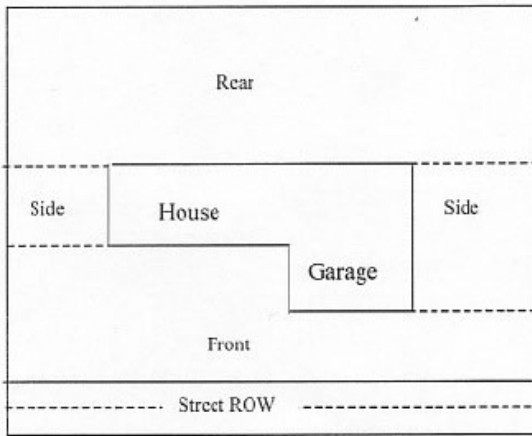


Figure 1. Attached Garage

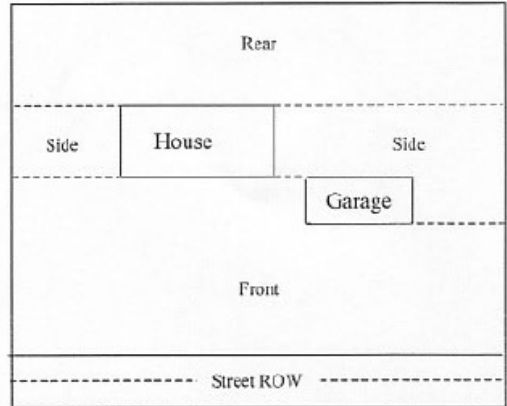


Figure 2. Detached Garage in Front

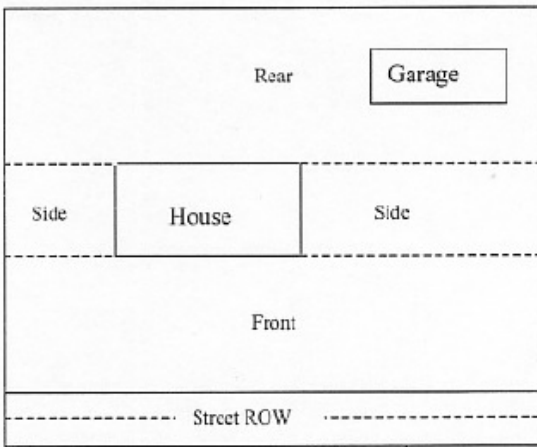


Figure 3. Detached Garage in Rear

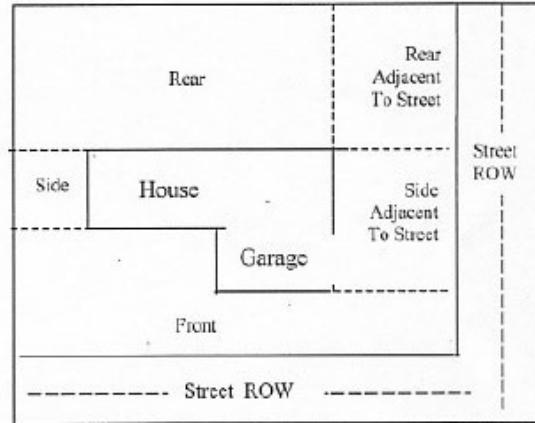


Figure 4. Corner Lot

Zoning administrator means the community development department.

Zoning district means an area within the limits of the city for which the regulations and requirements governing use are uniform.

Zoning district, overlay, means a zoning district containing regulations superimposed upon other zoning district regulations and may supersede the underlying zoning district if more restrictive than the underlying zoning district regulations.

Zoning district, underlying, means all zoning districts except overlay zoning districts.

Zoning map means the map incorporated into this chapter as a part thereof, designating the zoning districts.

Zoning Code means the zoning ordinance of the city, as amended from time to time by the City.

106 Applicability and Compliance

From and after the effective date of the ordinance from which this chapter is derived, the use of all land and every building or portion of a building erected, altered in height and area, added to, or relocated, and every use within a building, or use accessory thereto, in the city shall be in conformity with the provisions of this chapter and after the lawful issuance of all required permits.

110 Administration

Sections 111-140 establish the administration and enforcement powers of this chapter.

111 Zoning Administrator

The zoning administrator shall:

- (A) Administer and enforce the provisions of this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter;
- (B) Maintain the official zoning map;
- (C) Maintain a permanent file of all zoning applications as public records.

120 Official Zoning Map

- (A) The boundaries of the zoning districts ~~and development areas~~ and overlay districts are delineated on the official zoning map, which is adopted by reference and declared to be a part of this chapter.

Such map shall be on permanent file and available for public inspection in City Hall. It shall be the responsibility of the zoning administrator to maintain and keep the map up to date and to revise or update the map with each amendment thereto within 30 days after official publication of the ordinance adopting the amendment.

- (B) District and development area boundaries shown within the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district or development area boundaries. When the zoning administrator cannot definitely determine the location of a district or development area boundary by such centerlines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, the zoning administrator shall interpret the location of the district or development area boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this Code. When a district or development area boundary line divides a lot of record into two or more districts or into both development areas, any portion of the lot within 50 feet of such division may be used for any use of either district or development area as approved by the [Planning Commission](#). The Metropolitan Urban Service Area (MUSA) boundary line [as shown in the Comprehensive Plan](#), however, defines the limits of sewer areas. Any area outside of the MUSA boundary shall not be served with sewer.

130 Enforcement

- (A) Any violation of this chapter may be enjoined by the council through proper legal channels. Each day a violation is permitted to exist shall constitute a separate offense.
- (B) In case any building, structure, or land is proposed to be erected, reconstructed, altered, converted, maintained or used in violation of this chapter, the council, in addition to other remedies, may institute in the name of the city any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation, [as prescribed in Chapter 2](#).
- (C) [Violation of any provision of this chapter is considered a misdemeanor.](#)
- (D) [Appeals are provided in the same manner as prescribed in Chapter 2.](#)

140 Non-Conformities

- (A) *Intent.* It is the purpose of this section to provide for the regulation of nonconforming buildings, structures, [site improvements](#), and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. This chapter establishes separate districts, each of which is an appropriate area for the location of uses that are allowed in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures, [site improvements](#), and uses not be allowed to continue without restriction. Furthermore, it is the intent of this section that all nonconforming uses shall be eventually brought into conformity or terminated.
- (B) *Regulations.*
- (1) Whenever a lawful nonconforming use of a structure or land or occupancy is discontinued for a continuous period of one year, any future use of said structure or lands shall be made to conform with the provisions of this chapter.
- (2) Notwithstanding any other provisions of this chapter, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless it is a nonconforming use that is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon

-
- 1 a building permit in order to mitigate any newly created impact on adjacent property. Any
2 subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- 3 (C) Creation of nonconformities by public action
- 4 (1) Where there exists as of the date of adoption of this section a conforming land use, lot of
5 record, sign, structure, and/or site improvement and a subsequent taking by a governmental
6 body occurs under eminent domain or negotiated sale which renders such land use, lot of
7 record, structure, or site improvement in violation of one or more provisions of this chapter,
8 such land use, lot of record, sign, structure or site improvements becomes a legal non-
9 conformity and may be used thereafter only in accordance with the provisions of this section.
- 10 (2) The Planning Commission may consider government taking as a practical difficulty used with
11 a request for a variance to a setback regulation for pre-existing buildings, parking lots, and/or
12 signs.
- 13 (D) Lots of Record. Any lot of record existing at the effective date of the ordinance from which this
14 chapter is derived may be used for the erection of a dwelling conforming to the use regulations of
15 the district in which it is located, even though its area is less than the minimum requirements of this
16 chapter. This provision shall not apply to lots with widths below the district minimum, meaning that
17 all lots of record must meet district lot width minimums to qualify.
- 18 (E) Expansion of a non-conforming principal structure, deck, or parking lot by way of setbacks is
19 permitted provided the wall does not increase the level of nonconformity.
- 20 (F) Additional standards for nonconformities within the Mississippi River Corridor Critical Area Overlay
21 District are found in Section 910.

22 23 200 Land Development Applications and Procedures

24 Sections 200-299 are established to define the procedures and processes for applications for
25 development, redevelopment, and changes in use of property in Ramsey. All procedures must be in
26 conformance with applicable provisions of State Law.

27 28 201 Processing Costs

- 29 (A) *Costs.* All costs incurred by the City in processing an application for a land use application shall be
30 paid by the applicant. The processing costs shall include but not be limited to:
- 31 (1) Professional consulting services as directed by the zoning administrator, the Planning
32 Commission and/or City Council;
- 33 (2) Copying charges;
- 34 (3) City staff involvement;
- 35 (4) Public hearing publications and posting of a sign on the property;
- 36 (5) Written notice to adjacent property owners;
- 37 (6) Recording charges; and/or
- 38 (7) Any other cost necessary to process the applicant's request.
- 39
- 40 (B) *Fee and escrow.* A set fee and a set minimum escrow established by ordinance an annual fee
41 schedule shall be paid to the city at the time the land use application is made.
- 42 (C) *Special assessment of processing costs.* An applicant may request that processing costs exceeding
43 the amount established by ordinance annual fee schedule be specially assessed against the
44 applicant's property provided that the property owner accepts the assessment to the subject
45 property and waives any right of assessment appeal.
- 46 (D) *Additional deposits before submittal.* If the zoning administrator determines that costs in addition
47 to the set escrow will likely be incurred by the city, then an additional sum as determined by the
48 zoning administrator shall be deposited with the City before the application is considered officially
49 submitted.

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- (E) *Additional deposits after submittal* If at any point during the processing of a ~~zoning or~~ land use application, the actual or estimated processing costs exceed the amount on escrow, the applicant shall have ten days to supply an additional escrow in an amount equal to or greater than the estimated processing costs. *Failure to provide additional funds into a deficit account can result in assessing the costs to the property subject to the application.*
- (F) *Refund of unused deposits.* Any portion of those funds deposited in escrow but not expended or encumbered shall be returned to the applicant after final action on the application. Under no circumstance shall an escrow be considered an interest bearing account.

202 Required Sureties and Financial Guarantees

Upon approval of a land use application or administrative site plan review where a new building and/or site improvements are being constructed or reconstructed, the City shall be provided with a cash escrow, cash bond, and/or letters of credit prior to the issuing of building permits or initiation of work on the proposed improvements or development. This security shall guarantee conformance and compliance with the conditions of the approval and the provisions of this Code.

- (A) The security shall be in the amount equal to 125 percent the applicant's estimated costs of labor and materials for the proposed improvements or development.
- (B) The city shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the provisions of the land use application and this chapter has been issued by the building official. A maintenance period of ~~no more than~~ two years for landscaping improvements may be collected.
- (C) *Landscaping maintenance warranty established by the annual fee schedule.*
- (D) Failure to comply with the conditions of the land use application approvals and the provisions of this chapter shall result in forfeiture of the security.
- (E) *Landscape escrow for single-family lots.* A landscape escrow, in an amount to be determined by the annual fee schedule ~~building official~~, shall be deposited for all required landscaping, including topsoil, sod, and trees, which is not established at the time of issuance of a certificate of occupancy. Installation of required landscaping, including topsoil, ~~established groundcover sod (or seeding where permitted by this Chapter)~~, and trees, shall be completed within six months of the issuance of the certificate of occupancy, weather permitting. The city may draw upon the escrow to install the required landscaping if said work is not completed within six months of the date of issuance of the certificate of occupancy.

203 Development Agreements

Whenever a performance ~~guaranty~~ is imposed by the city, the applicant shall be required to enter into a development agreement with the city. This agreement is to provide authorization to the city to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the ~~development~~. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney. *The development agreement shall be approved by the City Council.*

210 Land Use Applications

The following land use application types are required and are described further in this chapter:

- (A) Variances
- (B) Site Plan Review
- (C) Conditional Use Permits and Amendments
- (D) Interim Use Permits
- (E) Zoning Text Amendments
- (F) Zoning Map Amendments

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- (G) Comprehensive Plan Amendments
 - (H) Home Occupation Permits (Level II)
 - (I) Easement Vacations
 - (J) Encroachment Agreements

211 General information provided in an application form

All requests for land use approvals required within this chapter shall be filed with the City on an official application form and must be submitted to the zoning administrator by deadlines set forth in an adopted calendar. Failure to submit a completed form is grounds for rejection of an application. The following information is required on all land use application forms:

- (A) The applicant's name, business name, address, telephone number, and email address.
- (B) The property owner's name, business name, address, telephone number, and email address.
- (C) Signatures of the applicant and property owner consenting to the application.
- (D) The address and/or legal description of the subject site.
- (E) The land use application type(s) being sought.
- (F) A written narrative explaining the request.
- (G) The applicant's and/or owner's designated representative's business name, address, telephone number, and email address.
- (H) Consent from the homeowner's association or architectural review board, if applicable.

212 Information provided on plans

The information required for all land use application types generally consists of the following items, as applicable to the application, and shall be submitted when applicable or requested by the zoning administrator. Plans must be prepared in a standard engineering or architectural scale and be prepared by a licensed surveyor, architect, and/or civil engineer, as applicable. All plans, with the exception of architectural renderings, shall be in black, greyscale, and white.

(A) Existing Conditions.

- (1) Affected parcel(s) legal description, dimensions, and area.
- (2) Location of all existing significant trees, type, diameter, and which trees will be removed.
- (3) Location of all existing structures on the site.
- ~~(4) Location of all adjacent buildings located within 150 feet of the exterior boundaries of the property in question.~~
- (5) Existing elevation contours at two-foot intervals extending 100 feet outside of the property boundary.
- (6) Floodplain and wetland boundaries.

(B) Proposed Site Plan.

- (1) Location of all ~~buildings on parcels including both~~ existing and proposed structures.
- (2) Location and dimensions of vehicular circulation, curb cuts, driveways, drive aisles, and number of existing and proposed parking spaces.
- (3) Calculations of parking space requirements.
- (4) Site plan details such as trash enclosures, etc.
- (5) Setbacks of all buildings, parking areas, and driveways from all property lines.
- (6) Snow storage locations.

(C) Proposed Architectural Plans.

- (1) Color architectural elevations with type and materials used in all exterior surfaces.
- (2) Location and type of all proposed wall-mounted lights.
- (3) Dimensions of proposed and existing structures.
- (4) "Typical" floor plan and "typical" room plan.
- (5) Preliminary Architectural Code Analysis.

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- (6) Screening plan of HVAC and other mechanical units.
 - (D) *Grading plan.*
 - (1) Proposed grading elevation contours at two-foot intervals and spot elevations extending 100 feet outside of the property boundary.
 - (2) Drainage configuration.
 - (3) Storm sewer catch basins, invert elevations, and storage areas.
 - (4) Proposed road profile.
 - (5) Storm water calculations.
 - (6) Floodplain and wetland boundaries.
 - (E) *Tree Preservation Plan*
 - (1) Location of all existing significant trees.
 - (2) Other information from the tree preservation requirements (TBD)
 - (F) *Landscape plan.*
 - (1) Location, type, and diameter of all proposed plantings including requirement calculations.
 - (2) Location and material used for all screening devices.
 - (G) *Preliminary Utility Plan.*
 - (1) Sanitary sewer and water plan ~~with estimated use per day.~~
 - (2) Existing sanitary sewer and water mains, service lines, and fire hydrants in adjacent rights-of-way.
 - (3) Proposed fire hydrants.
 - (4) If outside of the MUSA, locations of proposed wells and septic systems with soil logs.
 - (H) *Lighting Plan.*
 - (1) Cut sheets of the proposed light fixtures.
 - (2) Photometrics of all wall-mounted and freestanding lights showing light levels across parking lots, driveways, and pedestrian areas, and along all property lines.
 - (I) Other plans and studies may be necessary due to the nature of the application determined by the zoning administrator such as an environmental review, noise analysis, or traffic analysis.

213 Application Submittal Dates

The Planning Commission shall adopt a calendar annually that specifies applicant submittal dates and Planning Commission meeting dates in conformance with state law.

214 Public Hearings

- (A) The following land use application types require a public hearing:
 - (1) Variances
 - (2) Site Plan Review
 - (3) Conditional Use Permits and Amendments
 - (4) Interim Use Permits
 - (5) Zoning Text Amendments
 - (6) Zoning Map Amendments
 - (7) Comprehensive Plan Amendments
 - (8) Home Occupation Permits (Type II)
 - (9) Easement Vacations
- (B) Public hearing notices must be provided to surrounding property owners, as measured from property lines, as noted in each of the subsections below.
- (C) A sign may be posted on the property constituting the application notifying the public of a proposed land use application.

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- (D) When an applicant proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site then the zoning administrator shall notify the Mn/DOT commissioner at least 30 days in advance.
- (E) Notification of a Land Use Application in the Shoreland Overlay District, Scenic River Protection Overlay, or Mississippi River Corridor Critical Area Overlay shall be provided to the Minnesota Department of Natural Resources.
- (F) The Planning Commission shall conduct the public hearing, report its findings, and make recommendations to the Council, except in the case of a variance which is described further in this chapter where the Planning Commission has approval authority. Easement vacation public hearings are conducted at a regular City Council meeting.

215 Re-submitting denied applications.

No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its denial, unless substantial changes have been made which warrant reconsideration, as determined by the zoning administrator.

216 Expiration of approved applications

An approval resolution for variances, site plans, conditional use permits and amendments, and home occupations are valid for one year from the date of approval at which time the use must be in operation or have a valid current building permit. The City Council may grant an extension of up to two years based on reasonable extenuating circumstances before the initial expiration date.

220 Variances

- (A) Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan.
- (B) Public hearing notice mailing distance is 350 feet.
- (C) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Code. "Practical difficulties," as used in connection with the granting of a variance, means:
- (1) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
 - (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - (3) The variance, if granted, will not alter the essential character of the locality.
 - (4) Economic considerations alone do not constitute practical difficulties.
 - (5) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems and
 - (6) Public takings of property due to condemnation.
 - (7) Variances shall be granted for earth sheltered construction as defined in M.S. 216C.06, subdivision 14, when in harmony with this chapter.
- (D) The Planning Commission may not permit as a variance any use that is not allowed under the Zoning Code for property in the district where the affected person's land is located.
- (E) The Planning Commission may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (F) The Planning Commission shall serve as the ~~board~~ final decision making authority. However, any action of the ~~board~~ Planning Commission may be appealed to the Council by any affected person if notice of such an appeal is received by the zoning administrator within ten days of the final action of the ~~board~~ Planning Commission.
- (G) The variance is approved by resolution.

(H) Recording of variance. A certified copy of a variance resolution shall be recorded with the Anoka County recorder or registrar of titles for record. The variance resolution shall include the legal description of the property included. No building permit shall be issued until after recording is made.

(I) Additional standards for variances within the Mississippi River Corridor Critical Area Overlay District are found in Section 910.

225 Site Plan Review

(A) Site Plan Review Applications Requiring Formal Planning Commission and City Council Review. Absent a requirement for a conditional use permit, the following uses require a formal site plan review application:

- (1) Developments of multiple-family dwellings (three or more attached units), townhomes, and manufactured home parks;
- (2) Commercial and industrial principal and accessory uses when adjacent to a residential use;
- (3) All proposed developments within the Floodplain, Scenic Rivers, and Environmental Protection and Critical Rivers Overlay Districts;
- (4) Religious institutions;
- (5) Principal uses within the PI, P, and CL districts; and
- (6) Principal uses within the PUD, COR.

(B) A conditional use permit application review shall satisfy the site plan review procedural requirements for conditional uses.

(C) Public hearing notice mailing distance is 350 feet.

(D) The site plan review is approved by resolution.

(E) Conditions of approval. The City Council may attach reasonable conditions or modifications to the site improvements or building architectural design to mitigate any adverse effects of the site. Conditions related directly to the use are not permitted.

226 Administrative Site Plan Review

(A) Expansion of an existing commercial or industrial building that meets all minimum standards of the applicable zoning district and matches and/or complements the exterior design, materials and treatments of the existing building shall be exempt from the standard site plan review process in Section 225 and rather be reviewed as part of the standard building permit review process.

(B) Expansion, modification, or installation of site improvements for a permitted business or industrial use where no building permit is otherwise required shall require an administrative site plan review.

(C) Expansion or modification of site improvements and/or for buildings for uses listed in Section 225(A) of less than 100 percent (footprint) shall be reviewed administratively.

(D) Expansion or modifications of site improvements and/or for buildings for conditional uses as described in Section 230 of less than 10 percent (footprint) shall be reviewed as an administrative site plan review.

230 Conditional Use Permits

Certain types of uses are classified as conditional uses under this chapter to which reasonable conditions may be attached. The conditions may be based on operation of the use, site improvements, and screening in order to mitigate any impacts to surrounding properties or the public rights-of-way. Conditional uses shall be approved by the City Council by a showing by the applicant that the standards and criteria stated in this chapter will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use. If the use proposed is new construction, the conditional use permit process shall also be considered a site plan review.

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- (A) *Duration of conditional use permits.* A conditional use permit shall remain in effect as long as the conditions agreed upon are observed and the permit holder is in compliance with all other regulations or standards of this chapter. A conditional use permit shall become null and void one year after the final action of the council if not initiated or utilized, or if the use is discontinued for a continuous 12-month period, unless a petition for an extension of time in which to complete or utilize the use that has been granted by the council. The city shall notify the CUP holder of these time restrictions at time of issuance. Extension shall be requested in writing and filed with the city at least 30 days before the expiration of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the planning commission for a recommendation to the council and acted upon by the council.
- (B) Public hearing notification mailing distance is 350 feet.
- (C) The Conditional Use Permit is adopted by resolution.
- (D) Recording of permit. A certified copy of any conditional use permit shall be recorded with the Anoka County recorder or registrar of titles for record. The conditional use permit shall include the legal description of the property.
- (E) *Amended conditional use permits.* An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for substantial changes in conditions or expansions of use, and as otherwise described in this chapter. Expansion or modifications of site improvements and/or for buildings for conditional uses of less than 10 percent (footprint) shall be reviewed as an administrative site plan review.
- (F) *Revocation of conditional use permits.* In the event that violations of any conditions set forth in the conditional use permit occur, the council shall have the authority to revoke the conditional use permit. The following procedure shall be used to consider the revocation of a conditional use permit.
- (1) The parcel owner shall be notified of the possible violations of the conditional use permit and given 30 days to correct the violation and submit a written response to the notice.
 - (2) If the violations are not corrected in the 30-day time frame, a public hearing conducted by the city council shall be scheduled.
 - (3) At the public hearing for the purpose of revoking a conditional use permit the council shall consider the written response of the parcel owner and evidence of the violation. With a majority vote the City Council shall take one of the following actions:
 - a. Revocation of the conditional use permit by resolution adopt findings of fact and conclusions that support revocation of the conditional use permit;
 - b. Finding no violation exists by motion; or
 - c. Directing compliance measures and timelines to correct the violation.
 - (4) *Exigent circumstances.* If the City finds that exigent circumstances exist requiring immediate permit revocation, the Zoning Administrator may revoke the permit and provide a post-revocation hearing before the City Council not more than 15 days after holder's receipt of written notice of the hearing. Following such hearing, the City Council may sustain or rescind the revocation, or may impose such other and further discipline as it deems appropriate.
- (G) The conditions contained in a valid conditional use permit for an existing use that has become permitted due to a change in the zoning district or zoning text will remain in effect only as to any conditions related to site improvements.
- (H) Additional standards for conditional use permits within the Mississippi River Corridor Critical Area Overlay District are found in Section 910.

The purposes and intents of allowing interim uses are: To allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan; and to allow a use that is presently acceptable but that, with anticipated development will not be acceptable in the future.

(A) Public hearing notification mailing distance is 350 feet.

(B) *Standards of issuance.*

(1) Every interim use permit issued shall terminate upon a date or event that can be identified with certainty, with the maximum duration of five years from the date of approval, ~~unless otherwise approved by the council.~~

(2) In the final six months of each approved term, the applicant may request an extension to the permit of up to five years. An application for the extension is the same process as requesting an initial interim use permit.

(3) The council may attach such conditions to the interim use permit as it deems necessary in order to carry out the intent and purpose of this chapter and protect the public health, safety and welfare. These conditions may include a financial surety in an amount sufficient to remove the interim use and interim structures and/or site improvements upon expiration of the interim use permit.

(4) Interim Use Permits for home occupations have modified standards set forth in Section 236.

(5) Interim Use Permits for personal use heliports have modified standards set forth in Section 340.

(C) *Termination.* An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:

(1) The date stated in the permit;

(2) A violation of conditions and subsequent revocation of the permit; or

(3) Revocation resulting from a cessation of the interim use for 30 consecutive days.

(4) Change of ownership of the property.

(5) Change of business entity or tenant occupying the property.

(6) The extension of sanitary sewer and water services to the site for uses approved specifically without municipal services.

(D) The Interim Use Permit is adopted by Resolution.

(E) The property owner must sign an agreement understanding the limitations and conditions of the interim use.

236 Home Occupation Permits

A Home Occupation Permit is considered an interim use permit with the following additional procedural requirements:

(A) *Term.* A home occupation granted with an interim use permit shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. The permit shall run with the applicant, not the property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (C) of this section.

(B) *Inspections.* The city administrator or their designee, shall have the right, upon reasonable request, to enter and inspect the premises covered by said interim use permit for safety and compliance purposes, or code enforcement complaints.

(C) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of these provisions.*

(1) Should an interim use permit holder move to a new location, the existing permit shall be automatically terminated. If the interim use permit holder should desire to continue the home occupation in a new location, written notice to that effect shall be given to the city

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- 1 administrator or their designee, and the council may authorize continuation of that permit
2 with a public hearing for the neighboring properties of the proposed new location.
- 3 (2) In the case of a death of the interim use permit holder, should a surviving spouse or child,
4 residing at the same address or receiving title to the property, desire to continue the home
5 occupation, written notice to that effect shall be given to the city administrator or their
6 designee. The permit shall be automatically renewed subject to the same terms.
- 7 (3) An interim use permit, once granted, may be suspended or revoked prior to its original
8 revocation date by the council for cause after hearing before the council. Citizen complaints
9 seeking the revocation of such permit shall be filed with the city administrator or their
10 designee. All such revocation hearings, publication, and notice requirements shall be the
11 same as for interim use permits in accordance with City Code.
- 12 (4) Persons conducting a business from property zoned for residential use on the effective date
13 of the ordinance from which this section is derived shall be required to obtain an interim use
14 permit as required herein. The business may continue pending final determination of the
15 application. Should the city administrator, their designee, or council deny the application for
16 an interim use permit the use shall immediately cease at such residential premises.
- 17 (D) *Revocation.* An interim use permit for a home occupation may be revoked if the property owner is
18 found to be in violation of the conditions listed in the interim use permit or is in violation of any
19 other requirements set forth by the Ramsey City Code or Minnesota State Statute.
- 20 (E) *Termination.* Home occupations approved with an interim use permit may be terminated pursuant
21 to the procedure established in Section 235(D).

22 23 240 Zoning Text Amendment

24 *Purpose.* The City Council may adopt amendments to this Zoning Code ~~ordinance and zoning map in~~
25 ~~relation both to land uses within a particular district or to the location of the district lines.~~ Such
26 amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in
27 the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions
28 in the city. The City Council may amend this chapter as proposed by a member of the Council, Planning
29 Commission, Zoning Administrator, or by a petition of a person residing or owning property within the
30 city, in accordance with the following provisions.

- 31 (A) Public hearing notification mailing distance is 350 feet if the amendment is related to a particular
32 property.
- 33 (B) The zoning text amendment is adopted by ordinance.
- 34

35 245 Zoning Map Amendment

36 *Purpose.* The City Council may adopt amendments to the Zoning Map in relation both to land uses within
37 a particular district or to the location of the district lines. Such amendments shall not be issued
38 indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the
39 community as reflected in the Comprehensive Plan or changes in conditions in the city. The Council may
40 amend ~~this chapter~~ the Zoning Map as proposed by a member of the Council, Planning Commission,
41 Zoning Administrator, or by a petition of a person residing or owning property within the city, in
42 accordance with the following provisions.

- 43 (A) Conditional Map Amendment. An amendment on particular properties in conjunction with a
44 specific proposed development may be described by a proposed plat name instead of the existing
45 legal description to safeguard a property's zoning in the event the proposed plat does not get
46 recorded or the project expires.
- 47 (B) Public hearing notification mailing distance is 350 feet.
- 48 (C) The zoning map amendment is adopted by ordinance.

(D) Planned Unit Developments are created through this process and the adopted ordinance shall list the development standards and uses for that development.

250 Comprehensive Plan Amendments

Purpose. The City Council may adopt amendments to the Comprehensive Plan ~~ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines.~~ Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the city. The City Council may amend this chapter as proposed by a member of the Council, Planning Commission, Zoning Administrator, or by a petition of a person residing or owning property within the city, in accordance with the following provisions.

(A) Public hearing notification mailing distance is 350 feet if the amendment is related to a particular property.

(B) The Comprehensive Plan amendment is adopted by ordinance.

260 Easement Vacations

Pursuant to Section 12.6 of the City Charter, the procedure for application to vacate a public utility, drainage, roadway, access, or other form of easement shall be as follows:

(A) The applicant shall petition the Zoning Administrator on the easement to be vacated including a legal description and survey exhibit.

(B) *Public Hearing Notification Requirement:* property owners within 350 feet and all utility companies operating within Ramsey.

(C) The City Council shall hold a public hearing and make a final determination by resolution.

(D) The approval resolution shall be recorded with the Anoka County Recorder's office or Registrar of Titles.

261 Encroachment Agreements

An encroachment agreement is necessary when a structure or site improvement, other than a fence, utility infrastructure, parking lot, or driveway is proposed to be constructed in an easement or right-of-way and vacating the easement or right-of-way is not desired or practical.

(A) A thirty-day notification must be provided to all utility companies operating within Ramsey.

(B) Administrative approval. The Zoning Administrator may approve an encroachment agreement administratively for encroachments that have received variances.

(C) The City Council will review all other encroachment requests and, if deemed reasonable at its sole discretion, approval is adopted by resolution authorizing the encroachment agreement.

(D) All encroachment agreements must be recorded against the property with the Anoka County Recorder's office.

(E) The zoning administrator will have the ability to abate the structure or site improvement removal as set forth in Chapter 2 in the event the structure is not removed according to the terms of the agreement.

300 General Performance Standards

The following sections set forth standards for uses or structures applicable in all zoning districts.

301 One Principal Building per Lot

Every building erected after the adoption of this chapter from which this chapter is derived shall be located on a lot, as defined herein and in no case shall there be more than one ~~main~~ principal building on any one lot, except as may otherwise be provided herein.

302 Structures on Outlots

No structures shall be constructed or erected on an outlot other than signs or fences.

303 Easements

No private buildings (principal or accessory), temporary or permanent structures, or uses may be located in, on, or over any public drainage and/or utility easements, except fences, driveways, parking lots, or easily-movable structures that do not impede the flow of water and do not have permanent foundations as described elsewhere in this chapter and as determined by the City Engineer; and public or quasi-public utilities or facilities regulated by City Franchise or other provisions of the City Code. The items constructed within an easement are subject to removal at the property owner's expense in the event work on the utilities in the easement is needed.

304 Adequate Public Infrastructure

All developments must provide adequate infrastructure suitable for the anticipated traffic, pedestrian circulation, and utility needs of the use. The City is authorized to require any necessary upgrades of adjacent and area public roadways and utilities directly related and proportional to a proposed development. Examples of such improvements are, but not limited to, construction or striping of turn lanes, installing or upgrading utilities, installing sidewalks, and/or installing street lights. All such expenses are the responsibility of the property owner of the proposed development.

305 Sanitary Sewer and Water Connections

- (A) All new principal structures within the Metropolitan Urban Services Area (MUSA) as designated on the current Comprehensive Plan must be connected to municipal sanitary sewer and water.
- (B) For an undeveloped parcel within an urbanized zoning district that is not directly serviced by municipal sanitary sewer and water, reasonable efforts must be made to extend sanitary sewer and/or water mains to the site prior to constructing a principal structure. This may be accomplished by developer utility construction or by an assessment agreement. If it is not reasonably feasible to extend sanitary sewer and/or water mains, a building permit may be issued with private systems.
- (C) In areas of the city outside of the current Metropolitan Urban Services Area (MUSA) where municipal water mains are located, the owner of a property directly adjacent may petition the City Council for a water connection in the event an existing well becomes inoperable or contaminated. In no case shall the property be considered for rezoning to an urbanized district.

306 Small Utility Services

All buildings constructed after the adoption date of this chapter shall be served by undergrounded utilities (natural gas, electric, cable, telephone, etc.) extending from the public right-of-way to the building.

307 Construction trailer/Field Office

Construction trailers and field offices may only be placed and used in conjunction with an active building, utility, or grading permit onsite. The construction trailer/field office must be removed within two weeks of the building obtaining a certificate of occupancy or the grading and utility work completed.

310 Lighting

The purpose of this section is to provide regulations to balance lighting needs for visibility and personal and property safety with the negative impacts of off-site light spill-over.

- (A) Wall lighting may be used to illuminate the pedestrian walkways, entrance areas, loading docks, and yard areas within 20 feet of the building. No wall lighting may be used exclusively to illuminate areas for motor vehicle parking or access.
- (B) Architectural lighting, including LED or neon banding, must be mounted on the building or canopy. Architectural lighting directed upward onto the building façade is permitted provided no glare or light pollution are produced. LED banding must use colored tube shielding for a continuous appearance.
- (C) Free-standing and wall-mounted luminaire regulations:
- (1) Height maximums, including the base and support structure, are limited as follows:
 - a. Farther than 200 feet from any property zoned residential: 30 feet.
 - b. Within 200 feet of any property zoned residential: 15 feet.
 - (2) Cut-off angles must be equal to or less than 90 degrees.
 - (3) Ballfield, stadium, or outdoor recreation lighting is exempt from the height and cut-off angle requirements in this section though the design shall constitute the absolute minimum height necessary to light the area and must provide shielding to reduce off-field light spill.
- (D) Lighting intensity must adhere to the following table:

Required Minimum and Maximum Light Intensities (as measured in foot candles at the ground level)			
Use	Minimum Intensity	Maximum Intensity	Maximum Intensity at Property Line
Parking areas for non-residential uses	1	15	0.5
Parking areas for multi-family residential uses	1	15	0.5
Private pedestrian walkways for non-residential and multi-family residential uses	5	20	0.5
Building entrances and exits	5	20	0.5
Exterior storage areas	0.5	15	0.5
Vehicle sales lots	1	20	0.5
Non-specified uses - For uses not specifically listed above, light requirements may be computed by the zoning administrator.			

- (E) Exterior lighting must be operational when a business is open or employees are on site.
- (F) Glare. All lighting must be arranged so as not to produce glare. All properties must be in compliance with the following:
- (1) All light sources must be controlled and equipped with lenses, louvers, shields, or prismatic control devices designed to prevent off-site views of the light source.
 - (2) No flickering or flashing lights except those associated with public safety activities may be permitted.
 - (3) Light sources that are integrated into a canopy must be designed to be recessed and flush with the ceiling of the canopy, and equipped with a flat lens surface.
 - (4) Residential single-family and townhome uses may have wall-mounted lighting with exposed light sources provided glare is not produced from off-site views.
- (G) Compliance. Any new lighting installed after the effective date of this chapter must be in compliance with the requirements of this chapter. Any lighting in existence before the effective date of this chapter that does not comply with its requirements may be considered legally

nonconforming and may be allowed to continue in compliance with Section 140. Lighting may be required to be upgraded, wholly or in part, due to a request for a site plan review, conditional use permit, interim use permit, variance, or plat.

(H) Seasonal decorative lighting and landscape lighting are not regulated by this section.

320 Driveways and Curb Cuts

The owners of a corner lot may elect to access the principal building on either street that the lot abuts. In cases of ~~through~~ lots with more than one street frontage, the city shall determine which street the building fronts and accesses. In cases where one of the streets is a county, state or MSA street, the lot shall access on the other street. Where any such election is manifestly contrary to the established character or welfare of the neighborhood, the ~~permit~~ request shall be referred to the ~~board of appeals~~ City Council for approval or disapproval.

322 Vision Clearance Triangle

A vision clearance triangle shall be established at each intersection corner in order to provide adequate sight distance. The vision triangle shall be formed by creating a third leg that connects the ends of two legs that are in line with the face of the existing curbs. On streets which have a stop condition the length of the leg shall be 25 feet from the nearest face of the curb on the cross street being approached and shall be 50 feet for streets without stop conditions. The vision triangle shall also apply at alleys and at commercial driveways with the leg distance of 25 feet. The vision triangle shall be three dimensional and shall extend from 30 inches to nine feet above the top of curb. Where the wording herein refers to horizontal measurement from the face of curb and no curb exists, the edge of pavement shall be used instead. Where the wording herein refers to vertical measurement from top of curb and no curb exists, the measurement shall begin six inches above the pavement. The vision clearance triangle shall contain no fence, structure, earth bank hedge, planting, wall or other sight obstruction. The following are exempted: utility poles, fire hydrants, traffic signals and signs, trees trimmed to the trunk, and plant species of open growth habit that are not planted in the form of a hedge and which are planted and trimmed as to leave an unobstructed view in all seasons. There shall be no parking allowed along the curbs within the vision triangle. Construction of new buildings or new additions to existing buildings that extend into the vision triangle shall not be permitted. Existing buildings shall not be considered an obstruction under the terms of this division. The city engineer may waive this provision where the natural contour of the ground is such that there can be no cross visibility at the intersection. Landscaping with the vision clearance triangle that is in existence prior to the date of adoption of the ordinance from which this division is derived shall be viewed on a case-by-case basis to determine whether these landscaping elements are in compliance with this division. The public works committee shall render the final decision on such determinations.

323 Traffic Regulatory Signs

Standard regularity stop signs are required at all driveway exits to public streets, except for single-family, two-family, and townhome residential driveways. Other signs may be required as part of the Site Plan Review process.

325 Pedestrian Connections

(A) Walkways. All business, industrial, multi-family residential, and public/quasi-public structures on parcels abutting sidewalks or multi-use trails in the public right-of-way shall provide a pedestrian connection between the sidewalk or trail and the main entrance to the building. The walkway shall be as direct as possible minimizing driveway and parking lot crossings.

(B) Bicycle Rack. All non-residential uses shall provide a bicycle rack near the main entrance to the building.

326 Outdoor Dining Areas/Patios

Outdoor dining areas and patios accessory to restaurants/brew pubs, brewery taprooms, and distillery cocktail rooms have the following standards:

- (A) The seating must be located on the same parcel as the principal use.
- (B) The outdoor seating area shall be defined with the use of landscaping, temporary fencing, or other means that contains the tables and chairs for the use.
- (C) Patrons shall access the outdoor seating area through the main entrance or host station.
- (D) All exterior sound equipment shall be shut off at 10:00 p.m.

330 Alternative Energy Systems

Purpose and intent. The purpose and intent of this section is to establish standards and procedures by which the installation and operation of alternative energy systems shall be governed within the city. The city finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community.

331 Wind energy conversion systems (WECS).

The following standards are intended to facilitate the provisions for WECS to the residents and businesses of the city; minimize adverse visual effects of wind towers, turbines, and generators through careful design and site selection standards; and avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.

- (A) *Location.* ~~WECS units shall be allowed by conditional use if listed as a conditional use in the underlying zoning district. Furthermore,~~ WECS units shall not be allowed in the Critical River, Wild and Scenic River, and Shoreland Overlay Districts, except for micro-scale WECS provided that it does not violate the maximum structure height of the overlay district.
- (B) *Bulk standards.*
 - (1) *General requirements.* No part of the WECS, equipment, guyed wires, blades, or braces shall at any time extend across or over any part of the public right-of-way, public street, highway, sidewalk, or recreation trail.
 - (2) *Setback.* All small scale WECS and medium scale WECS units shall maintain a minimum setback of 1.5 times the height of the tower. In addition, WECS units in any residential district must maintain a minimum setback of 1,000 feet from any principal dwelling unit on adjacent parcels. Setbacks shall be measured from the center of the WECS tower to the nearest property line.
 - (3) *Height.* Height for any WECS shall be: ~~restricted by the definition of the WECS as listed in City Code section 117-1, definitions.~~
 - a. *WECS, small-scale.* A WECS with a height no greater than 50 feet tall, including the blade.
 - b. *WECS, medium-scale.* A WECS with a height between ~~101~~ 50 feet and ~~199~~ feet tall, including the blade.
 - c. *WECS, utility-scale.* A WECS with a height of 200 feet or greater, including the blade.
 - d. ~~The city council may increase the height of a small scale WECS up to an overall height of 100 feet if the applicant is able to demonstrate to the satisfaction of the city council that the surrounding topography, structures, vegetation, and other factors make the height limit for a complying WECS impractical.~~
 - e. A micro-scale WECS is limited to 25 feet taller than the structure to which it is mounted and can be no taller than the maximum building height of the underlying zoning district.

- ~~A variance, processed in accordance with section 117-53 (Variance procedures) is required for any micro-scale WECS proposed to be taller than these restrictions.~~
- (4) *Blade clearance.* Any WECS blade shall maintain a minimum ground clearance of 30 feet.
 - (5) *Restricted climbing apparatus.* Any WECS tower shall be designed to have removable climbing apparatuses a minimum of 25 feet from the ground. All climbing apparatus within 25 feet of the ground must be removed when not being serviced.
 - (6) *Site location in residential districts.* A WECS may only be located in the rear yard in the residential districts. The city council may approve a WECS in the front yard if the applicant is able to demonstrate setbacks would be unable to be met in the rear yard.
- (C) *Design standards.* A proposed or modified WECS shall meet the following minimum design standards.
- (1) *Tower design.* Any WECS shall be of a monopole design unless the city council determines that an alternative design is preferred in cases where structural or design considerations, neighborhood compatibility, or location availability is better suited with an alternate design.
 - (2) *Architectural design.* Any WECS shall be designed to blend into the surrounding environment through the use of color and design, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - a. Architectural design standards are subject to final city council approval.
 - b. The city council may deny a WECS if it determines the design standards are incompatible with the surrounding area.
- (D) *Co-location requirements.* Whenever possible, the city encourages co-location of wireless telecommunication facilities on a WECS in accordance of [section 117-428](#).
- (E) *WECS Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower, or if required by the city council for safety reasons. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- (F) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (G) *Accessory utility buildings.* All utility buildings and structures accessory to a WECS shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood, as determined by the city council.
- (H) *Abandoned or unused WECS or portions of a WECS.* ~~Abandoned or unused WECS or portions of a WECS shall be removed as follows:~~
- ~~a.~~ All abandoned or unused WECS and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application.
 - ~~b.~~ ~~The replacement of portions of a WECS previously removed requires the issuance of a new conditional use permit.~~

332 Solar energy systems

In all districts, solar energy systems shall be permitted as an accessory use in accordance with the standards in this section.

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- 1 (A) *Exemptions.* Passive or building-integrated solar energy systems are exempt from the requirements
2 of this section and shall be regulated as any other building element.
- 3 (B) *Standards.*
- 4 (1) *Wall-Mounted or Roof-Mounted Systems*
- 5 a. Building-mounted solar energy systems ~~shall comply with all building setbacks in the~~
6 ~~applicable zoning district and~~ shall not extend beyond the perimeter of the building on
7 which the system is mounted unless the mounting system has been explicitly engineered
8 to safely extend beyond the edge.
- 9 b. Building-mounted solar energy systems shall ~~be included~~ ~~comply~~ with the maximum
10 allowable building height for the applicable zoning district.
- 11 (2) *Ground-Mounted Systems*
- 12 a. Ground-mounted solar energy systems shall be located on any property such that the
13 distance to the closest property boundary is at least equal to the height of the solar energy
14 system at its maximum designed tilt.
- 15 b. In residential districts, front, side, and rear yard setbacks for ground-mounted solar
16 energy systems shall be in accordance with accessory building setbacks outlined in City
17 Code ~~section 117-111(d).~~
- 18 c. In business districts, Ground-mounted solar energy systems may be permitted in any
19 yard.
- 20 ~~d. The height of ground-mounted solar energy systems at maximum designed tilt shall not~~
21 ~~exceed the distance from the nearest property boundary or the maximum allowable~~
22 ~~building height for the applicable zoning district, whichever is more restrictive.~~
- 23 ~~f. In residential districts, the height of ground-mounted solar energy systems shall be in~~
24 ~~accordance with accessory building height limitations outlined in City Code section 117-~~
25 ~~349(d)(6).~~
- 26 d. *Glare.* The panels of ground mounted solar energy systems shall be placed and arranged
27 such that reflected solar radiation or glare shall not be directed onto adjacent buildings,
28 properties or roadways.
- 29 e. Solar canopies over parking lots, loading areas, or outdoor storage areas are permitted to
30 have the same setbacks as the parking lot, loading area, or outdoor storage area below.
- 31
- 32 ~~d. Easements. Solar energy systems shall not encroach on public drainage, utility, roadway or~~
33 ~~trail easements.~~
- 34 (C) *Feeder lines.* The electrical collection system shall be placed underground within the interior of each
35 property. The collection system may be placed overhead near substations or points of interconnection
36 to the electric grid.
- 37 ~~f. Aesthetics. All solar energy systems shall be designed to blend into the architecture of the~~
38 ~~building and to minimize glare toward vehicular traffic and adjacent properties to the extent~~
39 ~~possible without impacting the performance of the system.~~
- 40 (D) *Abandonment.* If a solar energy system remains non-functional or inoperative for a continuous period
41 of one year, ~~the system shall be deemed to be abandoned and shall constitute a public nuisance. the~~
42 ~~owner shall remove the abandoned system at their expense after obtaining a demolition permit.~~
- 43 ~~h. Permits. A permit(s) shall be obtained for any solar energy system in accordance with~~
44 ~~Minnesota State Building Code prior to installation.~~
- 45 1. ~~Prior to the issuance of a permit for a ground-mounted solar energy system in a residential~~
46 ~~district or on a property abutting a residential district, the permit applicant must provide~~
47 ~~an analysis demonstrating that the ground-mounted system will not impact aesthetics of~~
48 ~~adjacent residential properties due to glare.~~
- 49

333 Ground source heat pump systems/[Geothermal Systems](#)

In all districts, ground source heat pump systems shall be permitted as an accessory use in accordance with the standards in this section.

(A) *System requirements.* Only closed loop ground source heat pump systems utilizing heat transfer fluids are permitted. Open loop ground source heat pump systems are not permitted.

(B) *Setbacks.*

(1) All components of ground source heat pump systems including pumps, borings, and loops shall be set back at least five feet from any property boundary.

(2) Above ground equipment associated with the ground source heat pump system shall meet all required [accessory structure](#) setbacks for the applicable zoning district.

(3) The loop field of a ground source heat pump system shall be no closer than five feet from the water main line.

~~(3) *Easements.* Ground source heat pump systems shall not encroach on any public drainage, utility, roadway or trail easement.~~

(C) *Abandonment.* If the ground source heat pump system remains non-functional or inoperative for a continuous period of one year, the ~~system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense, after a demolition permit has been obtained, in accordance with applicable codes.~~

~~(5) *Permits.* A permit(s) shall be obtained for any ground source heat pump system in accordance with Minnesota State Building Code prior to installation.~~

334 Exterior Solid Fuel-Fired Heating Devices

(A) Exterior solid fuel-fired heating devices shall be located at least 75 feet from any property line and shall not be located in the front yard.

(B) The following materials shall not be used or burned in exterior solid fuel-fired heating devices: grass, leaves, oils, rubber, plastics, tires, railroad ties, construction debris, and painted or chemically treated materials such as treated lumber, composite shingles, tar paper, insulation composition board, sheetrock, wiring, paint, and hazardous and industrial solid waste.

335 Incinerators

Notwithstanding anything to the contrary in this chapter, no burning of solid waste, hazardous waste, medical waste, or special waste by use of an incinerator or hazardous waste incinerator shall be allowed within the city either as a permitted use or conditional use.

336 [Electric Vehicle \(EV\) Charging Stations](#)

(A) A property owner may install EV charging stations in a parking space in a parking lot or structure available to the public for free or for a fee.

(B) Parking spaces used for EV charging may be signed as restricted for electric vehicles.

(C) Parking spaces used for EV charging will count towards the overall required number of spaces listed elsewhere in this chapter.

340 Personal Use Heliports

(A) *General rule.* The use of any lot or outlot within the city for helicopter take-offs or landings, either on a regular, temporary, or occasional basis, shall require ~~a conditional~~ [an interim](#) use permit ~~(permit). Said permit shall be processed and enforced~~ in accordance with [section 235](#).

(B) *Exceptions.* Operation of helicopters at unlicensed heliports shall be permitted under the following circumstances:

(1) Emergency landings;

- (2) Landings or takeoffs of an aircraft of a governmental agency operating in its official capacity;
or
- (3) Landings or takeoffs which the city is pre-empted from regulating.
- (C) *Heliport permits.*
- (1) The interim use permit for a personal use heliport may be issued if the city council makes the following findings:
- a. ~~Noise levels comply with Minn. Rules ch. 7030.~~
 - b. That the aircraft operator is licensed to the extent required by FAA.
 - c. The use heliport is licensed by Mn/DOT office of aeronautics.
 - d. In the event the applicant for the permit does not own the property on which the heliport is proposed to be sited, the applicant must provide the city with evidence of written permission from the property owner to land or takeoff; ~~for lands owned by the city, the written permission of the city council shall be required.~~
 - e. That persons or property will not be unduly endangered as a result of the landings or takeoffs. Among the factors to be considered are the location and size of the proposed landing/takeoff site, surrounding land uses and structures (such as buildings, power poles, signs, or fences), existing terrain and foliage, numbers of persons expected to be at or about the site, and flight paths to or from the site.
- (2) If granted, the terms of the permit shall include but not be limited to the following items:

Requirement	Zoning Districts		
	Residential	Business	Industrial
Minimum lot size	3 acres	None	None
Minimum altitude over structures and people	500	500	500
Permitted takeoff/landing hours	8:00 a.m. — sunset	7:00 a.m. — sunset	24 hours a day
Frequency restriction on landings and takeoffs	2 ~~1~~ /6 hours	2 ~~1~~ /4 hours	None

- (3) Liability insurance and liability indemnification. The permit holder shall secure and maintain insurance from an insurance company acceptable to the city and authorized to write casualty insurance in the State of Minnesota which will protect the permit holder, its agents and employees and the city from claims for bodily injury, death or property damage which may arise from the operations on the subject property. The permit holder shall file a certificate of insurance or a certified copy of the insurance policy with the city. Such insurance policy shall contain a clause providing that it shall not be cancelled by the insurance company without 30 days' written notice to the city of intention to cancel. The following coverage shall be provided in amounts not less than those specified for public liability, general liability, personal injury and property damage:
- a. Injury or death of one person: \$1,000,000.00.
 - b. Injury to more than one person in a single accident: \$1,000,000.00.
 - c. Property damage: \$1,000,000.00.
 - d. Total aggregate liability for all items: \$1,000,000.00.
- (4) The heliport will have adequate marking and signage to alert users of the property as to the location of the heliport and to delineate a safe distance from the heliport during helicopter operations.

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- (D) *Term of ~~conditional~~ interim use permit for personal use heliport.* ~~Conditional~~ Interim use permits for personal use heliports shall be temporary in nature and shall be granted to a designated person who either resides on the property or has written permission from the property owner to utilize the property for a heliport. Permits are not transferable from person to person or from address to address.
- (E) *Termination of permit.* A permit shall terminate upon the occurrence of any of the following events, whichever occurs first:
- (1) The expiration date stated in the permit, ~~if any;~~
 - ~~(2) A violation of conditions and subsequent revocation of permit in accordance with procedures provided for in section 117-51 for revocation of conditional use permits; or~~
 - (3) Unless otherwise specified by the city council at the time it is authorized, a permit shall expire without further notice to the permittee if:
 - a. The use is not initiated within 12 months of the date of city council approval; or
 - b. The permit is discontinued for a continuous 12-month period; unless a written request for an extension of time has been received and approved by the city council prior to the expiration of the original permit.

350 Tree Preservation

360 Signs (could be split to the different sections below)

370 Communications Towers

- (A) *Purpose.* In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the council finds that these regulations are necessary in order to:
- (1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;
 - (2) Minimize adverse visual effects of towers through careful design and siting standards;
 - (3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
 - (4) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- (B) *Towers in residential zoning districts.* Construction of towers to support commercial antennas that conform to all applicable provisions of this Code may be allowed only the following locations:
- (1) Parcels within the Tower Overlay District as shown on the official zoning map.
 - (2) All ~~church~~ religious institution, government, school, utility, and institutional sites
 - (3) If the proposed tower is to be located within a residential district, documentation must be included in the application that demonstrates that the tower cannot be reasonably located within a commercial, industrial, or public/quasi-public zoning district.
- (C) *Towers in COR and Mississippi River Corridor Critical Area Overlay Zoning Districts.* Construction of towers to support commercial antennas shall not be allowed in Town Center and Critical River Overlay Zoning Districts, except that antennas may be attached to existing structures provided the antenna does not extend more than 20 feet above the highest point of the structure or tower.

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- 1 (D) *Towers in the H-1 Highway 10 Business District.* Construction of towers to support commercial
2 antennas shall not be allowed in the H-1 Highway 10 Business District. Antennas may not be
3 constructed on existing structures in the H-1 District.
- 4 (F) *Collocation requirements.* All commercial wireless telecommunication towers erected, constructed,
5 or located within the city shall comply with the following requirements:
- 6 (1) A proposal for a new commercial wireless telecommunication service tower shall not be
7 approved unless the city council finds that the telecommunications equipment planned for
8 the proposed tower cannot be accommodated on an existing or approved tower or building
9 within a one-mile search radius of the proposed tower due to one or more of the following
10 reasons:
- 11 a. The planned equipment would exceed the structural capacity of the existing or
12 approved tower or building, as documented by a qualified and licensed professional
13 engineer, and the existing or approved tower cannot be reinforced, modified, or
14 replaced to accommodate planned or equivalent equipment at a reasonable cost.
- 15 b. The planned equipment would cause interference materially impacting the usability of
16 other existing or planned equipment at the tower or building as documented by a
17 qualified professional and the interference cannot be prevented at a reasonable cost.
- 18 c. Existing or approved towers and buildings within the search radius cannot
19 accommodate the planned equipment at a height necessary to function reasonably as
20 documented by a professional engineer.
- 21 d. In spite of its best efforts, within 60 days, the applicant was unable to obtain approval
22 to collocate on an existing or approved tower or building.
- 23 e. Other reasons that make it impractical to locate the planned telecommunications
24 equipment upon an existing or approved tower or building.
- 25 (2) Shared use of existing communications towers shall be preferred to the construction of a new
26 tower. Any proposed commercial wireless telecommunication service tower shall be designed
27 structurally, electrically, and in all respects, to accommodate both the applicant's antennas
28 and comparable antennas for at least two additional users.
- 29 (G) *Tower construction requirements.* All towers erected, constructed, or located within the city, and all
30 wiring therefor, shall comply with the requirements set forth in chapter 105.
- 31 (H) *Tower and antenna design requirements.* Proposed or modified towers and antennas shall meet the
32 following design requirements:
- 33 (1) Towers and antennas shall be designed to blend into the surrounding environment through
34 the use of color and design, except in instances where the color is dictated by federal or state
35 authorities such as the Federal Aviation Administration. Tower architectural standards are
36 subject to final city council approval.
- 37 (2) Commercial wireless telecommunication service towers shall be of a monopole design unless
38 the city council determines that an alternative design is preferred in cases where structural
39 or design considerations, neighborhood compatibility, location availability, or the number of
40 potential collocations warrants this consideration.
- 41 (3) All towers must be designed so that the tower site and setbacks will contain guyed wires,
42 debris, and the tower in the event of a collapse, except towers of monopole design.
- 43 (I) *Tower bulk standards.* Towers shall conform with each of the following requirements:
- 44 (1) No part of any communication antenna or tower, equipment, guyed wires, or braces shall at
45 any time extend across or over any part of the public right-of-way, public street, highway,
46 sidewalk, or recreation trail.
- 47 (2) In business and industrial zoning districts, towers shall meet the setbacks of the underlying
48 zoning district with the exception of industrial zoning districts, where towers may encroach
49 into the side or rear setback area, provided that the side or rear property line abuts another

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- 1 nonresidential zoned property and the tower does not encroach upon any easements. When
2 adjacent to a residential district, the tower must meet the setback equal to the height of the
3 tower plus ten feet or the setbacks of the underlying zoning district, whichever is greater.
- 4 (3) Towers constructed within the Tower Overlay and Public/Quasi-Public Zoning Districts shall
5 maintain a minimum setback equal to the height of the tower plus ten feet from any lot line.
- 6 (4) Towers shall not be located between a principal structure and a public street, with the
7 following exceptions:
- 8 a. In business zoning district, towers may be placed within a side yard abutting right-of
9 way.
- 10 b. On sites adjacent to public streets on all sides, towers may be placed within a side yard
11 abutting a local street.
- 12 (5) The setback shall be measured between the base of the tower located nearest the property
13 line and the actual property line.
- 14 (6) A tower's setback may be reduced or its location in relation to a public street varied, at the
15 sole discretion of the city council, to allow the integration of a tower into an existing or
16 proposed structure such as a church steeple, light standard, power line support device, or
17 similar structure.
- 18 (7) The height of a communication tower shall not exceed:
- 19 a. 100 feet in residential districts.
- 20 b. 199 feet in business districts, with no additional height allowances granted.
- 21 (8) Multi-user towers may exceed the height requirements as stated in this section by up to an
22 additional 20 feet provided that two additional users, as stated in subsection (7) of this
23 section, have collocated their antennas on the monopole structure. ~~A tower extension~~
24 ~~requires an amended conditional use permit.~~
- 25 (9) The city council may increase the height of a tower if the applicant is able to demonstrate to
26 the satisfaction of the city council that the surrounding topography, structures, vegetation,
27 and other factors make the height limit for a complying tower impractical.
- 28 (J) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights
29 unless such lighting is specifically required by the Federal Aviation Administration or other federal
30 or state authority for a particular tower, or if required by the city council for safety reasons. When
31 incorporated into the approved design of the tower, light fixtures used to illuminate ball fields,
32 parking lots, or similar areas may be attached to the tower.
- 33 (K) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment
34 information signs is prohibited.
- 35 (L) *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be
36 architecturally designed to blend in with the surrounding environment and shall meet the minimum
37 setback requirements of the underlying zoning district. Ground-mounted equipment shall be
38 screened from view by suitable vegetation, except where a design of non-vegetative screening
39 better reflects and complements the architectural character of the surrounding neighborhood, as
40 determined by the city council.
- 41 (M) *Abandoned or unused towers or portions of towers.* Abandoned or unused towers or portions of
42 towers shall be removed as follows:
- 43 (1) All abandoned or unused towers and associated facilities shall be removed within 12 months
44 of the cessation of operations at the site unless a time extension is approved by the city
45 council. A copy of the relevant portions of a signed lease which requires the applicant to
46 remove the tower and associated facilities upon cessation of operations at the site shall be
47 submitted at the time of application.

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- (2) Unused portions of towers above a manufactured connection shall be removed within 12 months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.
- (N) *Antennas on roofs, walls and existing towers.*
- (1) The placement of wireless telecommunication antennas on roofs, walls, and existing towers, utility poles and structures is permitted in any district, regardless of parcel size, provided the antenna does not extend more than 20 feet above the highest point of the structure or tower. The placement of wireless telecommunications antennas on roofs, walls, and existing towers or structures may be approved by the city engineer, provided the antennas meet the requirements of this Code, after submittal of a final site and building plan as specified by chapter 105, Buildings and Building Regulations, and a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- (2) The replacement of an existing light pole or lighting standard in order to accommodate the placement of an antenna thereon shall be approved by issuance of a building permit based upon administrative review.
- (O) *Interference with public safety telecommunications.* No new or existing telecommunications service shall interfere with public safety telecommunications, in accordance with the rules and regulations of the Federal Communications Commission. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the city at least ten calendar days in advance of such changes and allow the city to monitor interference levels during the testing process.
- (P) *Additional submittal requirements.* In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information:
- (1) A report from a qualified and licensed professional engineer which:
- Describes the tower height and design including a cross section and elevation;
 - Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
 - Describes the tower's capacity, including the number and type of antennas that it can accommodate; and
 - Includes other information necessary to evaluate the request.
- (2) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (3) Before the issuance of a building permit, the following supplemental information shall be submitted:
- Affirmation that the proposed tower will comply with any applicable regulations administered by the Federal Aviation Administration; and
 - A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical (but not radio frequency) standards.
- (Q) *Antennas designed for private reception of television and radio signals.* Private antennas designed for reception of television and reception and transmission of radio signals, including antennas (less than 60 feet in height if free standing and 15 feet in height if roof mounted) used for amateur or recreational purposes, provided they are not located in a front yard and do not infringe upon requirements of the Federal Aviation Administration, shall be exempt from the provisions of this section. Antennas that are intended to be 60 feet or more in height if free standing and 15 feet or more in height if roof-mounted shall require a conditional use permit from the city.

(R) *Existing antennas and towers.* Antennas and towers in existence as of July 14, 1997, which do not conform to or comply with this section ~~are subject to the following provisions:~~
~~(1) — Towers~~ may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this section.

400 Residential Districts

410 Residential Districts Established and Purpose

The following residential districts (UR, RR, R1A, R1B, R1C, R2, and R3) are hereby established according to their purpose and the intent of the Comprehensive Plan. Collectively, these districts are herein this chapter called “residential districts.” For zoning districts expected to be served by municipal sanitary sewer and water (R1A, R1B, R1C, R2, and R3), these districts are herein collectively called “urbanized districts.”

411 UR – Urban Reserve District

(A) *Purpose.* The intent of this district is to preserve areas where municipal urban services are planned, as shown on the approved Comprehensive Plan, but not yet available or when significant infrastructure is planned, but not yet funded and constructed. The large minimum lot area will retain these lands in their natural state or as agricultural uses until sanitary sewer, water, streets, and other public infrastructure is available and new development occurs. This will allow orderly development to occur. The purpose of this district is to provide a holding zone until a landowner/developer makes application for development, at which time the City may rezone the affected property consistent with its designation in the Comprehensive Plan, provided that the development does not result in the premature extension of public utilities, facilities, and services.

(B) *Application* – This district shall be applied to properties within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is not currently available. The City Council shall consider the Comprehensive Plan’s Staging Plan when rezoning property to one of the urbanized districts.

412 RR – Rural Residential District

(A) *Purpose.* The intent of this district is to accommodate single-family dwelling units outside of the Metropolitan Urban Service Area at a maximum gross density of one unit per 2.5 acres. All lots located within the rural residential district are intended be served with individual septic systems and wells.

(B) *Application* – This district shall be applied to properties outside the MUSA as shown on the current Comprehensive Plan guided Rural Developing where municipal sanitary sewer and water infrastructure is not planned.

413 R1A –Single-Family Residential District

(A) *Purpose.* The purpose of this urbanized district is to accommodate single-family dwelling units on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) *Application* – This district shall be applied to properties guided Low Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

414 R1B—Single-Family Residential District

(A) *Purpose.* The purpose of this urbanized district is to accommodate single-family dwelling units on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) Application – This district shall be applied to properties guided Low Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

415 R1C—Single-Family Residential District

(A) Purpose. The purpose of this urbanized district is to accommodate detached residential dwelling units on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) Application – This district shall be applied to properties guided Low Density or Medium Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

415 R2—Medium Density Residential District

(A) Purpose. The purpose of this urbanized district is to accommodate detached and attached dwelling units on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) Application – This district shall be applied to properties guided Low or Medium Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

416 R3—High Density Residential District

(A) Purpose. The purpose of this urbanized district is to accommodate a variety of residential dwelling unit types on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) Application – This district shall be applied to properties guided High Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

420 Uses

The following subchapter establishes a listing of the permitted, conditional, principal, accessory, and temporary uses for the residential zoning districts. The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the purpose of each residential zoning district, the overall purpose of this chapter, and the Comprehensive Plan. Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.

421 Principal Uses

Permitted and conditional principal uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	UR	RR	R1A	R1B	R1C	R2	R3	Additional Standards (Section)
Agriculture	P	P	NP	NP	NP	NP	NP	
Assisted Living, Memory Care, and Nursing Home Facilities	NP	NP	NP	NP	NP	P	P	
Dwellings: Multiple-Family, Senior Living, etc.	NP	NP	NP	NP	NP	P	P	
Dwellings: Single-Family Detached	P	P	P	P	P	P	P	
Dwellings: Townhomes (attached)	NP	NP	NP	NP	NP	P	P	
Dwellings: Townhomes (detached), villas, cottage homes, etc.	NP	NP	NP	NP	P	P	P	

Dwellings: Two-Family Attached	NP	NP	NP	NP	NP	P	P	
Governmental or Public Facility or Utility	P	P	P	P	P	P	P	
Licensed Residential Facilities	P	P	P	P	P	P	P	425
Religious Institutions	P	P	P	P	P	P	P	425

422 Accessory Uses

Permitted and conditional accessory uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted section. All accessory uses must be accompanied by a primary use on a parcel. No accessory building shall be constructed on any lot prior to the time of construction of the principal building.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	UR	RR	R1A	R1B	R1C	R2	R3	Additional Standards (Section)
Accessory Dwelling Units (ADU), Attached	NP	P	P	NP	NP	P	P	425
Accessory Dwelling Units (ADU), Detached	NP	P	NP	NP	NP	NP	NP	425
Accessory Structures, garages, carports, sheds, etc.	P	P	P	P	P	P	P	
Commercial Dog Kennels	C	C	NP	NP	NP	NP	NP	
Commercial retail garden centers or greenhouses	C	C	NP	NP	NP	NP	NP	
Commercial Horse Boarding	C	C	NP	NP	NP	NP	NP	
Communications Towers or equipment in conformance with Section 350	C	C	NP	NP	NP	NP	P	
Community Amenity Buildings	P	P	P	P	P	P	P	
Decks and Patios	P	P	P	P	P	P	P	
Ground source heat pump systems	P	P	P	P	P	P	P	333
Home Occupations (Level I)	P	P	P	P	P	P	P	
Home Occupations (Level II)	P	P	P	NP	NP	NP	NP	
Leasing Offices, Management Offices	NP	NP	NP	NP	P	P	P	
Licensed Home Daycare	P	P	P	P	P	P	P	
Parking Lots/Structured Parking	NP	NP	NP	NP	NP	P	P	
Personal Use Heliports	P	P	NP	NP	NP	NP	NP	340
Private Recreation Equipment	P	P	P	P	P	P	P	
Solar Energy Systems	P	P	P	P	P	P	P	332
Swimming Pools, Sport Courts, Tennis, etc.	P	P	P	P	P	P	P	
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (medium-scale)	P	P	NP	NP	NP	NP	NP	331
Two-Story Accessory Building	€	€	€	€	€	€	€	

423 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established primary use listed in Section 421. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in Section 425.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	UR	RR	R1A	R1B	R1C	R2	R3	Additional Standards (section)
Construction Trailers/Field Offices	P	P	P	P	P	P	P	307
Model Homes	NP	P	P	P	P	P	P	425
Outdoor storage of snow removal equipment, temporary salt/sand shed <i>October 15-April 15</i>	P	P	NP	NP	NP	P	P	
Game Fair <i>August</i>	NP	C	NP	NP	NP	NP	NP	
Temporary Portable Storage Containers <i>30-days</i>	P	P	P	P	P	P	P	425
Temporary Real Estate Offices	NP	NP	P	P	P	P	P	
Temporary Health Care Dwellings	NP	NP	NP	NP	NP	NP	NP	426

425 Performance Standards

Some permitted and conditional uses listed in Section 421, 422, and 423 are further regulated based on the standards below.

(A) Accessory dwelling units (ADU). When permitted, attached and detached accessory dwelling units have the following requirements:

- (1) Number. No more than one ADU shall be allowed per one existing single-family residential property.
- (2) Owner occupancy. The principal dwelling or the ADU must be owner-occupied.
- (3) Accessory buildings. The ADU must comply with all other accessory building requirements set forth in this section.
- (4) Architecture. The exterior finish of the ADU must match that of the principal structure.
- (5) Maximum size. The maximum size of an ADU cannot exceed 800 square feet of habitable space.
- (6) Home occupations. The ADU cannot be used for any portion of a Level-II home occupation.
- (7) Setbacks. The detached ADU setbacks must meet the setback requirements for a principal dwelling in the R-1 residential zoning district.
- (8) Minimum lot size. Detached ADU's are allowed on properties with a minimum of one acre in size.
- (9) Attached ADU's are allowed on properties with a minimum of 80-foot lot width.
- (10) Height. The detached ADU may not exceed a height of 22 feet, or the height of the principal structure, whichever is less.
- (11) Address. The ADU must retain the same address as the principal structure.
- (12) Parking. Additional parking for the ADU is not required if off-street parking requirements for the principal structure are met.
- ~~(12) Regulations. An accessory dwelling unit must comply with all other city, local, regional, state, and federal regulations.~~
- (13) Utilities. Accessory dwelling units must share utilities with the principal structure.
- (14) Foundation. Accessory dwelling units must have a permanent foundation.
- ~~(15) Certificate of occupancy. Accessory dwelling units must have a certificate of occupancy and a building permit.~~
- (15) Ownership. Accessory dwelling units may not be sold separately from the primary residence, and cannot be created with a new tax parcel.

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- ~~(16) Garage conversion. ADUs are permitted above existing lawful detached garages. A conditional use permit (CUP) is required for the conversion of a lawful, nonconforming garage to an ADU. Exterior finish updates and additional landscaping or screening may be required from the city as a condition.~~
- (17) In multi-family, assisted living, memory care, or nursing home structures, ADUs as one-bedroom guest suites are permitted at the rate of one ADU per 50 apartment units and shall not count towards density calculations.
- (18) ADUs in the Shoreland Overlay District are limited to 700 square feet and 15 feet in height.
- (B) Model Homes, Temporary Real Estate Offices, and Construction Trailers/Field Offices. This section allows for the provision of model homes, temporary real estate offices, and temporary construction trailers/field offices in new residential subdivisions or development without adversely affecting the character of surrounding residential neighborhoods and properties or creating a general nuisance. As these uses represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment. All model homes, temporary real estate offices, and construction trailers/field offices must comply with the following special requirements:
- (1) Temporary parking facilities shall be provided for model homes, temporary real estate offices, and construction trailers/field offices. At least four parking spaces must be provided. The overall design, drainage, and surfacing of the temporary parking facility shall be subject to the approval of the zoning administrator.
 - (2) The model home or temporary real estate office are permitted only until all the other lots in the subdivision have active building permits. Construction trailers/field offices are permitted until all buildings within the project have a certificate of occupancy.
 - (3) The applicant for a model home may be required to submit a cash bond to guarantee the conversion of the model home to living space in a timely manner if alterations to the site have occurred such as the provision of paved parking, removal of lighting, and similar uses. Such conversion includes, but is not limited to, the provision of landscaping, turf restoration and the removal of parking lots, signage, and lighting.
 - (4) At no time may a model home, temporary real estate office, or construction trailer/field office be used as a residence living quarters.
- (C) Home Occupations. Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. ~~Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.~~
- (1) Requirements. Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.
 - a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.

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- b. The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.
 - c. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 - d. The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.
 - e. The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in [section 117-349](#).
 - f. A minimum of 400 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
 - g. There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:
 1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked outside on the site of the home occupation in accordance with [section 117-355](#).
 2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with [section 117-355](#).
 - h. There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in [article II, division 8 of this chapter](#), with the following exception:
 1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.
 - i. The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.
 - j. [The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.](#)
 - k. The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.
 - l. The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.

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- 1 m. The home occupation shall not include operations relating to internal combustion engines,
2 body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other
3 objectionable uses as determined by the zoning administrator.
- 4 n. The home occupation shall not change the fire rating of a structure nor require exterior
5 alterations or modifications that change the residential character or appearance of the
6 dwelling unit or accessory building to a commercial nature.
- 7 (2) *Administrative (Level I) home occupation permit required.* Home occupations that include one
8 or more of the following practices or operational methods shall require a home occupation
9 permit that is subject to the review and approval of the zoning administrator.
- 10 a. The home occupation employs persons, which includes but is not limited to co-owners,
11 partners, and employees), that do not live in the dwelling unit on the property but conduct
12 work on the property.
- 13 1. The owner of a home occupation on a parcel less than three acres in size may employ a
14 maximum of one person that does not reside in the dwelling unit on the property but
15 does conduct work on the property. The owner of a home occupation on a parcel three
16 acres or greater in size may employ a maximum of three persons that do not reside in the
17 dwelling unit on the property but do conduct work on the property.
- 18 2. Off-street parking for the dwelling unit occupants and any nonresident employees is
19 provided in accordance with section 117-355.
- 20 b. The home occupation involves operating methods that include transactions with the public
21 (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The
22 number of persons permitted on the site at any given time shall be limited so as not to create
23 a parking demand in excess of that which can be accommodated on driveway on the site of
24 the home occupation.
- 25 c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that
26 are ancillary to the home occupation and shall be displayed or stored indoors.
- 27 ~~(3) *Conditional use.* Home occupations that propose to operate beyond the scope of the~~
28 ~~parameters in subsection (1) and/or (2) of this section shall be processed in accordance with~~
29 ~~the procedures established for conditional use permits in section 117-51, with the exception of~~
30 ~~recording the home occupation permit should it be approved by city council.~~
- 31 (4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not
32 become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city
33 council may impose reasonable conditions necessary to protect the public health, safety, and
34 welfare of residents of the city.
- 35 (5) *Inspections.* There may be one or more inspections each year by the zoning administrator or
36 designee of any property covered by a home occupation permit. In addition, the zoning
37 administrator and/or his designee, shall have the right at any time, upon reasonable request,
38 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by
39 said permit for safety and compliance purposes.
- 40 (6) *Term of home occupation permits.* Home occupation permits granted by this section shall be
41 temporary in nature and shall be granted to a designated person who resides in the dwelling
42 unit on the subject property. Permits are not transferable from person to person or from
43 address to address, unless the transfer is in accordance with the provisions of subsection (7) of
44 this section.
- 45 (7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption*
46 *of article provisions.*
- 47 a. Should a home occupation permit holder die or move to a new location, the existing permit
48 shall be automatically terminated. Except that in the case of death, should a surviving spouse
49 or child, residing at the same address or receiving title to the property desire to continue the

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- home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
- b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
- c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.
- (8) Uses ineligible for Home Occupations. The following business types are not allowed uses as home occupations:
- a. Auto Repair or Sales
- b. Firearms or ammunition sales, servicing, or manufacturing
- (E) Licensed Residential Facilities – Licensed residential facilities are limited to six residents per dwelling unit. This requirement applies to unlicensed supportive living facilities.
- (F) Religious Institutions.
- (1) In any residential district, a religious institution must be located along an arterial roadway or at the intersection of two collector roadways as defined by the Existing Functional Classification map in the Comprehensive Plan. Vehicular access to the site must be from either the collector or arterial roadway or a designated frontage road.
- (2) Dwelling Units. Dwelling units are allowed as an accessory use as a residence for clergy, staff, or mission of the institution.
- (G) Principal structures within the Urban Reserve District constructed after the adoption date of this chapter:
- (1) All principal structures shall be orientated in such a way where access can be modified from an existing arterial or collector roadway to a new local street anticipated with any future subdivision on the property.
- (2) All structures shall be designed for eventual connection to City services.
- (H) Multiple Family Dwellings. Multiple family dwelling buildings intended for general occupancy (excluding Senior Living) shall have the following requirements:
- (1) Unit types. All buildings shall have a mix of three or more different unit types. In no case shall a building be comprised of more than 60 percent one-bedroom units and no more than 20 percent efficiency or studio units.
- (2) Controlled access entry systems are required for all multiple family dwelling buildings including accesses between enclosed parking and the rest of the building.
- (I) *Temporary portable storage containers.*
- (1) One temporary portable storage container is allowed per dwelling unit for a maximum of 30 consecutive days in a calendar year, unless in conjunction with an active building permit.
- (2) The storage container must be located on the driveway of the dwelling unit it is serving. An alternate location may be approved by the Zoning Administrator.

Pursuant to authority granted by Minn. Stats. § 462.3593, subd. 9, the City of Ramsey opts-out of the requirements of Minn. Stats. § 462.3593, which defines and regulates temporary family health care dwellings.

430 Bulk Standards

- (A) Minimum and maximum dimensional standards for lots and the principal structures for each of the residential districts are established in the following table:

	UR	RR	R1A	R1B	R1C	R2	R3
Lot Standards							
Lot Area	20 acres	2.5 acres	10,000 sqft	6,500 sqft	5,000 sqft	4,350 sqft or equivalent	10,000 sqft
Minimum Lot Width	300 feet	200 feet/ 100 feet on cul-de-sac	75 feet	65 feet	50 feet	N/A	100 feet
Minimum Lot Depth	200 feet	200 feet	100 feet	90 feet	80 feet	N/A	200 feet
Minimum Lot Frontage on a Public Street	60 feet	60 feet	45 feet	45 feet	35 feet	N/A	80 feet
Principal Structures							
Maximum Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	40 feet	60 feet
Minimum Principal Structure Footprint	720 sqft	720 sqft	720 sqft	720 sqft	720 sqft	N/A	N/A
Maximum Principal Structure Footprint	5 percent	10 percent	25 percent	35 percent	35 percent	35 percent	50 percent
Maximum Impervious Coverage	10 percent	20 percent	35 percent	40 percent	50 percent	50 percent	60 percent
Front Setback	25 feet	40 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Side Setback (interior)	5 feet	10 feet	5 feet	5 feet	5 feet	30 feet (edge of development)	25 feet
Side Setback (to right-of-way)	25 feet	40 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Rear Setback	40 feet	40 feet	20 feet	20 feet	20 feet	10 feet	10 feet
Setbacks from arterial roadways	60 feet	60 feet	60 feet	60 feet	60 feet	60 feet	60 feet
Setback from wetlands	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet

- (B) Maximum Setback – All principal structures on lots zoned R1A, R1B, and R1C shall be constructed no greater than 10 feet more than the minimum setback for the respective districts, except where adjacent structures existing as of July 1, 2002, have a different setback from that required herein, the front yard setback shall conform to the prevailing setback of adjacent structures. If adjacent structures have different setbacks from one another, the minimum front yard shall be the average of the two adjacent structures.

~~(C) Flag Lots – The use of flag lots is limited to the RR district and should be kept to a minimum where there is no other reasonable way to subdivide property. If so created, the portion of the property containing the driveway shall be no less than 20 feet in width. Minimum lot area shall be calculated excluding the portion of the property containing the driveway.~~

- (C) For lots in the R2 district created for attached or detached townhomes, the lot area equivalent shall be calculated as an average of the areas of the privately-owned lots and any association-maintained common areas.

- (D) Accessibility ramps are exempt from the front yard setback requirements of each district.
- (E) Density/Use Transitioning and Buffering – Add 35 feet to the minimum lot depth or width and to the principal structure setback (side or rear) to accommodate screening requirements found in Section 475 when:
- (1) Adjacent to an RR-, B-, or I-zoned property; or
 - (2) When an R2- or R3-zoned property is adjacent to an RR-, R1A-, R1B-, or R1C-zoned property;
 - (3) Adjacent to a P-zoned property.

450 Accessory Structures

The following standards are required for all accessory structures on residential properties.

(A) Height.

- (1) Urbanized Districts: The height of a detached accessory buildings shall not exceed the height of the principal structure or ~~22~~ 24 feet, whichever is less. The height of an attached accessory structure shall not exceed the height of the principal structure.
- (2) Rural Residential or Urban Reserve District: The height of a detached accessory buildings shall not exceed the height of the principal structure or 24 feet, whichever is less. The height of an attached accessory structure shall not exceed the height of the principal structure. If a detached structure is in the rear yard, the height of the accessory structure cannot exceed 30 feet.

(B) Architectural Requirements. The exterior materials used on the detached accessory buildings must generally match those of the principal building on the subject property including same or similar colors, soffit, fascia and eave overhang.

(C) Setbacks

- (1) Side and Rear Setbacks – 5 feet.
- (2) Front Setback and side adjacent to right-of-way – no closer to the street than the edge of the principal structure.
- (3) Exception: detached accessory building may be located in front of the principal building while maintaining setbacks for principal structures in that zoning district when:
 - a. On RR lots two acres or greater in area, or
 - b. When located riparian lots in the wild and scenic, critical area, or shoreland overlay districts.

(D) Quantity and Area Requirements. All accessory buildings, with the exception of attached garages, shall be included when calculating the maximum square footage of accessory building space allowed on a property. All accessory buildings, excluding attached garages, shall be included when determining the total number of accessory buildings on a property.

Accessory Structure area and quantity requirements for all residential districts:

Parcel Size (sq. ft. and acres)	Maximum Square Footage Allowed for Accessory Buildings	Maximum number of Accessory Buildings Allowed
0—21,779 (0 to 0.5 acre)	10% of lot, or 1,500 square feet, whichever is smaller	2
21,780—43,559 (0.5 acre to 1 acre)	1,800	3
43,560—65,339 (1 acre to 1.49 acres)	2,200	3

65,340—108,899 (1.5 to 2.49 acres)	2,400	3
108,900—152,459 (2.5 to 3.49 acres)	2,700	3
152,460—196,019 (3.5 to 4.49 acres)	3,000	4
196,020—239,579 (4.5 to 5.49 acres)	3,500	4
239,580—283,139 (5.5 to 6.49 acres)	3,900	4
283,140—326,699 (6.5 to 7.49 acres)	4,300	5
326,700—370,259 (7.5 to 8.49 acres)	4,700	5
370,260—413,819 (8.5 to 9.49 acres)	5,100	5
413,820—435,599 (9.5 to 9.99 acres)	5,500	5
435,600—871,199 (10 to 19.99 acres)	6,000	6
871,200—1,742,399 (20 to 39.99 acres)	8,000	7
1,472,400 or larger (40 acres or more)	12,000	8

460 Residential Parking Standards

(A) Garages required. All single-family and townhome units must have a garage, either attached or detached, of at least 400 square feet in area.

(B) Required Quantity of Parking Spaces. For uses not listed below, a parking justification report shall be submitted to the zoning administrator explaining the anticipated parking needs based on the number of residents, employees, customers, and visitors.

- (1) Detached Single-Family, Attached Two-Family, Townhome (attached or detached), and Licensed Residential Facility uses must provide two off-street parking spaces per dwelling unit. Driveways may be used as parking spaces.
- (2) Multiple-Family Dwelling uses must provide 1.5 off-street parking spaces per unit in a parking lot or structure conforming to the design standards in Section 560.
- (3) Senior Living and Assisted Living uses must provide one off-street parking space per unit in a parking lot or structure conforming to the design standards in Section 560.
- (4) Religious Institutions as required in Section 560.

(C) In any residential district, outside parking of any motor vehicle(s) and/or recreational equipment is subject to the following standards:

(1) Number of items.

- a. Six items ~~allows~~ are allowed for outdoor storage and parking on parcels less than one ~~two~~ acres in size.
- b. Eight items are allowed for outdoor storage and parking on parcels between one and 1.99 acres in size.
- c. ~~Eight~~ Ten items are allowed for outdoor storage and parking on parcels between two and 4.99 acres in size.

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- 1 d. ~~Ten~~ Twelve items are allowed for outdoor storage and parking on parcels five acres or greater
2 in size.
- 3 e. Items stored or parked separate from other items shall count as one item each; multiple items
4 stored or parked on a trailer, for instance, count as one item. (Example: two snowmobiles and
5 an empty trailer on the ground are three items; two snowmobiles on a trailer are one item).
- 6 f. Items that will count towards the number restriction include, but are not limited to, the
7 following examples: trailers, motor vehicles, recreational vehicles, campers, boats, canoes,
8 snowmobiles, jet-skis, all-terrain vehicles, go-carts, motocross bikes, motorcycles, fish
9 houses, and other recreational equipment, bobcats, skid steers, and self-propelled vehicles.
- 10 g. Exceptions: Items that will not count towards the number restriction include those items
11 typically seen as accessory to a residential use, up to four each. Examples would be
12 lawnmowers, garden tractors and attachments, bicycles, wheelbarrows, play structures,
13 stepladders, and other items used for routine home and lawn maintenance.
- 14 ~~g. Increase in the number of items will be allowed through an administrative zoning permit at
15 the discretion of the zoning administrator if the applicant can demonstrate a higher number
16 of drivers, topographical issues on the lot or other practical difficulties.~~
- 17 (2) *Location and setbacks.*
- 18 a. On all residential parcels:
- 19 1. Motor vehicles stored or parked in a side or rear yard shall maintain a setback of at least
20 five feet from the edge of the parking surface to the lot line(s).
- 21 2. Equipment parked or stored in the side yard shall maintain a setback of at least five feet
22 from the edge of the parking surface to the lot line(s).
- 23 3. Equipment parked or stored in the rear yard shall maintain a setback of at least five feet
24 from the lot line(s).
- 25 (3) *Surfacing.*
- 26 a. Inside the metropolitan urban service area (MUSA).
- 27 1. Currently licensed and operable motor vehicles, the primary purpose of which is for
28 private transportation or recreational use may be parked:
- 29 (i) In the front yard if on a driveway.
- 30 (ii) In the side or rear yard provided it is parked on a residential parking surface that
31 consists of either bituminous pavement or concrete.
- 32 2. Equipment, for which the primary purpose is private or personal/recreational use may be
33 parked:
- 34 (i) In the front yard if on a driveway.
- 35 (ii) In the side yard on a residential parking surface of either bituminous pavement or
36 concrete.
- 37 (iii) In the rear yard on an unimproved surface.
- 38 b. Outside the metropolitan urban service area (MUSA).
- 39 1. Currently licensed and operable motor vehicles, the primary purpose of which is for
40 private transportation or recreational use may be parked:
- 41 (i) In the front yard if on a driveway.
- 42 (ii) In the side or rear yard provided it is parked on a residential parking surface that
43 consists of either bituminous pavement, concrete, or prepared gravel/Class V of at
44 least two inches in depth that is applied to the entire area beneath the motor vehicle
45 and extending 12 inches around the perimeter of the motor vehicle.
- 46 2. Equipment, for which the primary purpose is private or personal/recreational use may be
47 parked:
- 48 (i) In the front yard if on a driveway.

-
- (ii) In the side yard on a residential parking surface of bituminous pavement, concrete, or Class V of at least two inches in depth, that is applied to the entire area beneath the equipment and extending 12 inches around the perimeter of the equipment.
- (iii) In the rear yard on an unimproved surface.
- c. An alternative surface, such as pervious pavement, may be considered with appropriate base and approval of the zoning administrator.
- ~~(4) Residents shall be allowed to have one unlicensed, inoperable motor vehicle that may be stored outdoors. This motor vehicle shall not be permitted to be stored in the front yard or driveway. This motor vehicle must be stored in the side or rear yard on a prepared surface and must be completely screened from adjacent properties and right-of-way. This motor vehicle shall still be subject to the city's public nuisance regulations.~~
- (4) The material for the prepared parking surface must be at least two inches in depth. ~~It is reiterated that City Code requires the surface to be applied~~ under the entire motor vehicle or equipment and extend 12 inches beyond the perimeter of the motor vehicle or equipment.
- (5) At no time shall a motor vehicle or equipment be parked such that any portion of the motor vehicle or equipment extends into a sidewalk or trail, ~~as these are considered public rights-of-way.~~
- (C) Commercial use motor vehicles and equipment may be parked outside for short-term periods, defined as eight hours or less in one 24-hour period, or for longer periods under the following conditions:
- (1) *Inside the MUSA:*
- a. Said items shall be screened to a degree of 75 percent at ground level view from the public right-of-way and adjacent properties.
- b. Said items shall be parked only in the side or rear yard of the subject property and said items shall be parked on a residential parking surface that consists of bituminous pavement or concrete.
- c. Commercial use motor vehicles and equipment intended to be parked outside that cannot meet criteria established in **subsections (c)(1)a. and b.** above, but can provide for alternatives to same, shall be required to obtain an interim use permit or home occupation permit, where applicable.
- d. Commercial use motor vehicles and equipment shall count towards the total number of allowable items that may be stored outside as defined in this section.
- (2) *Outside the MUSA:*
- a. Said items shall be screened to a degree of 50 percent at ground level view from the public right-of-way and adjacent properties.
- b. Said items shall be parked only in the side or rear yard of the subject property and said items shall be parked on a residential parking surface that consists of bituminous pavement, concrete, or Class V with a minimum of a two-inch base.
- c. Commercial use motor vehicles and equipment intended to be parked outside that cannot meet criteria established in **subsection (c)(2)a. and b.** above, but can provide for alternatives to same, shall be required to obtain an interim use permit or home occupation permit, where applicable.
- d. Commercial use motor vehicles and equipment shall count towards the total number of allowable items that may be stored outside as defined in this section.
- (D) Active agricultural motor vehicles and equipment necessary to sustain agricultural uses are allowed and not required to be parked on a prepared surface nor screened.
- (E) Private and/or commercial use motor vehicles and equipment shall not be parked on a parcel unless said personal property is owned or leased by a person residing on the parcel, or owned or leased by the employer of a person residing on the parcel. The Minnesota Department of Motor Vehicles

registration records shall be used to determine the owner of registered vehicles and/or equipment and said owner's address.

462 Game Fair Parking Overlay District

The "GF Game Fair parking overlay district," is established as shown on the official zoning map accompanying this ~~code~~ chapter. Notwithstanding the provisions of **Section 460** to the contrary, Game Fair parking on residentially zoned property may be permitted in required side and front yards only during the period of the annual "Game Fair" ~~event~~ conducted by Armstrong Kennels.

463 Residential Driveways

(A) When Required.

- (1) A driveway shall be required for all attached accessory buildings with a doorway opening meeting or exceeding eight feet wide by seven feet tall.
- (2) If a detached accessory building serves as the primary garage, a driveway shall be installed.

(B) Surface Materials

- (1) Urbanized districts: driveway materials shall consist of concrete, bituminous, or driveway-rated pavers for a continuous hard surface.
- (2) Rural Residential or Urban Reserve Districts: driveway materials shall consist of concrete, bituminous, driveway-rated pavers, or a minimum two-inch Class-V gravel.

(C) Driveways shall be setback at least five feet from interior side or rear property lines.

(D) Driveway widths shall not exceed 30 feet at the street, through the public right-of-way, and the first five feet of the adjacent yard to the right-of-way where the driveway is accessing.

(E) No more than 50 percent of a front yard may be covered by a driveway.

465 Residential Waste Management

(A) Outdoor waste receptacles serving single- and two-family dwellings and licensed residential facilities must be in either the rear or the side yard ~~and must be screened from public view and adjacent lots.~~

(B) Waste receptacles serving townhomes, multi-family, or non-residential uses must be located within an interior trash room, a garage, or an exterior waste enclosure designed of masonry construction and opaque gates compatible with the building's architecture.

470 Residential Landscaping Standards

(A) *Intent.* The City of Ramsey recognizes the advantages that landscaping and screening can provide, including enhanced health, safety, aesthetic, ecological and economic value. The intent of this section is to:

- (1) Enhance the quality of life within the city;
- (2) Enhance aesthetic view of development(s) from public roads;
- (3) Maintain and enhance property values;
- (4) Aid in both physical and mental human health;
- (5) Improve air quality and buffer against noise, glare, and heat;
- (6) Reduce the potential for crime and violence;
- (7) Improve energy efficiency;
- (8) Add visual interest to blank building facades and soften appearance of hardscaping and buildings with accent plantings;
- (9) Complement adjacent land uses;
- (10) Improve the visual quality and continuity within and between developments;
- (11) Reduce storm water runoff;

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- 1 (12) Encourage the establishment and/or restoration of native landscapes.
- 2 (B) *Goals and objectives.* Landscaping for any project is intended to achieve the following goals and
- 3 objectives:
- 4 (1) Provide immediate aesthetic enhancements to a development site while also taking into
- 5 account space and input needs of plantings well into the future;
- 6 (2) Encourage a healthy environment and landscape in the future;
- 7 (3) Ensure a diverse mixture of species to protect against future pests and pathogens;
- 8 (4) Encourage native landscapes in suitable locations with appropriate management plans.
- 9 (C) *Landscaping requirements.*
- 10 (1) *Topsoil and ground cover.* All exposed ground areas, including boulevards and areas not
- 11 devoted to off-street parking, driveways, sidewalks, trails, patios or other such impervious
- 12 improvements, shall be landscaped with turf, shrubs, trees, native grasses and wildflowers
- 13 and/or other ornamental landscape materials within six months of the date of issuance of the
- 14 certificate of occupancy.
- 15 a. *Topsoil.* In all zoning districts, a minimum of four inches of topsoil, ~~as defined in section 117-~~
- 16 ~~1,~~ shall be applied across all exposed ground areas to the edge of improved streets, sidewalks,
- 17 driveways and other impervious surfaces, excluding natural areas that are left undisturbed,
- 18 whenever a building permit is issued for the construction of a principal building.
- 19 ~~1.—The depth of topsoil at the time of inspection shall be not less than four inches.~~
- 20 ~~2.—~~Alternatives to the import of topsoil, such as compost or other soil amendments known
- 21 to improve soil water holding capacity may be permitted, but only with the prior approval
- 22 of the city engineer.
- 23 b. *Required ground cover.* In all urbanized zoning districts ~~except R-1,~~ all portions of a site not
- 24 covered by structures, concrete, or asphalt, but excluding natural areas that are left
- 25 undisturbed, shall be finished with sod and plantings, up to the edge of improved streets and
- 26 other impervious surfaces in adjacent rights-of way. Any alternative to the sod requirement
- 27 shall require City Council approval.
- 28 ~~1.—In the R-1 Residential District, sod is required in all boulevards, excluding those areas~~
- 29 ~~devoted to sidewalks, trails and driveways.~~
- 30 ~~2.—~~ The remainder of a yard may be established with sod, seed, natural ground cover and/or
- 31 native grasses and wildflowers. ~~Noxious weeds do not constitute allowable ground cover.~~
- 32 (2) *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the
- 33 following:
- 34 a. Technology that inhibits or interrupts operation of the irrigation system during periods of
- 35 sufficient moisture (rain sensor).
- 36 b. One or more water efficient technologies. This could include, but is not limited to, WaterSense
- 37 labeled weather-based irrigation controllers, soil moisture sensors, and/or
- 38 evapotranspiration (ET) sensors.
- 39 (3) *Existing trees.* A reasonable attempt shall be made to preserve as many existing trees as is
- 40 practicable and incorporate them into a development (**see division 5, Tree Preservation for**
- 41 **inventory and preservation requirements**). For each healthy significant tree retained on site
- 42 and not identified on the city's list of prohibited trees, one overstory tree, or the equivalent
- 43 canopy square footage, can be deducted from the minimum planting requirements.
- 44 (4) *Planting types.* Acceptable planting types shall be determined by the Ramsey Tree Book. The
- 45 complement of trees fulfilling the landscaping requirements shall not be less than 25 percent
- 46 deciduous and not less than 25 percent coniferous. Not more than 25 percent of the required
- 47 plantings shall consist of ornamental or understory trees. Projects should attempt to limit the
- 48 planting of any one genus to no more than 20 percent of the total plantings.
- 49 (5) *Planting requirements for the R1A, R1B, R1C, and RR districts.*

Zoning District	Planting Type	Minimum Number Required	Size
R1A, R1B	Overstory Deciduous and/or Coniferous trees	2 trees per dwelling, planted in the boulevard (or front yard depending on available space)	1 inch caliper - deciduous 5 foot height - conifer
R1C	Overstory Deciduous and/or Coniferous trees	1 tree per 50 feet of frontage, planted in the boulevard	1 inch caliper — deciduous 5 foot height — conifer
RR	Overstory Deciduous and/or Coniferous trees	2 trees per dwelling, planted in the front yard	1 inch caliper - deciduous 5 foot height — conifer

- a. In the R1C district, alternative planting locations, such as the backyard or common areas, will be considered if there is not sufficient space in the boulevard due to other improvements such as driveways, streetlights, hydrants, etc.

(6) *Planting requirements for the R2 and R3 Districts.*

- a. If the housing product is a detached style, the plantings shall consist of at least one tree per 50 feet of street frontage, planted in the boulevard.
1. Alternative planting locations, such as the backyard or common areas, will be considered if there is not sufficient space in the boulevard due to other improvements such as driveway, streetlights, hydrants, etc.
- b. If the housing product is an attached style, the number of plantings shall be determined based on canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage.
- c. The minimum canopy cover required shall be calculated as follows:
1. Determine ratio of impervious area (including stormwater ponds) to entire site.
 2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
 3. The following formula shall be utilized to determine the average canopy cover of a species: $[(\text{Minimum} + \text{maximum spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book})$.
- d. Minimum size of plantings. Required trees and shrubs shall meet or exceed the following size standards:

Plant Type	Size
Deciduous Tree	1 inch caliper
Coniferous Tree	5 feet in height
Ornamental Tree	1 inch caliper
Deciduous Shrub	2 feet in height
Evergreen	2 feet in height or width, based on growth characteristics

475 **Screening**

- (1) Rooftop HVAC and other mechanical units must be screened from views from the property lines using the following means:
- a. Proper placement on the roof.
 - b. An integrated screen panel that is architecturally compatible with the building.
 - c. Parapet heights sufficient for screening the views.

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- (2) Ground-mounted HVAC and other mechanical units for all structures other than single-family, two-family, and townhomes must be screened from views from the property lines using the following means:
- Privacy fencing
 - An integrated screen panel that is architecturally compatible with the building.
 - Landscaped berms.
- (3) Density/Use Buffering and Transitioning. Within the additional lot depth/width area described in Section 430, the following options are required when different residential uses abut each other or residential uses abut an existing or planned non-residential use.
- A continuous six-foot privacy fence with overstory trees planted every 20 feet, roughly evenly spaced.
 - A vegetative buffer containing four overstory, four evergreen, and four understory trees planted per 100 feet of property boundary on both sides of a berm with a maximum slope of 4:1.
 - If this area is used for storm water management, both sides of the basin shall be lined with overstory trees at the rate of one tree per 20 feet, roughly evenly spaced and large shrubs at the rate of one per three feet. The side of the basin closest to a non-residential use shall add one evergreen tree per 40 feet, roughly evenly spaced.
 - Other options may be approved by the City Council based on site and adjacent site conditions and existing vegetation.

480 Residential Architectural Design Standards

- (A) *Single-Family Homes, Two-Family Structures Exterior building materials.* The type of building materials used on exterior walls on all structures ~~in the R-1 Residential District~~ shall be face brick; natural stone; stucco; aluminum, steel, ~~or~~ vinyl siding; wood; ~~masonite products~~ or other compatible residential materials ~~that may be approved by the city.~~
- (B) *Townhomes, Rowhomes, Multi-Family Buildings.* The purpose of this section is to encourage the development of high-quality, diverse multiple-dwelling structures in the city while permitting flexibility in the development process.
- (1) General standards. The requirements in this section apply to the front facades of all multiple-dwelling structures, as defined under permitted uses in this section.
- The type of building materials used on exterior walls of all townhomes, rowhomes, and multi-family structures ~~in the R-3 Residential District~~ shall be face brick; natural stone; stucco; aluminum, steel, or vinyl siding; wood; ~~masonite products~~; or other compatible residential materials that may be approved by the city council. Exterior Insulation and Finish Systems (EIFS) material is prohibited. The front exterior building finish of multiple-family buildings shall consist of a minimum of 35 percent face brick, natural stone, or stucco (excluding window and door area in the calculation). This requirement shall also apply to the side of a building when it faces a public street.
 - Multiple-dwelling developments that face county highways, state highways, or MSA roads shall vary structure orientation.
 - A minimum of three colors shall be used for each multiple-dwelling building. Elements that may count towards this requirement include siding, trim, doors, and garage doors. A color palette shall be included as a part of the building elevation submittal at the time of development review.
 - All multiple-dwelling structures shall include at least two of the following architectural elements:

1. Articulated/cantilevered facade.
 2. Dormers.
 3. Articulated roofline.
 4. Projected or inset windows.
 5. Balconies, porches, or decks.
 6. ~~Window treatments, such as shutters and window boxes.~~
 7. ~~Other elements as approved by the city council.~~
- b. ~~The 35 percent masonry requirement (under subsection (e)(8)a.1 of this section) may be waived in whole or in part based on inclusion of one or more of the following criteria:~~
1. ~~Two additional architectural elements from the list in subsection (e)(8)a.4 of this section are included.~~
 2. ~~Two additional colors are included in the overall color palette, for a total of five colors.~~
 3. ~~Decorative sidewalks (brick, stone inlays, etc.).~~
 4. ~~Other aesthetic enhancements deemed to be appropriate by the city council.~~
- (C) Accessory buildings. Exterior building materials for detached accessory buildings ~~not addressed by Minnesota State Building Code~~ shall be generally consistent with the exterior finish of the principal building and finished with ~~hardboard lap siding~~, vinyl lap siding, aluminum or metal lap siding, architectural metal panels, textured wood (painted), and/or masonry. Prefabricated molded plastic storage sheds shall be permissible.

485 Residential Fences

- (A) *Height.* Fencing or walls (except retaining walls) located in the ~~required~~ front yard ~~setback~~ shall not exceed four feet in height ~~except for "ornamental fences" as defined in section 117-1.~~ Fencing or walls located in the side or rear yard shall not exceed eight feet in height. ~~A zoning permit is required for all fences that are not addressed by the Minnesota State Building Code.~~
- (B) *Materials and construction.* Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Fencing material shall consist only of wood, chain link, wrought iron, maintenance free vinyl, aluminum, or steel. Any other material must be approved by the zoning administrator prior to installation.
- (1) No boards, planks, or panels shall be larger than 12 inches in width.
 - (2) Chain link fences shall be constructed such that no barbed ends shall be at the top.
 - (3) Fence framing must face inward on the fence owner's lot.
 - (4) Chain link fencing for multi-family, townhome, or non-residential uses must be black or brown vinyl coated.
- (C) *Agricultural uses.*
- (1) Fences may be constructed of barbless wire or have the capability to carry an electric charge to accommodate agricultural activities and the raising of livestock and animals as defined by Chapter 10, Animals. Lots of record as of July 1, 2002, within the MUSA that are currently used for agricultural activities or the raising of livestock and animals also qualify under this provision.
 - (2) Electric fences must be set back a minimum of three feet from property lines and must be posted as being electric.
 - (3) ~~A sketch drawing shall be submitted to the city showing the proposed location of an electric fence.~~
- (D) *Location.* Fencing must be located ~~100 percent~~ on the fence owner's lot and it is the responsibility of the fence owner to accurately locate property boundaries.

(1) For corner lots, no fence shall be located within the vision clearance triangle ~~as described in section 117-348.~~

~~(2) The zoning administrator may require the owner of the property upon which a fence will be constructed to establish the boundary lines of the property by a survey thereof to be made by any registered land surveyor.~~

500 Business Districts

510 Districts Established and Purpose

The following business districts (B-1, B-2, B-3, I-1, and I-2) are hereby established according to their purpose and the intent of the Comprehensive Plan. Collectively, these five districts are herein this chapter called "business districts."

511 B-1 Neighborhood Business District

(A) Purpose. This district is intended to provide a district which encourages compact walkable centers for office, retail sales, and personal services that connect to and serve the adjacent neighborhoods and to preserve and protect the general character of the adjacent areas.

(B) Application – This district shall be applied to properties guided Commercial as shown on the current Comprehensive Plan.

512 B-2 Community Business District

(A) Purpose. This district is intended to provide a district for the development of community-scale office, retail sales, restaurant, and services functional for both pedestrians and automobiles.

(B) Application – This district shall be applied to properties guided Commercial as shown on the current Comprehensive Plan.

513 B-3 Regional Business District

(A) Purpose. This district is intended to provide for large-scale commercial development, including retail, entertainment, restaurant, and other complementary commercial uses. The district is intended to provide a commercial environment that is functional for both pedestrians and automobiles serving the community and region.

(B) Application – This district shall be applied to properties guided Commercial as shown on the current Comprehensive Plan.

514 I-1 Light Industrial District

(A) Purpose. This district is intended to provide areas in which to locate businesses that enhance the city's tax base, have a large employee base, involve manufacturing, warehousing, distribution, office uses, and other accessory retail and service uses offered on site with minimal outdoor storage. This district also accommodates large users such as indoor recreational complexes.

(B) Application – This district shall be applied to properties guided Business Park as shown on the current Comprehensive Plan.

515 I-2 General Industrial District

(A) Purpose. This district is designed to provide a district for intense manufacturing, warehousing, distribution, and industrial uses due to the characteristics of the use of the property, and/or have an extensive amount of outdoor processing and/or outdoor storage.

(B) Application – This district shall be applied to properties guided Business Park as shown on the current Comprehensive Plan.

520 Uses

The following sections establish listings of the permitted, conditional, principal, accessory, and temporary uses for the business zoning districts (B-1, B-2, B-3, I-1, I-2). The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the Comprehensive Plan, the purpose of each business zoning district, and the overall purpose of this chapter. Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.

521 Principal Uses

Permitted and conditional principal uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	B-1	B-2	B-3	I-1	I-2	Additional Standards (Section)
Adult Uses – Principal	NP	NP	C	NP	NP	525
Animal Service Business and Veterinary Clinics	P	P	P	P	P	
Asphalt and Concrete Plants	NP	NP	NP	NP	C	
Assembly Halls, Banquet Halls, or Conference Centers	NP	C	C	C	NP	
Banks	P	P	P	P	NP	
Breweries and Distilleries	NP	P	P	P	P	525
Car Washes and Detailing Services	NP	C	C	C	NP	
Commercial Recreation, Indoor	NP	C	C	C	NP	525
Commercial Recreation, Outdoor	NP	C	C	NP	NP	525
Communications Towers	C	C	C	C	C	370
Crematoriums	NP	NP	NP	P	P	525
Data Centers	NP	NP	NP	P	P	
Daycare Centers	P	P	P	P	NP	
Digital Billboards	NP	C	C	C	C	Signs
Distribution Facility	NP	NP	NP	NP	P	
Equipment, tool, and party supply rental business	NP	NP	C	C	C	
Fitness Centers	P	P	P	P	NP	525
Funeral Homes	P	P	P	NP	NP	525
Motor Fuel Station, CNG Fuel Sales	NP	C	C	C	C	525
Governmental or Public Facility or Utility	P	P	P	P	P	
Hotels	NP	P	P	NP	NP	
Manufacturing, Assembly, Production, Research and Testing Labs, and the like	NP	NP	NP	P	P	
Medical and Dental Offices and Clinics	P	P	P	P	NP	
Motor Vehicle Repair	NP	C	C	C	C	525
Motor Vehicle Sales and Showrooms and Rental	NP	NP	C	C	C	525
Multiple Principal Structures on one Parcel	C	C	C	C	C	
Offices and Professional Services	P	P	P	P	P	
Personal Services	P	P	P	P	P	
Post-Secondary Educational Facility	NP	P	P	P	P	
Private Clubs or Lodges	C	C	C	NP	NP	
Religious Institutions	P	P	P	NP	NP	525
Restaurants and Brewpubs	P	P	P	P	P	

Retail landscape nurseries, garden centers	NP	C	C	NP	C	525
Retail Sales and Showrooms	P	P	P	P	P	
Self-Storage Facility	NP	C	C	NP	C	525
Theaters, Movie Theaters	NP	P	P	NP	NP	
Vehicle Impound Yards, Auto Salvage Yards, Tow Yards, Vehicle Wrecking Yard	NP	NP	NP	NP	NP	
Warehousing	NP	NP	NP	P	P	
Wholesale Sales	NP	NP	NP	P	P	

522 Accessory Uses

Permitted and conditional accessory uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted sections. All accessory uses must be subordinate to and be accompanied by a primary use on a parcel.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Accessory Use	B-1	B-2	B-3	I-1	I-2	Additional Standards (Section)
Accessory Dwelling Units (ADU)	C	C	C	NP	NP	525
Accessory Storage Buildings and Garages	P	P	P	P	P	560
Adult Uses – Accessory	NP	P	P	NP	NP	525
Commercial Recreation, Outdoor	NP	C	C	C	C	525
Crematoriums	NP	P	P	P	P	525
Drive-Thrus	NP	C	C	C	C	
Electric Vehicle Charging Stations	P	P	P	P	P	
Ground source heat pump systems	P	P	P	P	P	333
Mobile Food Units	P	P	P	P	P	525, Ch. 26
Motor Fuel Stations, CNG Stations	NP	NP	NP	P	P	525
Motor Vehicle accessory installation	NP	P	P	P	P	
Outdoor Animal Runs	NP	C	C	C	P	525
Outdoor Dining Areas	P	P	P	P	P	
Outdoor Displays	P	P	P	NP	P	525
Outdoor Sales	C	C	C	NP	NP	525
Outdoor Storage	NP	NP	C	C	C	525
Outdoor Vehicle and Equipment Storage	NP	NP	NP	P	P	
Parking Lots and Structures	P	P	P	P	P	
Retail Sales and Showrooms	P	P	P	P	P	
Solar Energy Systems	P	P	P	P	P	332
Taprooms and Cocktail Rooms	NP	P	P	P	P	525
Vehicle sales inventory and display lots	NP	NP	C	NP	NP	525
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (medium-scale)	P	P	P	P	P	331

523 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established business use listed in Section 521. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	B-1	B-2	B-3	I-1	I-2	Additional Standards (Section)
Construction Trailers/Field Offices	P	P	P	P	P	306
Outdoor retail sales of Christmas trees, wreaths, and the like <i>November 1 – December 31.</i>	P	P	P	NP	NP	525
Outdoor retail sales of fireworks <i>June 15-July 15</i>	P	P	P	NP	NP	525
Outdoor storage of snow removal equipment, temporary salt/sand shed/container <i>October 15-April 15</i>	P	P	P	P	P	525
Outdoor retail sales of plants, flowers, and the like <i>May 1 – July 31.</i>	C	C	C	C	C	525
Seasonal outdoor storage of marine boats <i>September 1 through May 31</i>	NP	NP	C	C	C	
Transient Merchants, Licensed	P	P	P	P	P	Ch 26

525 Performance Standards

Some permitted and conditional uses are further regulated based on the standards below.

(A) Accessory dwelling units (ADU) in conjunction with certain business uses. Such business types include, but are not limited to, funeral homes or animal service businesses with boarding. Attached accessory dwelling units are permitted with the following requirements:

- (1) Number. No more than two ADUs shall be allowed per business property.
- (2) Occupancy. At least one resident of each ADU must be an employee of the business where the ADU is located and it is a part of the employee's job duties to be on-site for extended or overnight hours. The unit cannot solely be rented to someone unaffiliated with the business.
- (3) Maximum size. The maximum size of an ADU cannot exceed 800 square feet of habitable space.
- (4) Address. The ADU must retain the same address as the principal structure.
- (5) Utilities. Accessory dwelling units must share utilities with the principal structure.
- (6) Ownership. Accessory dwelling units may not be sold separately from the primary residence, and cannot be created with a new tax parcel.
- (7) The ADU is subject to rental licensing requirements of Chapter 26.

(B) Adult Uses

- (1) *Purpose.* The nature of adult uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.

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- 1 (2) *Generally.* Adult uses as defined in this chapter shall be subject to the following general
2 provisions:
- 3 a. Activities classified as obscene are not permitted and are prohibited.
4 b. Adult uses, either principal or accessory, shall be prohibited from locating in any
5 building that is also utilized for residential purposes.
6 c. Adult uses, either principal or accessory, shall be prohibited from locating in any place
7 that is also used to dispense or consume alcoholic beverages.
8 d. An adult use that does not qualify as an accessory use pursuant to subsection (d)(1) of
9 this section, shall be classified as an adult use - principal.
- 10 (3) *Adult uses - principal.*
- 11 a. Adult use - principal shall be located at least 1,000 radial feet, as measured in a straight
12 line from the closest point of the property line of the building upon which the adult use
13 - principal is located to the property line of:
- 14 1. Residentially zoned property;
15 2. A licensed day care center;
16 3. A public or private educational facility classified as an elementary, junior high or
17 senior high;
18 4. A public library;
19 5. A public park;
20 6. Another adult use - principal;
21 7. An on-sale liquor establishment; or
22 8. Any religious organization.
- 23 b. No adult use - principal shall be located in the same building or upon the same
24 property as another adult use - principal. This limitation does not apply to any
25 business or establishment that contains more than one adult use - principal as of
26 December 16, 1990; any such business or establishment that is required to terminate
27 its location pursuant to this section is not prohibited from operating the same adult
28 uses - principal that were in existence as of December 16, 1990, at any new location
29 in the city where adult uses - principal are otherwise lawful under this Code.
- 30 c. Adult use - principal shall adhere to the following signing regulations.
- 31 1. Sign messages shall be generic in nature and shall only identify the type of
32 business that is being conducted.
33 2. Sign messages shall not contain material classified as advertising.
34 3. Signs shall comply with the requirements of size and number for the district in
35 which they are located.
- 36 d. Adult use - principal shall be limited to 7:00 a.m. to 12:00 midnight for its hours of
37 operation. A differing time schedule may be approved by the zoning administrator,
38 subject to council appeal, if it can be satisfactorily demonstrated by the operator to
39 the city that extended operational hours will:
- 40 1. Not adversely impact or affect uses or activities within 1,000 feet.
41 2. Will not result in increased policing and related service calls.
42 3. Is critical to the operation of the business.
- 43 (4) *Adult uses - accessory.*
- 44 a. Adult use - accessory shall:
- 45 1. Comprise no more than ten percent of the floor area of the establishment in
46 which it is located.
47 2. Comprise no more than 20 percent of the gross receipts of the entire business
48 operation.
49 3. Not involve or include any activity except the sale or rental of merchandise.

-
- 1 b. Adult use - accessory shall be restricted from and prohibit access to minors by the
2 physical separation of such items from areas of general public access:
3 1. *Movie rentals.* Display areas shall be restricted from general view and shall be
4 located within a separate room, the access of which is in clear view and under the
5 control of the persons responsible for the operation.
6 2. *Magazines.* Publications classified or qualifying as adult uses shall not be
7 physically accessible to minors and shall be covered with a wrapper or other
8 means to prevent display of any material other than the publication title.
9 3. *Other use.* Adult uses - accessory not specifically cited shall comply with the intent
10 of this section subject to the approval of the zoning administrator.
11 c. Adult use - accessory shall be prohibited from both internal and external advertising
12 and signing of adult materials and products.
13 (5) *Nonconforming adult use - principal or accessory.* Adult uses which are classified as legal
14 nonconforming uses may continue in accordance with the provisions of this chapter, except
15 that any such nonconforming use shall be terminated and become illegal on and after January
16 31, 1992. To the extent possible, the city shall attempt to identify all such uses which become
17 classified as nonconforming under the provisions of this subdivision and shall notify the
18 property owners and operators of such uses in writing of the change in status and the terms
19 and conditions which apply. The owner of any property on which an adult use is located may
20 apply to the council for an extension of the termination date. Any such application shall be in
21 writing and be received by the city no later than December 31, 1991. Failure to submit a timely
22 extension application shall constitute a waiver of the right to request an extension. The
23 council may grant such an extension if upon the council's determination, the applicant
24 demonstrates that the amortization period is an unreasonable burden upon the business and
25 does not allow adequate time to recover a reasonable return upon the business investment.
26 The applicant shall have the burden of proof to demonstrate hardship with the established
27 termination date and also the time required for an extension. In making its decision, the
28 council may consider any factor relevant to the issue, including but not limited to:
29 a. The degree or magnitude of threat to the public health, safety and general welfare
30 posed by the secondary impacts of the operation.
31 b. The length of time that the adult use has been operating.
32 c. The ease by which the property could be converted to a conforming use.
33 d. The nature and character of the surrounding neighborhood.
34 e. The value and condition of the improvements on the property.
35 f. The amount of the applicant's investment in the business.
36 g. The amount of investment already realized.
37 h. The cost of relocating the adult use.
38
39 (C) Breweries and Distilleries
40 (1) In B2 and B3 districts, production is limited to 15,000 barrels per year and must be
41 accompanied by a taproom/cocktail room.
42 (2) In I1 and I2, there is no production limit.
43
44 (D) Commercial Indoor Recreation
45 (1) In B1 district, the indoor space is limited to 2,000 square feet.
46 (2) Indoor Shooting Ranges:
47 (a) All firearms not in use in firing range lanes/stalls shall be unloaded and properly cased
48 at all times in accordance with Minnesota laws.
49 (b) Controlled access to the shooting range shall be maintained at all times.

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- (c) Any weapons stored overnight on the premises shall be properly secured, per direction from the police chief.
- (E) Commercial Outdoor Recreation
- (1) As an accessory use, it must be in conjunction with a brewery and taproom, restaurant, brewpub use.
- (F) Drive-Thrus
- (1) All stacking space for vehicles shall be off-street and shall be constructed to size that will accommodate at least five vehicles. More stacking may be required if reasonable for the proposed use.
- (2) Drive-thrus, menu boards, ordering equipment, and stacking queues shall be screened from view nor audible of abutting residential districts.
- (3) Ordering equipment must not be audible from adjacent properties or rights-of-way.
- (4) A bypass lane is required.
- (5) Screening shall be provided of automobile headlights in the drive-thru lane to windows and doors of adjacent uses. Such screen shall be at least three feet in height at installation and fully opaque, consisting of a wall, fence, dense vegetation, berm or grade change.
- (G) Fitness Centers. In the B1 districts, a fitness center use is limited to 2,000 square feet
- (H) Funeral Homes and Crematoriums.
- (1) In the B1 district, a crematorium is not permitted.
- (2) In the B2 and B3 districts, a crematorium must be accompanied by a funeral home.
- (3) In the I1 and I2 districts, a funeral home is not permitted, though a crematorium as a primary use is allowed as a permitted use.
- (I) Gas Stations, CNG Fuel Stations.
- (1) Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps
- (2) Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site.
- (3) Fuel pumps shall be installed on pump islands with canopies. Canopies shall maintain a 20-foot setback from property lines as measured from the edge of the canopy.
- (4) As an accessory use, fueling areas and canopies must be located to the rear or side of the principal structure.
- (J) Mobile Food Units. A mobile food unit is considered an accessory use to an established business use with the following requirements:
- (1) The owner/operator of the mobile food unit shall have written permission of the current property owner to locate in a designated area.
- (2) The owner/operator of the mobile food unit must keep a copy of the mobile food unit license with the unit and demonstrate compliance with the license set forth in Chapter 26 upon inspection.
- (3) The area(s) designated for the mobile food unit and accessory outdoor seating may not block sidewalks, walkways, impede pedestrian or vehicular traffic, or interfere with public safety.
- (4) Mobile food unit locations are limited to private property located in a COR, Business, or Industrial District as listed in this chapter.

- (5) Mobile food units shall be located on an established parking area or on an asphalt or concrete surface.
 - (6) The owner/operator must provide waste receptacles for customer use and keep the site in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
 - (7) Temporary freestanding signage is permitted in the form of up to two "A" frame or sandwich boards not to exceed six square feet per side. The signs must be placed within 10 feet of the mobile food unit. Flags and banners attached directly to the mobile food unit are permitted.
 - (8) Mobile food units must vacate the property between 11:00 pm and 8:00 am the following day.
 - (A) *Exception.* A mobile food unit may remain in place overnight in conjunction with a multi-day special event permit.
 - (9) Deviations from the standards above may be considered with a special event permit.
- (K) Motor Vehicle Repair. The following standards are required for operating a motor vehicle repair business.
- (1) All repair operations must be conducted inside a building.
 - (2) All vehicles must be properly licensed.
 - (3) Parking of any vehicle is prohibited on an adjacent public roadway.
 - (4) Visibly damaged vehicles parked outdoors must be screened.
 - (5) No vehicle dealer's license may be issued for the property.
- (L) Motor Vehicle Sales/**Vehicle sales inventory and display lots** and vehicle showrooms. The following are standards for motor vehicle sales (includes RVs, trailers, campers, golf carts, farm implements, construction equipment, and the like):
- (1) In I1 and I2 districts, sales and inventory must be located indoors only. No outdoor displays or parking of sales vehicles are permitted.
 - (2) The building on the property must occupy at least ten (10) percent of the buildable site.
 - (3) A minimum lot area of two (2) buildable acres is required.
 - (4) Only one state-licensed business entity is allowed per property.
 - (5) State wholesale and lessor licenses may be considered office uses provided no vehicles are located on site.
 - (6) Vehicle sales inventory and display lots must follow the same design requirements as a parking lot found in Section 560. All vehicle parking spaces must have direct access to a drive aisle.
- (M) Outdoor Animal Runs
- (1) Outdoor animal runs are only allowed as an accessory use in conjunction with an animal service business.
 - (2) In the I1 district, the runs must not be located closer to the street than the front façade of the building.
 - (3) The area of the outdoor animal run must not exceed 20 percent of the building or tenant area the animal service business is occupying.
- (N) Outdoor Storage, Sales, and Display; Seasonal Outdoor Storage or Sales
- (1) Outdoor storage, Sales, and Display site requirements for each of the districts in which it is an allowed use:

	B-1	B-2	B-3	I-1	I-2

Allows outdoor display	Yes	Yes	Yes	No	Yes
Allows outdoor sales	Yes	Yes	Yes	No	No
Allows outdoor storage	No	No	Yes	Yes	Yes
Minimum lot area to allow outdoor storage	N/A	N/A	1 acre	5 acres	No minimum
Area limit (total of sales, display, and storage)	5% building footprint	10% building footprint	30% building footprint	30% of building footprint	50% of parcel
Location Restriction	Front or side of building; within 6 feet of the building	Front or side of building	Front, side, or rear of building	Side and rear of building	No Restriction
Setback from rights-of-way	10 feet	10 feet	20 feet	20 feet	20 feet
Setback from side or rear	5 feet	5 feet	5 feet	5 feet	5 feet
Setback from Residential Use	35 feet	35 feet	35 feet	50 feet	50 feet
Surface Material	Pavement	Pavement	Pavement	Pavement	Pavement or dustless
Outdoor storage screening required	N/A	N/A	Yes	Yes	Yes

- (2) Outdoor storage areas must not take up required parking spaces, drive aisles, landscaped areas, or loading areas.
- (3) Storage areas must not be used for junk or debris and shall comply with chapter 30 of the Ramsey City Code entitled Public Nuisances.
- (4) With the exception of seasonal sales of fireworks and seasonal sales of Christmas trees, wreaths, and the like, all items sold, displayed, and stored outdoors must be directly related to the business operation inside the building on site.
- (5) The seasonal outdoor retail sales uses listed in Section 523 may be located on any side of the building.
- (6) Seasonal outdoor storage of snow removal equipment and temporary salt/sand sheds/containers must be located to the side or rear of the building and screened from public rights-of-way.
- (7) Outdoor storage of shipping containers:
 - a. In all business districts: used as a temporary use in conjunction with an active building permit.
 - b. In industrial districts: used as an interim use.
- (O) Retail Landscape Nurseries/Garden Centers
 - (1) Plants, trees, shrubs, and other vegetation available for sale outdoors is exempt from the outdoor storage, sales, and display regulations in this section, other than setbacks from property lines and rights-of-way.
 - (2) All plants, trees, shrubs, and other vegetation available for sale must be in pots or containers.
- (P) Self Storage Facility
 - (1) In B2, the rental spaces within the principal structure must be internally-accessed and climate-controlled.
 - (2) Multiple buildings on the same property are considered permitted. The architectural design of all buildings must be coordinated.

(Q) Taprooms and Cocktail Rooms – Must be in conjunction with a brewery or distillery.

530 Bulk Standards

(A) The following bulk standards are required for all properties and buildings in business districts unless regulated elsewhere in this chapter:

	B-1	B-2	B-3	I-1	I-2
Lot Area	0.5 acre	0.5 acre	0.75 acre	0.75 acre	1 acre
Lot Width	100 feet	100 feet	100 feet	200 feet	200 feet
Lot Depth	150 feet	150 feet			
Building Height Maximum	35 feet	40 feet	50 feet	65 feet	65 feet
Minimum Building Footprint	N/A	N/A	2,000 sqft	5,000 sqft	5,000 sqft
Maximum Building Footprint (combined of all structures)	35%	35%	40%	50%	50%
Maximum Impervious Coverage	75%	80%	85%	80%	85%
Front Setback	20 feet	20 feet	20 feet	20 feet	20 feet
Side Setback (interior)	10 feet	10 feet	10 feet	20 feet	20 feet
Side Setback (to right-of-way)	20 feet	20 feet	20 feet	20 feet	20 feet
Rear Setback	35 feet	35 feet	35 feet	25 feet	25 feet
Setback to a residential district	60 feet	60 feet	60 feet	80 feet	80 feet
Setbacks to wetlands	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet

(B) Zero-Lot-Line Standards. The side and rear setback requirements in the above table may become zero feet in the following situations:

- (1) Along a property line abutting a railroad right-of-way.
- (2) In a shopping center or coordinated development where two or more buildings are abutting and parking or other site improvements are shared.

550 Accessory Structures

Accessory structures on business properties must be incidental and subordinate to the principal use on the site. Following are standards for accessory structures on business properties:

- (A) Structure design. All exterior materials must be compatible and coordinated with the principal structure and permanent in design.
- (B) Location. All accessory buildings must be located to the side or rear of the front façade of the principal structure, with the exception of gas station canopies.
- (C) Setbacks. All accessory structures must be set back at least 10 feet from side and rear property lines.
- (D) Size. The total area of accessory structures is limited to 10 percent of the footprint of the principle structure, except for gas station canopies which have no limitation.
- (E) Quantity. No more than one structure per five acres of lot area is permitted.
- (F) Prohibited Structure Designs include membrane tents and shipping containers.

560 Business Parking Standards

(A) General requirements

- (1) Property that constitutes required off-street parking areas may not be separated, through sale or other means, from the property containing the principal use for which the parking area is required.
 - (2) All off-street parking spaces shall have direct access off driveways and drive aisles and not directly off the public street unless otherwise approved by city council.
 - (3) Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of separate requirements for each use. The council may approve the joint use of parking facilities by the following uses or activities under the following conditions:
 - a. ~~For the purposes of this section, the following uses are considered as daytime uses: banks, business offices, or wholesale or similar uses.~~
 - b. ~~The following are to be considered as nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, retail stores, personal service shops, bars or restaurants.~~
 - c. ~~Up to 50 percent of the parking facilities required for nighttime uses may be supplied by the off-street parking facilities provided by daytime uses and vice versa.~~
 - a. Conditions required for joint use: the proposed joint parking space is within 500 feet of the use it will serve; the applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - b. A properly drawn legal instrument executed by the parties concerned for joint use of off-street parking facilities shall be filed with the zoning administrator, which shall run with the land and be recorded with the county recorder's office. This instrument must include a maintenance provision.
 - c. Reserved parking prohibited. All parking spaces in a shared parking lot must be available to all uses equally, except EV charging stations may be restricted to electric vehicles while charging.
 - (4) Time limit spaces authorized. Up to ten percent of spaces in a parking lot may be designated for limited-duration parking (i.e. 10-minute parking).
- (B) *Off-street parking spaces required.* Paved off-street parking spaces, driveways, and drive aisles shall be provided in accordance with the specifications in this Code in any district whenever any new use is established or existing use is enlarged. ~~Screening as described in this section may be required where it is necessary to protect the aesthetic characteristics of residential neighborhoods (one space equals 300 square feet). When application of these regulations results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded. Fractions over one-half shall count as one additional space.~~ For uses not listed in the following table, a parking justification report shall be submitted to the zoning administrator explaining the anticipated parking needs based on the number of employees, customers, and visitors.

Use	Parking Space Required
Bowling alleys	Five spaces per lane.
Offices (excluding medical/dental).	One space for each 300 square feet offices ~~(excluding medical/dental of floor space).~~
Clubs, ~~lodginghouses~~	One space for each 100 square feet of floor area.
Churches, Assembly Uses: Religious Institutions, theaters	One space for each three seats ~~auditoriums, mortuaries or for each five feet of pew and other places of length assembly~~ of design capacity.

Convenience store, with and without gas sales	One space for each 250 square feet of floor space. Parking at each service pump qualifies as a parking space for calculation purposes.
Drive-ins	~~At least 15 spaces for those serving food and refreshments and at least 10 spaces for all others.~~
Hospitals	~~One space for each four beds and an additional space for each employee.~~
Industrial and manufacturing	One space for each 1000 square feet of floor space.
Office warehouse	~~The minimum number of spaces shall be calculated by using parking space standards for office and industrial uses as applied to the corresponding floor space.~~
Medical/dental clinics	~~Three spaces per doctor/dentist.~~
Hotels/Motels	One space for each unit and one space for each employee.
~~Outdoor sales and open~~ auto sales lots	~~Merchandise displays in open sales lots and in outdoor sales premises shall have a minimum setback of 20 feet from the front property line and shall provide one parking space for each 800 square feet of merchandise area; except that, for auto sales lots, there shall be one parking space for each 10 autos displayed.~~
Retail shopping	One space for each 200 square feet of floor space for retail uses under 20,000 square feet. One space for each 250 square feet of floor space for retail uses over 20,000 square feet.
Restaurants, ~~& drinking~~ Brewpubs, Taprooms, Cocktail Rooms	One space for each three seats or design capacity.
Motor vehicle, implement, and recreation equipment service and repair facilities	Three spaces for each enclosed bay and one space for each full-time employee.

- (C) Parking Maximum. For uses listed in the table above, uses may not exceed the calculated amount by 20 percent without submitting a parking justification report.
- (D) *Parking spaces and drive aisles.* Minimum parking space and drive aisle sizes shall be as follows:

	Stall Width	Stall Depth	Aisle Width
90 degree	9 feet	18 feet	24 feet
60 degree	9 feet	17 feet	17 feet
45 degree	9 feet	19 feet	11 feet

- (1) Motorcycle parking spaces may be provided. Such spaces shall be at least ten feet by five feet, have a concrete surface, and signed as such. Motorcycle spaces do not count towards the required parking spaces.

(E) Design Requirements

- (1) All parking lot, drive aisles, driveways, loading areas, and the like shall be paved with a continuous hard surface such as concrete or bituminous. Driveway-rated pavers may be used. Concrete curbing must be used with a bituminous surface.
- (2) Setbacks – Parking lots and drive aisles have the following setbacks:
 - a. From public rights-of-way – 20 feet
 - b. Side and rear property lines – 5 feet
 - c. Side or rear adjacent to a residential zone – 35 feet.
- (3) Vehicle sales and rental inventory and display lots must follow these design requirements.
- (4) Structured Parking.
 - a. Structured parking facilities shall be considered buildings for the purposes of setbacks.
 - b. Structures must be designed architecturally compatible with the building it is intended to serve. All levels must have exterior wall segments suitable to screen headlights of the parked vehicles.

561 Loading

- (A) One off-street loading berth/dock or designated loading zone shall be provided for every business and industrial use.
- (B) Loading, unloading, and transferring of product or materials to and from commercial vehicles must not occur on a public roadway.

565 Waste Management

All waste must be located in dumpsters or trash bins. Waste enclosures architecturally compatible with the principal structure shall screen the dumpsters or trash bins and have opaque gates shall be provided in B1, B2, B3, and I1 districts. Alternatively, a designated room interior to the building may be used.

570 Business Landscaping Standards

- (A) *Intent.* The City of Ramsey recognizes the advantages that landscaping and screening can provide, including enhanced health, safety, aesthetic, ecological and economic value. The intent of this section is to:
 - (1) Enhance the quality of life within the city;
 - (2) Enhance aesthetic view of development(s) from public roads;
 - (3) Maintain and enhance property values;
 - (4) Aid in both physical and mental human health;
 - (5) Improve air quality and buffer against noise, glare, and heat;
 - (6) Reduce the potential for crime and violence;
 - (7) Improve energy efficiency;
 - (8) Add visual interest to blank building facades and soften appearance of hardscaping and buildings with accent plantings;
 - (9) Complement adjacent land uses;
 - (10) Improve the visual quality and continuity within and between developments;
 - (11) Reduce storm water runoff;
 - (12) Encourage the establishment and/or restoration of native landscapes.
- (B) *Goals and objectives.* Landscaping for any project is intended to achieve the following goals and objectives:
 - (1) Provide immediate aesthetic enhancements to a development site while also taking into account space and input needs of plantings well into the future;
 - (2) Encourage a healthy environment and landscape in the future;
 - (3) Ensure a diverse mixture of species to protect against future pests and pathogens;

-
- 1 (4) Encourage native landscapes in suitable locations with appropriate management plans.
- 2 (C) *Landscaping requirements.*
- 3 (1) *Topsoil and ground cover.* All exposed ground areas, including boulevards and areas not
- 4 devoted to off-street parking, driveways, sidewalks, trails, patios or other such impervious
- 5 improvements, shall be landscaped with turf, shrubs, trees, native grasses and wildflowers
- 6 and/or other ornamental landscape materials within six months of the date of issuance of the
- 7 certificate of occupancy.
- 8 a. *Topsoil.* In all zoning districts, a minimum of four inches of topsoil, ~~as defined in section 117-~~
- 9 ~~1,~~ shall be applied across all exposed ground areas to the edge of improved streets, sidewalks,
- 10 driveways and other impervious surfaces, excluding natural areas that are left undisturbed,
- 11 whenever a building permit is issued for the construction of a principal building.
- 12 1. The depth of topsoil at the time of inspection shall be not less than four inches.
- 13 2. Alternatives to the import of topsoil, such as compost or other soil amendments known
- 14 to improve soil water holding capacity may be permitted, but only with the prior approval
- 15 of the city engineer.
- 16 b. *Required ground cover.* In all **business** zoning districts ~~except R-1~~, all portions of a site not
- 17 covered by structures, concrete, or asphalt, but excluding natural areas that are left
- 18 undisturbed, shall be finished with sod and plantings, up to the edge of improved streets and
- 19 other impervious surfaces. Any alternative to the sod requirement shall require City Council
- 20 approval.
- 21 1. ~~In the R-1 Residential District,~~ Sod is required in all boulevards, excluding those areas
- 22 devoted to sidewalks, trails and driveways.
- 23 2. The remainder of a yard may be established with sod, seed, natural ground cover and/or
- 24 native grasses and wildflowers. Noxious weeds do not constitute allowable ground cover.
- 25 3. A landscape escrow, in an amount to be determined by the building official, shall be
- 26 deposited for all required landscaping, including topsoil, sod and trees, which is not
- 27 established at the time of issuance of a certificate of occupancy. Installation of required
- 28 landscaping, including topsoil, sod (or seeding where permitted by this Code) and trees,
- 29 shall be completed within six months of the issuance of the certificate of occupancy,
- 30 weather permitting. The city may draw upon the escrow to install the required
- 31 landscaping if said work is not completed within six months of the date of issuance of the
- 32 certificate of occupancy. **When seeded, the turf must be at least 6 inches in height in**
- 33 **order to qualify for escrow release.**
- 34 (2) *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the
- 35 following:
- 36 a. Technology that inhibits or interrupts operation of the irrigation system during periods of
- 37 sufficient moisture (rain sensor).
- 38 b. One or more water efficient technologies. This could include, but is not limited to, WaterSense
- 39 labeled weather-based irrigation controllers, soil moisture sensors, and/or
- 40 evapotranspiration (ET) sensors.
- 41 (3) *Existing trees.* A reasonable attempt shall be made to preserve as many existing trees as is
- 42 practicable and incorporate them into a development ~~(see division 5, Tree Preservation for~~
- 43 ~~inventory and preservation requirements).~~ For each healthy significant tree retained on site
- 44 and not identified on the city's list of prohibited trees, one overstory tree, or the equivalent
- 45 canopy square footage, can be deducted from the minimum planting requirements.
- 46 (4) *Planting types.* Acceptable planting types shall be determined by the Ramsey Tree Book. The
- 47 complement of trees fulfilling the landscaping requirements shall not be less than 25 percent
- 48 deciduous and not less than 25 percent coniferous. Not more than 25 percent of the required

plantings shall consist of ornamental or understory trees. Projects should attempt to limit the planting of any one genus to no more than 20 percent of the total plantings.

(7) *Planting requirements for business ~~and employment~~ districts (B-1, B-2, B-3, Neighborhood Business, H-1, I-1, I-2, and E-3).*

- a. *~~Business districts (B-1, B-2, B-3, Neighborhood Business, and H-1).~~* The minimum number of trees required are outlined in the table below. These are minimum requirements and can be supplemented with other plantings, as well as flowers and various ground covers that would be appropriate to produce a complete and quality landscape.

Planting Type	Required Numbers
Deciduous/coniferous trees	1 tree per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building footprint, whichever is greater. For building expansions, 1 additional tree is required for each 1,000 square feet of new building footprint area.
Shrubs	1 shrub per 30 lineal feet of site perimeter or 1 shrub per 300 square feet of building footprint area, whichever is greater.

- b. *Business districts.* The minimum number of plantings required shall be determined based on canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage. The minimum canopy cover required shall be as follows:

1. Determine ratio of impervious area (including stormwater ponds below the 100-year flood elevation) to entire site.
2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
3. The following formula shall be utilized to determine the average canopy cover of a species: $[(\text{Minimum} + \text{Maximum Spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book})$.

- c. *Minimum size of plantings.* Required trees and shrubs shall meet or exceed the following size standards:

Plant Type	Size
Deciduous Tree	2.5 inch caliper
Coniferous Tree	6 feet in height
Ornamental/Understory Tree	1.5 inch caliper
Deciduous Shrub	2 feet in height
Coniferous Shrub	2 feet in height or width, based on growth characteristics

- d. *Road frontage plantings.* For every 35 feet of public road frontage, one overstory tree shall be planted adjacent to the road right-of-way on private property. These plantings are credited toward the minimum planting requirements.

- e. *Parking lot landscaping.* All parking lots are required to provide internal and/or adjacent overstory tree plantings in an effort to shade parking surfaces and provide visual relief. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings. Plantings are required at the following minimum schedule:

1. 1 tree per every ten parking spaces.

2. Every overstory tree planting shall be provided with a planting area of at least 162 square feet.
 3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is prohibited in planting islands.
- f. **Bufferyards.** Bufferyards help to achieve screening between differing uses with varied intensities and impacts that are not always complementary when adjacent to one another. When a bufferyard is required, the yard space and planting requirements are not to be reduced for other purposes such as future parking and driveways, building expansions, or other activities that are not in keeping with the purposes of buffering and screening.
1. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings is required in the bufferyard. The table below outlines the minimum required additional plantings, expressed as a percentage of the total required site landscaping:

Proposed Development	Existing Adjacent Development							
	R-1	R-2	R-3	NBD	B-1	B-2	B-3	H-1
Neighborhood Business (NBD) Bufferyard width	40 feet	30 feet	20 feet	NA	NA	NA	NA	NA
% increase in plantings	25%	20%	02%					
B-1 Bufferyard width	40 feet	30 feet	20 feet	NA	NA	NA	NA	NA
% increase in plantings	30%	25%	20%					
B-2 Bufferyard width	50 feet	40 feet	30 feet	NA	NA	NA	NA	NA
% increase in plantings	30%	25%	25%					
B-3 Bufferyard width	50 feet	40 feet	30 feet	NA	NA	NA	NA	NA
% increase in plantings	30%	25%	20%					
H-1 Bufferyard width	50 feet	40 feet	30 feet	NA	NA	NA	NA	NA
% increase in plantings	30%	25%	20%					
I-1 Bufferyard width	60 feet	60 feet	60 feet	35 feet	35 feet	35 feet	35 feet	35 feet
% increase in plantings	30%	30%	30%	20%	20%	20%	20%	20%
I-2 Bufferyard width	60 feet	60 feet	60 feet	35 feet	35 feet	35 feet	35 feet	35 feet

% increase in plantings	30%	30%	30%	20%	20%	20%	20%	20%
E-3 Bufferyard width	60 feet	60 feet	60 feet	35 feet	35 feet	35 feet	35 feet	35 feet
% increase in plantings	30%	30%	30%	20%	20%	20%	20%	20%

2. As an alternative method for screening in the Neighborhood Business, B-1, B-2, B-3, H-1, I-1, I-2 and E-3 Districts, fences that are 100 percent opaque may be used to mitigate the impacts of businesses that are adjacent to residential areas. Fences are subject to the provisions found in all applicable ordinances. When a fence is used for screening purposes, the bufferyard planting requirements may be reduced by ten percent from the stated minimum requirement.

g. Credit for preservation or establishment of native grasses and plant communities. The total number of required trees may be offset by the provision of native grasses and wildflowers. Establishment or preservation of native plant communities can reduce the required number of tree plantings by one tree per 500 square feet of native grass/plant community area. Credit may not exceed 50 percent of the total requirements.

1. This area(s) must be shown on both the landscape plan and the grading plan.
2. Species, quantities, and application method and rates, shall all be provided as part of the landscape plan.
3. A three-year management plan shall be submitted for review and approval by the city as part of the civil plan set. Thereafter, an annual management plan shall be submitted to the city every year by March 1.

575 Screening

- (1) Rooftop HVAC and other mechanical units must be screened from views from the property lines using the following means:
 - a. Proper placement on the roof.
 - b. An integrated screen panel that is architecturally compatible with the building.
 - c. Parapet heights sufficient for screening the views.
- (2) Ground-mounted HVAC and other mechanical units must be screened from views from the property lines using the following means:
 - a. Privacy fencing
 - b. An integrated screen panel that is architecturally compatible with the building.
 - c. Landscaped berms.
- (3) Loading Docks and designated loading areas shall be screened from adjacent residential uses using the following means:
 - a. Wing walls.
 - b. Privacy fencing.
 - c. Landscaped berms.
- ~~(4) Parking lots and drive aisles must be screened with a landscaped berm suitable for screening the headlights of the parked vehicles from public rights-of-way.~~

580 Business Architectural Design Standards

(A) Primary Exterior Materials. All exterior wall finishes on any building shall consist of one or more of the following primary materials comprising at least 70 percent of a building façade:

- (1) Face brick and architectural concrete masonry units;
- (2) Stucco;
- (3) Glass;
- (4) Natural or cementous stone;
- (5) Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;
- (6) Factory fabricated fiber cement panel materials;
- (7) Other materials as may be approved by the Planning Commission and City Council given the building's use and context.

(B) Accent Exterior Materials. Exterior wall finishes on any building may consist of one or more of the following accent materials combined limited to 30 percent of each side of a building facade:

- (1) Wood
- (2) EIFS
- (3) Metals
- (4) Vinyl
- (5) Other materials as may be approved by the Planning Commission and City Council given the building's use and context.

(C) Roofing Materials.

- (1) Pitched and sloped roofs – Asphalt shingles, standing seam metals, or metal shingles designed to resemble asphalt shingles. (minimum pitch?)
- (2) Flat roofs – Any material commonly used for flat roofs provided the wall parapet is at least six inches above the roofline. (Maximum pitch?)

585 Commercial Fencing

(A) Fencing Materials. The following fence materials are permitted on business properties:

- (1) Vinyl coated Chain Link
- (2) Privacy fences constructed of wood or a maintenance-free composite material
- (3) Extruded aluminum, wrought iron, or a similar durable decorative fence material.

(B) Prohibited Fencing Materials. The following fence materials are prohibited on business properties:

- (1) Barbed wire, concertina wire, or the like
- (2) Exposed galvanized metals
- (3) Electric fencing
- (4) Any material not typically intended for use or construction as a fence such as, but not limited to, pallets or plywood.
- (5) Snow fencing between April 1 and October 31.

(C) Design Standards

- (1) All posts and support structures for fencing must be located on the inside of the fence.
- (2) The maximum height of commercial fencing is 8 feet. This limit is waived when used in conjunction with a commercial outdoor recreation use where a taller fence is needed for containment of tennis balls, golf balls, and the like.

(D) Setbacks and Placement

- (1) Other than fences required for screening outdoor storage areas or in the I2 district, no fencing over 4 feet in height shall be located closer to the right-of-way line for any business use than the plane of the building.

600 Mixed Use Districts

610 Districts Established and Purpose

The following mixed-use district and subdistricts (COR) are hereby established according their purpose and the intent of the Comprehensive Plan. Collectively, this district and these subdistricts are herein this chapter called “mixed-use districts.”

611 COR

(A) Purpose The primary intent of the COR district is to create a focal point in the community that embodies the principles of transit-oriented and mixed-use development. The COR district envisions a distinctly different development pattern, with a more urban structure of streets and blocks, than the suburban and rural patterns that have shaped the community to date. The COR area is comprised of a number of distinct subdistricts intended to define the type and intensity of uses, location of amenities and overall character of development. The COR district incorporates the COR development plan and Development Framework by reference to provide necessary building and site design features that are essential to a pedestrian environment.

(B) Application – This district may be applied to properties guided Mixed Use as shown on the current Comprehensive Plan.

(C) The COR subdistrict definition. The COR district consists of ~~five~~ four subdistricts that define the type and intensity of land use.

(1) *COR-1 mixed-use core subdistrict.* The mixed-use core is intended to provide a mix of residential, retail, service, professional, community service, recreational and similar uses on every block near, and within easy walking distance of the transit station. The broadest variety and highest intensity of uses, including high density housing and lodging facilities, are encouraged near the station. Vertically-integrated mixed-use projects with retail, restaurant and service uses, especially at corner locations, are strongly encouraged. This district incorporates the highest architectural and design standards to encourage pedestrian mobility and street activity. The majority of the uses within this district will rely on parking structures to accommodate the parking needs of customers and employees. In order to contribute to an active pedestrian environment, each block within the COR-1 subdistrict shall include at least two of the following uses: commercial, office, civic and/or residential use.

(2) *COR-2 (COR-2 and 2b) commercial subdistrict.* The COR-2 commercial subdistrict is designated to provide a location for retail commercial that has building and/or site designs inconsistent with the COR-1 subdistrict, including larger scale retail and other auto-oriented commercial uses. Such uses tend to benefit from direct highway access and good visibility, and may have market areas that extend beyond the community. These commercial and auto-oriented uses shall be clustered in compact identifiable areas and not present the look of typical strip suburban development. Buildings shall be designed with a pedestrian orientation and relationship to the primary street that is compatible with the adjacent COR-1 subdistrict. The COR-2 subdistrict is further defined by a COR-2b subdistrict that allows for additional flexibility in allowing larger-scale retail that is intended to anchor the development and support the mixed-uses within the development.

(3) *COR-3 ~~and COR-3a~~ workplace subdistrict.* The workplace area is intended to accommodate medical and technology-related office and research uses, as well as other office uses and ancillary retail and service uses designed to support serve employees and office visitors. Uses with high concentrations of employees are most desirable. ~~The COR-3 subdistrict is further defined by a COR-3a subdistrict that allows exclusively schools. Due to the unique design and site layout needs of a school, different standards are in place in the COR-3a subdistrict than other development within the COR-3 subdistrict.~~

(4) *COR-4 (COR-4a, COR-4b and COR-4c) neighborhood subdistrict.* The neighborhood subdistrict is intended to include a full range of housing types, from small-lot single-family detached to high-density senior and general apartments, as well as a limited number of small-scale retail and office uses at appropriate locations (i.e., at corners). Neighborhood design incorporates many traditional single-family neighborhood features such as alleys, carriage houses (secondary units), front porches, and traditional street lighting. Neighborhoods shall be designed with suitable transitions between different housing types, and with well-integrated open space and natural amenities within walking distance of all homes. Traditional neighborhood design of streets, sidewalks and paths provide easy pedestrian mobility throughout the subdistrict. Protection of natural areas and corridors that link the natural environment to everyday life is emphasized in this area. The COR-4 subdistrict is further defined into three categories according to the residential net density:

- a. The COR-4a subdistrict is the lowest density area in the COR-4 district allowing up to ten dwelling units per acre.
- b. The COR-4b subdistrict is the medium density area in the COR-4 district allowing up to 15 dwelling units per acre. This area is located along higher volume roadways within the COR and along its perimeter.
- c. The COR-4c subdistrict shall provide the highest densities in the COR-4 District requiring a minimum of 15 dwelling units per acre. This area is adjacent to the mixed-use core.

~~(5) —COR-5 park and open space subdistrict. The park and open space subdistrict is intended to preserve environmental features, provide amenities and create focal points and community gathering places within easy access of all areas of the COR.~~

(5) *General development standards.* All development within the COR district shall meet the COR Development Framework that is incorporated into this chapter by reference, as amended by the city council on November 27, 2012. These standards will be used by the city as the minimum requirements for evaluating development proposals and site plans. However, the standards are not intended to restrict creativity in design. An applicant may request modification or waiver of any standard in favor of an alternate approach that will achieve the same design objective. Development standards set forth in this section (600-699) shall supersede those set forth in in the Development Framework.

620 Uses

The following sections specifies permitted and conditional uses within each subdistrict of the COR district. The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the Comprehensive Plan, the purpose of each zoning district, and the overall purpose of this chapter. Any use may be combined within buildings (vertically) or in separate buildings (horizontally), unless otherwise specified. Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.

621 Principal Uses

Permitted and conditional principal uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in Section 625.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use List	COR-1	COR-2		COR-3 and 3a		COR-4a, b and c			COR-5
		2	2b	3	3a	a	b	c	

Dwellings: Single-family detached	NP	NP	NP	NP	NP	P	NP	NP	N
Dwellings: Two-Family Attached	NP	NP	NP	NP	NP	P	NP	NP	N
Dwellings: Townhouse (attached)	P	NP	P	NP	NP	P	P	P	N
Dwellings: Multiple-Family, Senior Living, etc.	P	NP	NP	NP	NP	NP	P	P	N
Personal Services	P	P	P	P	NP	NP			N
Offices and Professional Services	P	P	P	P	NP	NP			N
Medical and Dental Offices and Clinics	P	P	P	P	NP	NP			N
Hotels	P	P	P	C P	NP	NP			N
Restaurants and Brewpubs	P	P	P	P	NP				C <2,500 sq. ft.
						P	P	P	
Theaters, Movie Theaters	P	P	P	C P	NP	NP	NP	NP	N
Fitness Centers	P	P	P	P	NP	NP			N
Commercial Recreation, Indoor	C	C	C	C	NP	NP			
Retail Sales and Showrooms	P	P	P	P	NP	P	P	P	
Gas stations, CNG Fuel Sales	NP	NP	C	C	NP	NP			N
Government or Public Facility or Utility	P	N P	N P	N P	N P	N P			C
Religious institutions	C P	P	P	C P	N	C P			N
Daycare Centers	P	P	P	P	N	C P			N
Schools, Public and Private Elementary and Secondary	N	N	N	N	C	N			N

622 Accessory Uses

Permitted and conditional accessory uses are listed in the following table for each of the sub-districts in this section. Additional performance standards for the uses are found in Section 625. All accessory uses must be subordinate to and be accompanied by a primary use on a parcel.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use List	COR-1	COR-2		COR-3 and 3a		COR-4a, b and c			COR-5
		2	2b	3	3a	a	b	c	
Mobile Food Units	P	P	P	P	NP	NP	NP	NP	
Outdoor Dining Areas	P	P	P	P	P	P	P	P	A
~~Uses with Drive-thrus~~	~~P-C~~	~~P(e) C~~	~~P(e) C~~	~~P(e) C~~	~~NP~~	NP			~~N~~

~~Accessory~~ Car Washes	NP	C	C	C	NP	NP	~~N~~
Gas stations, CNG Fuel Sales	NP	C	C	C	NP	NP	~~N~~
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	P	~~P~~	P	~~P~~
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	P	NP	NP	NP
Wind Energy Conversion Systems (WECS) (medium-scale)	P	P	P	NP	NP	NP	NP

623 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established use listed in Section 621. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in Section 625.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use List	COR-1	COR-2		COR-3 and 3a		COR-4a, b and c			~~COR-5~~
		2	2b	3	3a	a	b	c	
Construction Trailers/Field Offices	P	P	P	P	~~P~~	P	P	P	~~N~~
Outdoor retail sales of Christmas trees, wreaths, and the like <i>November 1 – December 31.</i>	NP	P	P	P	NP	NP	NP	NP	NP
Outdoor retail sales of fireworks <i>June 15-July 15</i>	NP	P	P	P	NP	NP	NP	NP	NP
Outdoor storage of snow removal equipment, temporary salt/sand shed <i>October 15-April 15</i>	P	P	P	P	~~P~~	NP			NP
Outdoor retail sales of plants, flowers, and the like <i>May 1 – July 31.</i>	NP	P	P	P	NP	NP			~~N~~
Transient Merchants, Licensed	P	P	P	P	NP	NP			~~N~~

625 Performance Standards

Some permitted and conditional uses are further regulated based on the standards below.

- (A) Gas stations, CNG Fuel Sales. In the COR-2a and COR-2b subdistrict gas stations/CNG fuel sales as an accessory use is allowed under the following conditions:
- (1) Gas operations are accessory to a retail use.

-
- (2) No accessory structures are allowed as part of the gas operations.
- (3) No more than five percent of the square footage of the principle use building may be dedicated for the gas operations and convenience item sales.
- (4) Gas operations **must be** located in the side or rear of the principle use building.
- (5) Gas operations **must be** located within 100 feet of principle use building
- (6) Gas islands and canopy **must be** architecturally harmonious and contain the same exterior building materials as the principle use building.
- (7) Gas operations shall constitute no more than four islands with a limit of eight individual dispensers.
- (B) Convenience store with motor fuel sales/car wash In the COR-2b subdistrict use under the following conditions:
- (1) Convenience/deli food is of the take out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity shall not exceed 15 percent of the gross floor area.
- (2) Gas operations shall constitute no more than four islands with a limit of eight individual dispensers.
- (3) Canopy height. The total height of any overhead canopy or weather protection shall not exceed 20 feet in height. All canopies shall be architecturally harmonious and contain the same exterior building materials as the principle use.
- (4) All goods for sale by a motor fuel station convenience store other than commercial freezers for ice and petroleum based products required for the operation and maintenance of motor vehicles shall be displayed within the principle motor fuel structure. No displays shall be permitted in required parking or driveway areas, landscape areas, required setback areas, or any right-of-way or other public property. Displays may be permitted on sidewalks, only if they leave at least four feet of sidewalk width available to pedestrians.
- (6) Motor fuel dispenser location: Motor fuel dispensers shall be located at least 30 feet from a property line, and 100 feet from a residential structure.
- (7) The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.
- ~~(8) The hours of operation shall be limited to 6:00 a.m. to 11:00 p.m., unless extended by the council as part of the conditional use permit.~~
- (8) Gas stations must be located at intersections of both destination and arterial roadways as defined by the Development Framework.
- (C) Car Washes. Car wash are only permitted as an accessory use to gas stations/CNG fuel sales subject to the following requirements:
- (1) Car wash stacking spaces shall accommodate a minimum of three waiting vehicles.
- (2) No more than one car wash **bay** shall be permitted.
- (3) The car wash shall be designed to be an integral part of the principle building or if freestanding shall be designed with the same materials as the principle structure.
- (4) Neither the car wash or accessory vacuum shall be located within 300 feet of any residential use unless completely screened or located across an arterial or major collector roadway from the residential use.
- (D) Commercial Indoor Recreation. Uses are limited to 30,000 square feet.

(E) Drive-thrus. In addition to the standards set forth in Section 525, drive-thrus accessory to business uses in COR have the following standards:

1. Within the COR-1 subdistrict, the drive-thru lane shall be located in the rear or side yard only. A drive thru lane shall not be located adjacent to any destination street as classified in the COR design framework.
2. Within the COR-2a and COR-3 subdistricts there shall be no more than one drive-thru lane serving a given use.
3. Within the COR-2b subdistrict there shall be no more than two drive-thru lanes serving a given use.
4. Drive-thru lanes are not permitted in the front yard or within the front build-to-line.

~~(F) Restaurants and Brewpubs – In the COR-1 subdistrict, one story restaurants are allowed when the facade cornice height is a minimum of 22 feet in height.~~

630 Bulk Standards

All bulk standards within the COR district shall meet the COR Development Framework that is incorporated into this chapter by reference, as amended by the city council on November 27, 2012. The following requirements shall also apply:

- (A) All structures within the COR-1 Subdistrict must be at least 22 feet in height with a two-story appearance.

660 COR Parking Standards

All parking within the COR district shall meet the COR Development Framework that is incorporated into this chapter by reference, as amended by the city council on November 27, 2012. Quantity and parking lot or structure design standards shall follow the standards set forth in Section 460 for residential uses and 560 for business or mixed-use uses.

670 COR Landscaping Standards

All landscaping, including streetscape requirements, within the COR district shall meet the COR Development Framework that is incorporated into this chapter by reference, as amended by the city council on November 27, 2012.

Model business and multi-family standards? Reduced rate?

680 COR Architectural Design Standards

All architectural designs within the COR district shall meet the COR Development Framework that is incorporated into this chapter by reference, as amended by the city council on November 27, 2012.

700 Planned Unit Developments (PUD)

710 Districts Established and Purpose

The Planned Unit Development districts are hereby established according their purpose and the intent of the Comprehensive Plan. Each district is unique based on the flexibilities provided.

711 Purpose and Application

- (A) Purpose. The intent of this district is to provide for a range of retail and service commercial, office, and residential uses that are organized and planned in a comprehensive manner that cannot otherwise be achieved through standard business or residential districts. The District is created for development seeking alternative regulations that embody principals to promote a better integration of uses that might typically be separated and to provide for an adequate mixture of commercial and residential uses. This district will provide flexibility in land development, diversity in housing types and prices, efficiency in use of public infrastructure, the conservation of energy, preservation of unique land characteristics, preservation of natural areas, and efficient use of land, open space, and public facilities.
- (B) Application – This district shall be applied to properties guided for any land use as shown on the current Comprehensive Plan. It may also be applied to a broader area encompassing two or more land uses shown in the Comprehensive Plan.

720 Uses

All uses compatible with the intent of the land use guidance of Comprehensive Plan shall be allowed in this district as permitted uses as approved by the approval ordinance. Specific uses may be prohibited in order to achieve the goals of the planned unit development.

730 Development Standards Established

The City Council has the authority to create site- or development-specific standards based on the uses proposed, site and building designs, the surrounding established and planned uses, and natural features of the property. All development standards shall be clearly listed in an approval ordinance memorialized in Section 799 of this chapter for reference. If a standard is not addressed or created in the approval ordinance, the applicable existing portions of City Code shall be used.

- (A) Creation of a Planned Unit Development is considered a rezoning per Section 245 of this chapter.
- (B) Amendments to an established Planned Unit Development are approved by ordinance.
- (C) Individual uses, except single-family homes, shall be subject to the Site Plan Review procedures in Section 225 of this chapter.

739 PUDs of Record

The following list consists of approved Planned Unit Developments by primary plat name and ordinance number for reference.

<u>Primary Plat Name</u>	<u>Ordinance Number</u>
Northfork	
Covenant Meadows	
Hunters Ridge	
Rum River Hills	84-19
Fox Ridge Estates	
River Bluffs	
Flintwood Hills	
Mallard Ponds	
Village of Sunfish Lake	
Pineview Estates 2 nd Addition	
Town Center Gardens	
Preserve at Ramsey Town Center	
Riverstone	

740 SL-PUD Shoreland Planned Unit Development

Planned Unit Developments within a Shoreland Overlay District must follow the procedures in Section 9XX.

800 Public/Quasi-Public Districts

810 Districts Established and Purpose

The following public or quasi-public districts are hereby established according their purpose and the intent of the Comprehensive Plan. Collectively, these districts are herein this chapter called “public/quasi-public districts.” The uses found in these districts are often specialized in nature and cannot be properly compared to residential or business uses.

811 PI Public/Institutional

(A) **Purpose.** The intent of the Public/~~Quasi-Public~~ Institutional District is to provide for and regulate uses that are public or semi-public in nature and to provide the community with areas designated specifically for community gathering places, public and private recreational spaces, educational facilities, and government buildings.

(B) **Application.** This district may be applied only to those properties designated for public **or closed landfill** uses on the Comprehensive Plan Land Use Map.

812 P Parks and Open Space

(A) **Purpose.** The intent of the Parks and Open Space District is to provide for and regulate uses that are public or semi-public in nature and to provide the community with area designated specifically for open spaces, community gathering places, public and private recreational spaces, and government buildings.

(B) **Application.** This district may be applied to those properties designated for park uses on the Comprehensive Plan Land Use Map or any other designation where the land is intended for park use or significant open space holdings by a homeowner’s association or a private or public entity.

813 CL Closed Landfill

(A) **Purpose.** The purpose of this district is to protect the health and safety of the residents of Ramsey from the effects of the closed sanitary landfill.

(B) **Application.** This district may be applied only to those properties designated for closed landfill on the Comprehensive Plan Land Use Map.

(C) **Policy.** No new landfills will be allowed within the City of Ramsey.

820 Uses

The following subchapter establishes a listing of the permitted, conditional, principal, accessory, and temporary uses for the public/quasi-public zoning districts (PI, P, and CL). The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the purpose of each public/quasi-public zoning district and the overall purpose of this chapter.

821 Principal Uses

Permitted and conditional principal uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	PI	P	CL	Additional Standards (Section)

Cemeteries	P	P	NP	
Governmental Uses and Buildings	P	P	P	
Landfills	NP	NP	C	
Open Space	P	P	P	
Post-Secondary Schools, Trade Schools, Colleges, and Universities	P	NP	NP	
Private Recreational Facilities including Golf Courses	P	P	NP	
Private Utility Substations	P	P	C	
Public Parks	P	P	P	
Public Recreational Facilities	P	P	NP	
Religious Institutions	P	NP	NP	
Schools, Public and Private Elementary and Secondary	P	NP	NP	
Solar Energy Systems	C	NP	P	332
Wind Energy Conversion Systems (WECS) (Medium-Scale)	C	C	C	331
Wind Energy Conversion Systems (WECS) (Utility Scale)	NP	NP	C	331

822 Accessory Uses

The following table provides a listing of accessory uses permitted in each public/quasi-public district in conjunction with a principal use. Additional performance standards for the uses are found in the noted section.

Use	PI	P	CL	Additional Standards (Section)
Communications Tower or Equipment	C	C	C	370
Daycare Centers	P	P	NP	
Dwelling Units	P	P	NP	
Ground source heat pump systems/Geothermal Systems	P	P	NP	333
Outdoor storage of snow removal equipment, salt/sand shed	P	P	P	
Restaurants and Brewpubs	P	P	NP	
Retail Sales	P	P	NP	
Solar Energy Systems	P	P	P	332
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	331
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	331
Wind Energy Conversion Systems (WECS) (medium-scale)	P	NP	P	331

823 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established use listed in Section 821. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	PI	P	CL	Additional Standards (Section)
Construction Trailers/Field Offices	P	P	P	306
Outdoor retail sales of Christmas trees, wreaths, and the like <i>November 1 – December 31.</i>	P	P	P	525
Outdoor storage of snow removal equipment, temporary salt/sand shed <i>October 15-April 15</i>	P	P	P	525
Outdoor retail sales of plants, flowers, and the like <i>May 1 – July 31.</i>	C	C	NP	525
Mobile Food Units	P	P	NP	525, Ch. 26
Transient Merchants, Licensed	P	P	NP	Ch. 26

825 Performance Standards

The following uses have additional standards describing where and in what manner that use may exist:

- (A) Dwelling Units. Dwelling units are allowed as an accessory use in conjunction with the following uses in the applicable manner:
- (1) Religious institution – As a residence for clergy.
 - (2) Post-Secondary Schools, Trade Schools, Colleges, and Universities – As residence halls for students and staff.
 - (3) Public and Private Recreation Facilities – As a residence for on-site staff.

830 Bulk Standards

Due to the specialized nature of each of the uses and buildings, no bulk standards shall exist. All proposed sites and structures shall consider surrounding property uses in a respectful and intentional manner.

860 Public/Institutional Parking Standards

A parking justification report shall be submitted to the zoning administrator explaining the anticipated parking needs of the use based on the number of employees, customers, and visitors. Design standards must follow the business district standards set forth in Section 560.

880 Architectural Standards

Due to the specialized nature of each of the uses and buildings, no architectural standards shall exist. All proposed structures shall consider surrounding property uses in a respectful and intentional manner. Building design shall not be of lesser quality of design as set forth in other sections of this chapter.

900 Overlay Districts

In addition to the various zoning districts described in this chapter, an overlay zoning district may be applied based on the unique characteristics of an area or as required by state- and federally-designated

areas. The underlying zoning district may have further regulations based on the overlay district and the more restrictive regulation prevails. The following overlay districts (MRCCA, GF, FW, FF, SMO, SRP, TO, H10S, and WPO) are hereby established according their purpose and the intent of the Comprehensive Plan. Collectively, these districts are herein this chapter called “overlay districts.”

920 Mississippi River Corridor Critical Area Overlay

(A) *Authority, intent and purpose.*

- (1) *Statutory authorization.* This Mississippi River Corridor Critical Area (MRCCA) section is adopted pursuant to the authorization and policies contained in Minn. Stats., ch. 116G, Minnesota Rules, parts 6106.0010—6106.0180, and the planning and zoning enabling legislation in Minn. Stats. chs. 462 and 473.
- (2) *Policy.* The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

(B) *General provisions and definitions.*

- (1) *Jurisdiction.* The provisions of this section apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the zoning map.
- (2) *Enforcement.* The City of Ramsey is responsible for the administration and enforcement of this section. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity listed ~~in section 117-148(c)(2) (permits)~~ elsewhere in this Chapter.
- (3) *Severability.* If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- (4) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.
- (5) *Underlying zoning.* Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

(C) *Administration.*

- (1) *Purpose.* The purpose of this section is to identify administrative provisions to ensure this section is administered consistent with its purpose.
- (2) *Permits.* A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with section 117-148(i) (vegetation management) and land alterations consistent with section 117-148(j) (land alteration standards and stormwater management).
- (3) *Variances.* Variances to the requirements under this section may only be granted in accordance with Minn. Stats. § 462.357 and must consider the potential impacts of variances

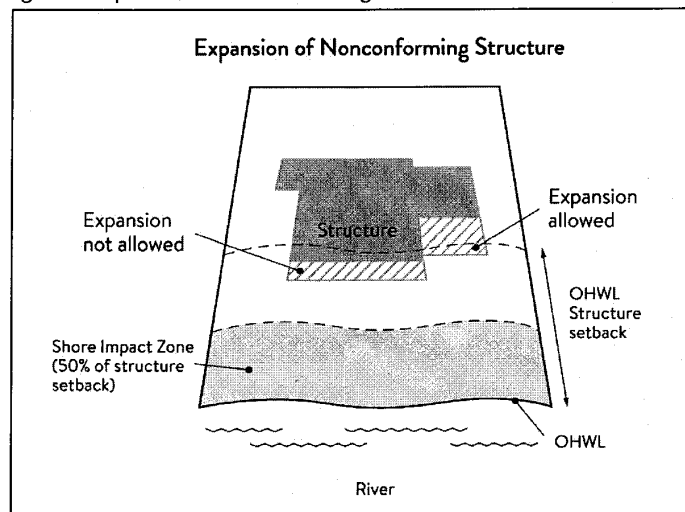
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- on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the City of Ramsey shall:
- a. Evaluate the impacts to these resources. and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with [Section 220](#) of this chapter and
 - b. Make written findings that the variance is consistent with the purpose of this section, as follows:
 1. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA plan;
 2. The variance is consistent with the character and management purpose of the MRCCA district in which it is located;
 3. The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and
 4. The variance will not negatively impact (other MRCCA plan-identified resources).
- (4) *Conditional and interim use permits.* All conditional and interim uses, required under this section, must comply with Minn. Stats. § 462.3595 and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the City of Ramsey shall:
- a. Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with [Section 235](#) of this chapter and
 - b. Make written findings that the conditional use is consistent with the purpose of this section, as follows:
 1. The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA plan;
 2. The conditional use is consistent with the character and management purpose of the MRCCA district in which it is located;
 3. The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and
 4. The conditional use will not negatively impact (other MRCCA plan-identified resources).
- (5) *Conditions of approval.* The City of Ramsey shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include:
- a. Restoration of vegetation identified as "vegetation restoration priorities" identified in the MRCCA plan;
 - b. Preservation of existing vegetation;
 - c. Stormwater runoff management;
 - d. Reducing impervious surface;
 - e. Increasing structure setbacks;
 - f. Wetland and drainageway restoration and/or preservation; and
 - g. And other conservation measures.
- (6) *Application materials.* Applications for permits and discretionary actions required under this section must submit the following information unless the zoning administrator determines that the information is not needed:
- a. A detailed project description; and

- b. Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:
1. Primary conservation areas;
 2. Public river corridor views;
 3. Buildable area;
 4. Existing and proposed topography and drainage patterns;
 5. Proposed storm water and erosion and sediment control practices;
 6. Existing and proposed vegetation to be removed and established;
 7. Ordinary high water level, blufflines, and all required setbacks;
 8. Existing and proposed structures;
 9. Existing and proposed impervious surfaces; and
 10. Existing and proposed subsurface sewage treatment systems.

(7) *Nonconformities.*

- a. All legally established nonconformities as of the date of this chapter may continue consistent with Minn. Stats. § 462.357, Subd. 1e.
- b. New structures erected in conformance with the setback averaging provisions of section 117-148(f)(3)d (structure and impervious surface placement) are conforming structures.
- c. Site alterations and expansion of site alterations that were legally made prior to the effective date of this chapter are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.
- d. Legally nonconforming principal structures that do not meet the setback requirements of section 117-148(f)(3) (structure and impervious surface placement) may be expanded laterally provided that:
 1. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and
 2. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 5. Expansion of Nonconforming Structure



(8) *Notifications.*

- a. Amendments to this section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B-I.

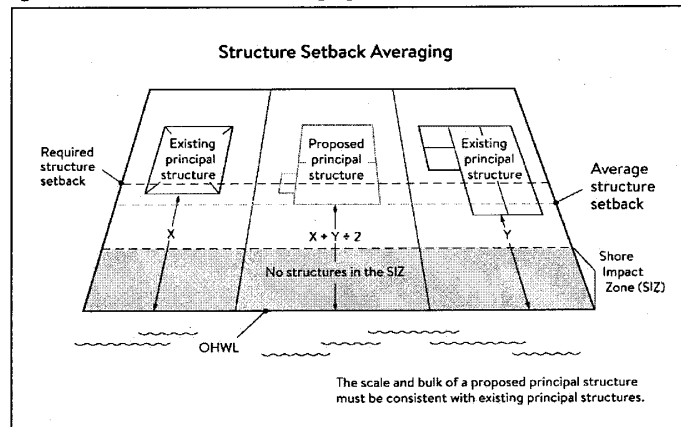
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- 1 b. Notice of public hearings for discretionary actions, including conditional and interim use
2 permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master
3 plans, and PUDs, must be sent to the following entities at least 30 days prior to the
4 hearing:
- 5 1. The commissioner in a format prescribed by the DNR;
 - 6 2. National Park Service; and
 - 7 3. Where building heights exceed the height limits specified in section 117-148(f)(2)
8 (structure height) as part of the conditional use or variance process, adjoining local
9 governments within the MRCCA, including those with overlapping jurisdiction and
10 those across the river.
- 11 c. Notice of final decisions for actions in section 117-148(c)(7) (nonconformities), including
12 findings of fact, must be sent to the Commissioner, the National Park Service, and
13 adjoining local governments within the MRCCA within ten days of the final decision.
- 14 d. Requests to amend district boundaries must follow the provisions in Minnesota Rules,
15 part 6106.0100, Subp. 9, Item C.
- 16 e. The DNR will be notified at time of application submittal of master plans, PUDs,
17 preliminary, and final plats.
- 18 (9) *Accommodating disabilities.* Reasonable accommodations for ramps or other facilities to
19 provide persons with disabilities access to the persons' property, as required by the federal
20 Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota
21 Rules, chapter 1341, must:
- 22 a. Comply with sections 117-148(f) to (l); or
 - 23 b. If sections 117-148(f) to (l) cannot be complied with, ramps or other facilities are
24 allowed with an administrative permit provided:
 - 25 1. The permit terminates on either a specific date or upon occurrence of a particular
26 event related to the person requiring accommodation; and
 - 27 2. Upon expiration of the permit, the ramp or other facilities must be removed.
- 28 (D) *MRCCA districts.*
- 29 (1) *Purpose.* The purpose of this section is to establish districts under which building height and
30 structure placement are regulated to protect and enhance the Mississippi River's resources
31 and features consistent with the natural and built character of each district.
 - 32 (2) *District description and management purpose.* The MRCCA within the City of Ramsey is
33 divided into the following MRCCA districts:
 - 34 a. *Rural and Open Space (ROS).*
 - 35 1. *Description.* The ROS District is characterized by rural and low-density
36 development patterns and land uses, and includes land that is riparian or visible
37 from the river, as well as large, undeveloped tracts of high ecological and scenic
38 value, floodplain, and undeveloped islands. Many primary conservation areas
39 exist in the district.
 - 40 2. *Management purpose.* The ROS District must be managed to sustain and restore
41 the rural and natural character of the corridor and to protect and enhance
42 habitat, parks and open space, public river corridor views, and scenic, natural,
43 and historic areas.
 - 44 b. *River Neighborhood (RN).*
 - 45 1. *Description.* The RN District is characterized by primarily residential
46 neighborhoods that are riparian or readily visible from the river or that abut
47 riparian parkland. The district includes parks and open space, limited commercial
48 development, marinas, and related land uses.

-
- 1 2. *Management purpose.* The RN District must be managed to maintain the
2 character of the river corridor within the context of existing residential and
3 related neighborhood development, and to protect and enhance habitat, parks
4 and open space, public river corridor views, and scenic, natural, and historic
5 areas. Minimizing erosion and the flow of untreated storm water into the river
6 and enhancing habitat and shoreline vegetation are priorities in the district.
- 7 c. *Separated from River (SR).*
- 8 1. *Description.* The SR District is characterized by its physical and visual distance
9 from the Mississippi River. The district includes land separated from the river by
10 distance, topography, development, or a transportation corridor. The land in this
11 district is not readily visible from the Mississippi River.
- 12 2. *Management purpose.* The SR District provides flexibility in managing
13 development without negatively affecting the key resources and features of the
14 river corridor. Minimizing negative impacts to primary conservation areas and
15 minimizing erosion and flow of untreated storm water into the Mississippi River
16 are priorities in the district. The RTC District must be managed in a manner that
17 allows continued growth and redevelopment in historic downtowns and more
18 intensive redevelopment in limited areas at river crossings to accommodate
19 compact walkable development patterns and connections to the river.
20 Minimizing erosion and the flow of untreated storm water into the river,
21 providing public access to and public views of the river, and restoring natural
22 vegetation in riparian areas and tree canopy are priorities in the district.
- 23 (3) *MRCCA district map.* The locations and boundaries of the MRCCA districts established by this
24 section are shown on MRCCA Overlay District map which is incorporated herein by reference.
25 The district boundary lines are intended to follow the center lines of rivers and streams,
26 highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise
27 indicated on the map. Where district boundaries cross unsubdivided property, the district
28 boundary line is determined by use of dimensions or the scale appearing on the map.
- 29 (E) *Special land use provisions.*
- 30 (1) *Purpose.* To identify development standards and considerations for land uses that have
31 potential to negatively impact primary conservation areas and public river corridor views.
- 32 (2) *Underlying zoning.* Uses within the MRCCA are generally determined by underlying zoning,
33 with additional provisions for the following land uses:
- 34 a. *Agricultural use.* Perennial ground cover is required within 50 feet of the ordinary high
35 water level and within the bluff impact zone.
- 36 b. *Feedlots.* New animal feedlots and manure storage areas are prohibited. Existing animal
37 feedlots and manure storage areas must conform with Minnesota Rules, chapter 7020.
- 38 c. *Forestry.* Tree harvesting and biomass harvesting within woodlands, and associated
39 reforestation, must be consistent with recommended practices in Conserving Wooded
40 Areas in Developing Communities: Best Management Practices in Minnesota.
- 41 d. *Nonmetallic mining.* Nonmetallic mining requires a conditional use permit or interim
42 use permit issued by the local government, subject to the following:
- 43 1. New nonmetallic mining is prohibited within the shore impact zone and bluff
44 impact zone and within the required structure setback from the bluffline and
45 OHWL;
- 46 2. Processing machinery must be located consistent with setback standards for
47 structures as provided in section 117-148(f)(3) (structure and impervious surface
48 placement);

-
3. Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;
 4. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;
 5. A site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;
 6. Explain where staged reclamation may occur at certain points during the life of the site;
 7. Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations;
 8. Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and
 9. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this section.
- e. *River-dependent uses.* River-dependent uses must comply with the following design standards:
1. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in **section 117-148(l)** (exemptions), must meet the dimensional and performance standards in this section must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;
 2. Shoreline facilities must comply with Minnesota Rules, chapter 6115 and must:
 - (i) Be designed in a compact fashion so as to minimize the shoreline area affected; and
 - (ii) Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and
 3. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.
- f. *Wireless communication towers.* Wireless communication towers ~~require a conditional or interim use permit and~~ are subject to the following **additional** design standards:
1. The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;
 2. The tower must not be located in a bluff or shore impact zone;
 3. Placement of the tower must minimize impacts on public river corridor views; ~~and~~
 4. ~~Comply with the general design standards in **section 117-148(h)(2)** (general design standards).~~
- (F) *Structure height and placement and lot size.*
- (1) *Purpose.* To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.
 - (2) *Structure height.* Structures and facilities must comply with the following standards unless identified as exempt in **section 117-148(l)** (exemptions):

-
- 1 a. Structures and facilities must comply with the following standards unless identified as
2 exempt in [section 117-148\(l\)](#) (exemptions):
- 3 1. ROS District: 35 feet.
4 2. RN District: 35 feet.
5 3. SR District: Height is determined by underlying zoning, provided the allowed
6 height is consistent with that of the mature treeline, where present, and existing
7 surrounding development, as viewed from the OWHL of the opposite shore.
- 8 b. Height is measured on the side of the structure facing the Mississippi River.
- 9 c. In addition to the conditional use permit requirements of [section 117-148\(c\)\(4\)](#),
10 [\(conditional and interim use permits\)](#) criteria for considering whether to grant a
11 conditional use permit for structures exceeding the height limits must include:
- 12 1. Assessment of the visual impact of the proposed structure on public river corridor
13 views, including views from other communities;
14 2. Determination that the proposed structure meets the required bluff and OHWL
15 setbacks;
16 3. Identification and application of techniques to minimize the perceived bulk of the
17 proposed structure, such as:
- 18 (i) Placing the long axis of the building perpendicular to the river;
19 (ii) Stepping back of portions of the facade;
20 (iii) Lowering the roof pitch or use of a flat roof;
21 (iv) Using building materials or mitigation techniques that will blend in with the
22 natural surroundings such as green roofs, green walls, or other green and
23 brown building materials;
24 (v) Narrowing the profile of upper floors of the building;
25 (vi) Increasing the setbacks of the building from the Mississippi River or
26 blufflines;
27 (vii) Identification of techniques for preservation of those view corridors
28 identified in the MRCCA plan; and
29 (viii) Opportunities for creation or enhancement of public river corridor views.
- 30 (3) *Structure and impervious surface placement.*
- 31 a. Structures and impervious surface must not be placed in the shore or bluff impact zones
32 unless identified as an exemption in [section 117-148\(l\)](#) (exemptions).
- 33 b. Structures and facilities must comply with the following OHWL setback provisions
34 unless identified as exempt in [section 117-148\(l\)](#) (exemptions):
- 35 1. ROS District: 200 feet from the Mississippi River.
36 2. RN District: 100 feet from the Mississippi River ~~and 75 feet from the Rum River.~~
- 37 c. Structures and facilities must comply with the following bluffline setback provisions
38 unless identified as exempt in [section 117-148\(l\)](#) (exemptions):
- 39 1. ROS District: 100 feet.
40 2. RN District: 40 feet.
41 3. SR District: 40 feet.
- 42 d. Where principal structures exist on the adjoining lots on both sides of a proposed
43 building site, the minimum setback may be altered to conform to the average of the
44 adjoining setbacks, provided that the new structure's scale and bulk riverward or
45 bluffward of the setbacks required under [section 117-148\(f\)\(3\)](#) (Structure and
46 impervious surface placement) consistent with adjoining development. See Figure 6.

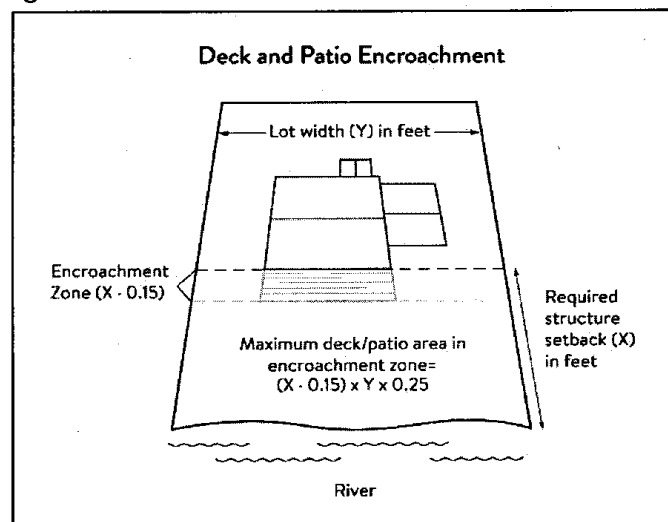
Figure 6. Structure Setback Averaging



- e. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.
- (4) *Lot size and buildable area.*
 - a. The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.
 - b. All new lots must have adequate buildable area to comply with the setback requirements of [section 117-148\(f\)\(3\)](#) (structure and impervious surface placement) so as to not require variances to use the lots for their intended purpose.
- (G) *Performance standards for private facilities.*
 - (1) *Purpose.* To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.
 - (2) *General design standards.* All private facilities must be developed in accordance with the vegetation management and land alteration requirements in [sections 117-148\(i\)](#) (vegetation management) and [117-148\(j\)](#) (land alteration standards and stormwater management).
 - (3) *Private roads, driveways, and parking areas.* Except as provided in [section 117-148\(l\)](#) (exemptions), private roads, driveways and parking areas must:
 - a. Be designed to take advantage of natural vegetation and topography so that they are not readily visible;
 - b. Comply with structure setback requirements according to [section 117-148\(f\)\(3\)](#) (structure and impervious surface placement); and
 - c. Not be placed within the bluff impact zone or shore impact zone, unless exempt under [section 117-148\(l\)](#) (exemptions) and designed consistent with [section 117-148\(f\)\(2\)](#) (general design standards).
 - (4) *Private water access and viewing facilities.*
 - a. Private access paths must be no more than:
 1. Eight feet wide, if placed within the shore impact zone; and
 2. Four feet wide, if placed within the bluff impact zone.
 - b. Private water access ramps must:
 1. Comply with Minnesota Rules, chapters 6115.0210 and 6280.0250; and
 2. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.
 - c. Design and construction of private stairways, lifts, and landings are subject to the following standards:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by conditional use permit;
 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by conditional use permit;
 3. Canopies or roofs are prohibited on stairways, lifts, or landings;
 4. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and
 5. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to section 7.43 A—D, and as provided under [section 117-148\(c\)\(9\)](#) (accommodating disabilities).
- d. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:
1. Not exceed 12 feet in height;
 2. Not exceed 120 square feet in area; and
 3. Be placed a minimum of ten feet from the ordinary high water level.
- (5) *Decks and patios in setback areas.* Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with [sections 117-148\(i\)](#) (vegetation management) and [117-148\(j\)](#) (land alteration standards and stormwater management), provided that:
- a. The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;
 - b. The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula: [Required setback depth (feet) $\times$ 0.15 $\times$ lot width at setback (feet) $\times$ 0.25 = maximum total area.]
 - c. The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 7. Deck and Patio Encroachment



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- 1 (6) *Off-premise and directional signs.*
- 2 a. Off-premise advertising signs must:
- 3 1. Meet required structure placement and height standards in section 117-148(f)
- 4 (structure height and placement and lot size).
- 5 2. Not be readily visible.
- 6 b. Directional signs for patrons arriving at a business by watercraft must comply with the
- 7 following standards:
- 8 1. They must be consistent with Minn. Stats. § 86B.115.
- 9 2. Only convey the location and name of the establishment and the general types of
- 10 goods and services available, if located in a shore impact zone.
- 11 3. Be no greater than ten feet in height and 32 square feet in surface area; and
- 12 4. If illuminated, the lighting must be shielded to prevent illumination out across the
- 13 river or to the sky.
- 14 (7) *Fences.* Fences between principal structures and the river are allowed provided that fences
- 15 are:
- 16 a. Not higher than six feet.
- 17 b. Not located within 40 feet of slopes greater than 12%.
- 18 c. Not located in the regulatory floodplain.
- 19 (H) *Performance standards for public facilities.*
- 20 (1) *Purpose.* To establish design standards for public facilities that are consistent with best
- 21 management practices and that minimize impacts to primary conservation areas, public river
- 22 corridor views and other resources identified in the MRCCA plan. Public facilities serve the
- 23 public interest by providing public access to the Mississippi River corridor or require locations
- 24 in or adjacent to the river corridor and therefore require some degree of flexibility.
- 25 (2) *General design standards.* In addition to the standards set forth above, all public facilities
- 26 must be designed and constructed to:
- 27 a. Minimize visibility of the facility from the river to the extent consistent with the purpose
- 28 of the facility;
- 29 ~~b. Comply with the structure placement and height standards in section 117-148(f)~~
- 30 ~~(structure height and placement and lot size), except as provided in section 117-148(l)~~
- 31 ~~(exemptions);~~
- 32 ~~c. Be consistent with the vegetation management standards in section 117-148(i)~~
- 33 ~~(vegetation management) and the land alteration and storm water management~~
- 34 ~~standards in section 117-148(j) (land alteration standards and stormwater~~
- 35 ~~management), including use of practices identified in Best Practices for Meeting DNR~~
- 36 ~~General Public Waters Work Permit GP-2004-0001, where applicable;~~
- 37 d. Avoid primary conservation areas, unless no alternative exists. If no alternative exists,
- 38 then disturbance to primary conservation areas must be avoided to the greatest extent
- 39 practicable, and design and construction must minimize impacts; and
- 40 e. Minimize disturbance of spawning and nesting times by scheduling construction at
- 41 times when local fish and wildlife are not spawning or nesting.
- 42 (3) *Right-of-way maintenance standards.* Right-of-way maintenance must comply with the
- 43 following standards:
- 44 a. Vegetation currently in a natural state must be maintained to the extent feasible;
- 45 b. Where vegetation in a natural state has been removed, native plants must be planted
- 46 and maintained on the right-of-way; and
- 47 c. Chemical control of vegetation must be avoided when practicable, but when chemical
- 48 control is necessary, chemicals used must be in accordance with the regulations and

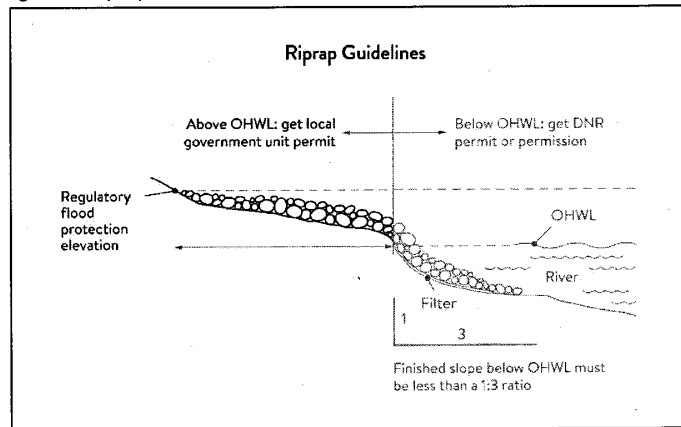
- 1 other requirements of all state and federal agencies with authority over the chemical's
2 use.
- 3 (4) *Crossings of public water or public land.* Crossings of public waters or land controlled by the
4 commissioner are subject to approval by the commissioner according to Minn. Stats. §§
5 84.415 and 103G.245.
- 6 (5) *Public utilities.* Public utilities must comply with the following standards:
- 7 a. High-voltage transmission lines, wind energy conversion systems greater than five
8 megawatts, and pipelines are regulated according to Minn. Stats. chs. 216E, 216F, and
9 216G respectively; and
- 10 b. If overhead placement is necessary, utility facility crossings must minimize visibility of
11 the facility from the river and follow other existing **rights-of-way** as much as practicable.
- 12 c. The appearance of structures must be as compatible as practicable with the
13 surrounding area in a natural state with regard to height and width, materials used, and
14 color.
- 15 ~~d. Wireless communication facilities, according to section 117-148(e)(2)g (wireless
16 communication towers).~~
- 17 (6) *Public transportation facilities.* Public transportation facilities shall comply with structure
18 placement and height standards in **Section 117-148(f) (Structure height and placement and
19 lot size)**. Where such facilities intersect or about two or more MRCCA districts, the least
20 restrictive standards apply. Public transportation facilities must be designed and constructed
21 to give priority to:
- 22 a. Providing scenic overlooks for motorists, bicyclists, and pedestrians;
23 b. Providing safe pedestrian crossings and facilities along the river corridor;
24 c. Providing access to the riverfront in public ownership; and
25 d. Allowing for use of the land between the river and the transportation facility.
- 26 (7) *Public recreational facilities.* Where such facilities intersect or about two or more MRCCA
27 districts, the least restrictive dimensional standards apply. Public transportation facilities
28 must be designed and constructed to give priority to:
- 29 ~~a. Buildings and parking associated with public recreational facilities must comply with the
30 structure placement and height standards in section 117-148(f) (structure height and
31 placement and lot size), except as provided in section 117-148(l) (exemptions);~~
- 32 b. Roads and driveways associated with public recreational facilities must not be placed in
33 the bluff or shore impact zones unless no other placement alternative exists. If no
34 alternative exists, then design and construction must minimize impacts to shoreline
35 vegetation, erodible soils and slopes, and other sensitive resources.
- 36 c. Trails, access paths, and viewing areas associated with public recreational facilities and
37 providing access to or views of the Mississippi River are allowed within the bluff and
38 shore impact zones if design, construction, and maintenance methods are consistent
39 with the best management practice guidelines in trail planning, design, and
40 development guidelines.
- 41 1. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30
42 percent. Natural surface trails are allowed, provided they do not exceed eight feet
43 in width.
- 44 2. Trails, paths, and viewing areas must be designed and constructed to minimize:
- 45 (i) Visibility from the river;
46 (ii) Visual impacts on public river corridor views; and
47 (iii) Disturbance to and fragmentation of primary conservation areas.
- 48 d. Public water access facilities must comply with the following requirements:

-
1. Watercraft access ramps must comply with Minnesota Rules chapters 6115.0210 and 6280.0250; and
 2. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.
 - e. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.
 - ~~f. Public stairways, lifts, and landings must be designed as provided in section 117-148(g)(4)c (stairways, lifts and landings).~~
- (I) *Vegetation management.*
- (1) *Purpose.* To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.
 - (2) *Applicability.* This section applies to:
 - a. Shore impact zones;
 - b. Areas within 50 feet of a wetland or natural drainage way;
 - c. Bluff impact zones;
 - d. Areas of native plant communities; and
 - e. Significant existing vegetative stands identified in the MRCCA plan.
 - (3) *Activities allowed without a vegetation permit.*
 - a. Maintenance of existing lawns, landscaping and gardens;
 - b. Removal of vegetation in emergency situations as determined by the City of Ramsey;
 - c. Right-of-way maintenance for public facilities ~~meeting the standards section 117-148(h)(3) (right of way maintenance standards);~~
 - d. Agricultural and forestry activities ~~meeting the standards of sections 117-148(e)(2) (underlying zoning);~~
 - e. Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including:
 1. Vegetation that is dead, diseased, dying, or hazardous;
 2. To prevent the spread of diseases or insect pests;
 3. Individual trees and shrubs; and
 4. Removal of invasive non-native species.
 - (4) *Activities allowed with a vegetation permit.*
 - a. The following intensive vegetation clearing activities are allowed with a vegetation permit:
 1. Clearing of vegetation that is dead, diseased, dying, or hazardous.
 2. Clearing to prevent the spread of diseases or insect pests.
 3. Clearing to remove invasive non-native species.
 4. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by City of Ramsey.
 5. The minimum necessary for development that is allowed with a building permit or as an exemption under **section 117-148(l)** (exemptions).
 - b. Conditions of vegetation permit approval:
 1. Development is sited to minimize removal of or disturbance to natural vegetation;
 2. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer or City of Ramsey;
 3. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;

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- 1 4. Any native plant communities removed are replaced with vegetation that
2 provides equivalent biological and ecological functions consistent with an
3 approved vegetation restoration plan ~~as provided in section 117-148(i)(6)~~
4 ~~(vegetation restoration plan)~~. If replaced, priorities for restoration are
5 stabilization of erodible soils, restoration or enhancement of shoreline
6 vegetation, and revegetation of bluffs or steep slopes visible from the river;
- 7 5. All other vegetation removed is restored with natural vegetation to the greatest
8 extent practicable consistent with an approved vegetation restoration plan ~~as~~
9 ~~provided in section 117-148(i)(6) (vegetation restoration plan)~~. Priorities for
10 replacement are the same as under ~~section 117-148(i)(4) (activities allowed with~~
11 ~~a vegetation permit)~~;
- 12 6. Any disturbance of highly erodible soils is replanted with deep-rooted vegetation
13 with a high stem density;
- 14 7. Vegetation removal activities are conducted so as to expose the smallest practical
15 area of soil to erosion for the least possible time;
- 16 8. Areas of vegetation restoration priorities identified in the MRCCA plan are
17 restored, if applicable; and
- 18 9. Any other condition determined necessary to achieve the purpose of this section.
- 19 (5) *Prohibited activities.* All other intensive vegetation clearing is prohibited.
- 20 (6) *Vegetation restoration plan.*
- 21 a. Development of a vegetation restoration plan and reestablishment of natural
22 vegetation is required:
- 23 1. As a condition of a vegetation permit ~~issued under section 117-148(i)(4)b~~
24 ~~(conditions of vegetation permit)~~, items 4 and 5;
- 25 2. Upon failure to comply with any provisions in this section; or
- 26 3. As part of the planning process for subdivisions ~~as provided in section 117-148(k)~~
27 ~~(subdivision and land development standards)~~.
- 28 b. The vegetation restoration plan must ~~satisfy the application submittal requirements in~~
29 ~~section 117-148(c)(6) (application materials)~~, and:
- 30 1. Include vegetation that provides suitable habitat and effective soil stability,
31 runoff retention, and infiltration capability. Vegetation species, composition,
32 density, and diversity must be guided by nearby patches of native plant
33 communities and by native vegetation establishment and enhancement
34 guidelines;
- 35 2. Be prepared by a qualified individual; and
- 36 3. Include a maintenance plan that includes management provisions for controlling
37 invasive species and replacement of plant loss for three years.
- 38 c. A certificate of compliance will be issued after the vegetation restoration plan
39 requirements have been satisfied.
- 40 (J) *Land alteration standards and stormwater management.*
- 41 (1) *Purpose.* To establish standards that protect water quality from pollutant loadings of
42 sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs,
43 shorelines, and other areas prone to erosion.
- 44 (2) *Land alteration permit.*
- 45 a. Within the bluff impact zone, land alteration is prohibited, except for the following
46 which are allowed by permit:
- 47 1. Erosion control consistent with ~~section 117-148(j)(6)~~ (conditions of land
48 alteration permit approval);

2. The minimum necessary for development that is allowed as an exception under **section 117-148(l) (exemptions)**; and
3. Repair and maintenance of existing buildings and facilities.
- b. Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.
- (3) *Rock riprap, retaining walls, and other erosion control structures.*
 - a. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, chapters 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not proceed until approved by the commissioner. See Figure 8.

Figure 8. Riprap Guidelines



- b. Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit ~~consistent with provisions of section 117-148(j)(6) (conditions of land alteration permit approval)~~ provided that:
 1. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.
 2. The structures are used only to correct an established erosion problem as determined by the City of Ramsey.
 3. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:
 - (i) Retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and
 - (ii) Riprap must not exceed the height of the regulatory flood protection elevation.
- c. Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration ~~under section 117-148(j)(2) (land alteration permit)~~.
- (4) *Stormwater management.*
 - a. In the bluff impact zone, storm water management facilities are prohibited except by permit if:
 1. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;
 2. The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;
 3. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

-
- 1 4. Mitigation based on the best available engineering and geological practices is
2 required and applied to eliminate or minimize the risk of slope failure.
- 3 b. In the water quality impact zone, development that creates new impervious surface, ~~as~~
4 ~~allowed by exemption in section 117-148(i) (exemptions)~~, or fully reconstructs existing
5 impervious surface of more than 10,000 square feet requires a storm water permit or
6 approved storm water plan. Multipurpose trails and sidewalks are exempt if there is
7 down gradient vegetation or a filter strip that is at least five feet wide.
- 8 c. In all other areas, storm water runoff must be directed away from the bluff impact
9 zones or unstable areas.
- 10 (5) *Development on steep slopes.* Construction of structures, impervious surfaces, land alteration,
11 vegetation removal, or other construction activities are allowed on steep slopes if:
- 12 a. The development can be accomplished without increasing erosion or storm water
13 runoff;
- 14 b. The soil types and geology are suitable for the proposed development; and
- 15 ~~c. Vegetation is managed according to the requirements of section 117-148(i) (vegetation~~
16 ~~management).~~
- 17 (6) *Conditions of land alteration permit approval.*
- 18 a. Temporary and permanent erosion and sediment control measures retain sediment
19 onsite consistent with best management practices in the Minnesota Stormwater
20 Manual;
- 21 b. Natural site topography, soil, and vegetation conditions are used to control runoff and
22 reduce erosion and sedimentation;
- 23 c. Construction activity is phased when possible;
- 24 d. All erosion and sediment controls are installed before starting any land disturbance
25 activity;
- 26 e. Erosion and sediment controls are maintained to ensure effective operation;
- 27 ~~f. The proposed work is consistent with the vegetation standards in section 117-148(i)~~
28 ~~(vegetation management); and~~
- 29 g. Best management practices for protecting and enhancing ecological and water
30 resources identified in Best Practices for Meeting DNR General Public Waters Work
31 Permit GP 2004-0001.
- 32 (7) *Compliance with other plans and programs.* All development must:
- 33 a. Be consistent with Minn. Stats. ch. 103B, and local water management plans completed
34 under [Minnesota Rules] chapter 8410;
- 35 b. Meet or exceed the wetland protection standards under Minnesota Rules, chapter
36 8420; and
- 37 c. Meet or exceed the floodplain management standards under Minnesota Rules,
38 chapters 6120.5000—6120.6200.
- 39 (K) *Subdivision and land development standards.*
- 40 (1) *Purpose.*
- 41 a. To protect and enhance the natural and scenic values of the MRCCA during
42 development or redevelopment of the remaining large sites;
- 43 b. To establish standards for protecting and restoring biological and ecological functions
44 of primary conservation areas on large sites; and
- 45 c. To encourage restoration of natural vegetation during development or redevelopment
46 of large sites where restoration opportunities have been identified in MRCCA plans.
- 47 (2) *Applicability.*
- 48 a. The design standards in this section apply to subdivisions, planned unit developments
49 and master-planned development and redevelopment of land involving ten or more

- acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:
1. Subdivisions;
 2. Planned unit developments; and
 3. Master-planned development and redevelopment of land.
- b. The following activities are exempt from the requirements of this section:
1. Minor subdivisions consisting of three or fewer lots;
 2. Minor boundary line corrections;
 3. Resolutions of encroachments;
 4. Additions to existing lots of record;
 5. Placement of essential services; and
 6. Activities involving river-dependent commercial and industrial uses.
- ~~(3) Application materials. Project information listed in section 117-148(c)(6) (application materials) must be submitted for all proposed developments.~~
- (4) *Design standards.*
- a. Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:
 1. CA-ROS District: 50 percent;
 2. CA-RN District: 20 percent;
 3. CA-SR District: Ten percent if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.
 - b. If the primary conservation areas exceed the amounts specified in **section 117-148(k)(4)a** above, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.
 - c. If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. ~~If restoration is needed, vegetation must be restored according to section 117-148(i)(6)b (under vegetation restoration plan).~~
 - d. If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas ~~according to section 117-148(i)(6)b (under vegetation restoration plan)~~ and the area must be set aside and designated as protected open space.
 - e. Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.
 - f. Land dedicated under this section for public river access, parks, or other open space, or public facilities may be counted toward the protected open space requirement.
 - g. Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible, to form an interconnected network.
- (5) *Permanent protection of designated open space.*
- a. Designated open space areas must be protected through one or more of the following methods:
 1. Public acquisition by a government entity for conservation purposes;
 2. A permanent conservation easement, as provided in Minn. Stats. ch. 84C;

3. A deed restriction; and
4. Other arrangements that achieve an equivalent degree of protection.
- b. Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

(L) *Exemptions*

- (1) *Purpose.* To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minn. Stats. § 116G.15, subd.

4.

- (2) *Applicability.*

- a. ~~Uses and activities not specifically exempted must comply with this section. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in sections 117-148(i) (vegetation management) and 117-148(j) (land alterations standards and stormwater management).~~

- (3) *Use and activity exemptions classification.*

- a. Uses and activities in the following tables ~~section 117-148(l)(3) below~~ are categorized as:

1. *Exempt — E.* This means that the use or activity is allowed;
2. *Exempt if no alternative — (E).* This means that the use or activity is allowed only if no alternatives exist; and
3. *Not exempt — N.* This means that a use or activity is not exempt and must meet the standards of this section.

- b. *General uses and activities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
~~Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)~~	~~N~~	~~E~~	~~N~~	~~N~~	~~Structure design and placement must minimize interference with public river corridor views~~
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Section 117-148(h) (performance standards for public facilities)
Wireless communication towers	E	E	N	N	Section 117-148(e)(2)f (river-dependent uses)
Chimneys, ~~church~~ spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations

- c. *Public utilities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Electrical power facilities	E	E	E	(E)	Section 117-148(h) (performance standards for public facilities)
Essential services (other than storm water facilities)	E	E	E	(E)	Section 117-148(h) (performance standards for public facilities)
Storm water facilities	E	N	E	(E)	Section 117-148(j) (land alteration standards and stormwater management)
Wastewater treatment	E	N	E	N	Section 117-148(h) (performance standards for public facilities)
Public transportation facilities	E	N	(E)	(E)	Section 117-148(h) (performance standards for public facilities)

d. *Public recreational facilities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 117-148(h) (performance standards for public facilities); within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 117-148(h) (performance standards for public facilities)
Parking lots	(E)	N	(E)	(E)	Section 117-148(h) (performance standards for public facilities); within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Section 117-148(h) (performance standards for public facilities)
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 117-148(h) (performance standards for public facilities)

Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 117-148(h) (performance standards for public facilities); within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 117-148(h) (performance standards for public facilities)
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 117-148(h) (performance standards for public facilities)

e. *River-dependent uses.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Shoreline facilities	E	N ¹	E	(E)	Section 117-148(e)(2)(f) (river dependent uses). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
Private roads and conveyance structures serving river-dependent uses	E	N ¹	E	(E)	Section 117-148(e)(2)f (river dependent uses)

¹ River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

f. *Private residential and commercial water access and use facilities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 117-148(g) (performance standards for private facilities); in BIZ, only on slopes averaging less than 30% Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	Section 117-148(g) (performance standards for private facilities)
Water access ramps	E	N	E	N	Section 117-148(g) (performance standards for private facilities)

Stairways, lifts, and landings	E	N	E	E	Section 117-148(g) (performance standards for private facilities)
Water-oriented accessory structures	E	N	E	N	Section 117-148(g) (performance standards for private facilities)
Patios and decks	E	N	N	N	Section 117-148(g)(5) (decks and patios in setback area)
Directional signs for watercraft (private)	E	N	E	N	Section 117-148(g)(6) (Off premise and directional signage); exemption does not apply to off-premise advertising signs
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Sections 117-148(j)(3) (rock riprap, retaining walls, and other erosion control measures), 117-148(j)(5) (development on steep slopes) and 117-148(j)(6) (conditions of land alteration permit approval)
Flood control structures	E	N	E	(E)	Section 117-148(j) (land alteration standards and stormwater management)

920 Floodplain Overlay Districts

(A) *Statutory authorization.* The legislature of the State of Minnesota has, in Minn. Stats. ch. 103F and ch. 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.

(B) *Purpose.*

- (1) This subdivision regulates development in the flood hazard areas of the city. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Section to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (2) *National Flood Insurance Program compliance.* This subdivision is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59—78, as amended, so as to maintain the city's eligibility in the National Flood Insurance Program.
- (3) This subdivision is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational

opportunities, provide aesthetic benefits and enhance community and economic development.

921 Floodplain Overlay Districts General Provisions

- (A) This subdivision adopts the floodplain maps applicable to the city and includes three floodplain districts: floodway, flood fringe, and general floodplain.
- (1) Where floodway and flood fringe districts are delineated on the floodplain maps, the standards in section 117-183 or 117-184 will apply, depending on the location of a property.
- (2) Locations where floodway and flood fringe districts are not delineated on the floodplain maps are considered to fall within the general floodplain district. Within the general floodplain district, the floodway district standards in section 117-183 apply unless the floodway boundary is determined, according to the process outlined in section 117-185. Once the floodway boundary is determined, the flood fringe district standards in section 117-184 may apply outside the floodway.
- (B) *Lands to which this subdivision applies.* This subdivision applies to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments to the map as being located within the boundaries of the floodway, flood fringe, or general floodplain districts.
- (1) The floodway, flood fringe and general floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in the underlying zoning district. In case of a conflict, the more restrictive standards will apply.
- (C) *Incorporation of maps by reference.* The following maps, together with all attached material, are hereby adopted by reference and declared to be a part of the official zoning map and this subdivision. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the flood insurance rate maps enumerated below, all dated December 16, 2015 and all prepared by the Federal Emergency Management Agency. These materials are on file in the community development department.

• 27003C0142E	• 27003C0186E
• 27003C0144E	• 27003C0257E
• 27003C0165E	• 27003C0280E
• 27003C0166E	• 27003C0281E
• 27003C0167E	• 27003C0282E
• 27003C0170E	• 27003C0283E

- (D) *Regulatory flood protection elevation.* The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- (E) *Interpretation.* The boundaries of the zoning districts are determined by scaling distances on the flood insurance rate map.
- (1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The zoning administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

- (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the planning commission and to submit technical evidence.
- (F) *Abrogation and greater restrictions.* It is not intended by this subdivision to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this subdivision imposes greater restrictions, the provisions of this subdivision prevail.
- (G) *Warning and disclaimer of liability.* This subdivision does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This subdivision does not create liability on the part of the city or its officers or employees for any flood damages that result from reliance on this subdivision or any administrative decision lawfully made thereunder.
- (H) *Severability.* If any section, clause, provision, or portion of this subdivision is adjudged unconstitutional or invalid by a court of law, the remainder of this subdivision shall not be affected and shall remain in full force.
- ~~(I) *Annexations.* The flood insurance rate map panels adopted by reference into section 117-181(c) above may include floodplain areas that lie outside of the corporate boundaries of the city at the time of adoption of this subdivision. If any of these floodplain land areas are annexed into the city after the date of adoption of this subdivision, the newly annexed floodplain lands will be subject to the provisions of this subdivision immediately upon the date of annexation.~~

922 Establishment of Flood Zone Districts

- (A) *Districts.*
- (1) **FW Floodway district.** The floodway district includes those areas designated as floodway on the flood insurance rate map adopted in **section 117-181**. For lakes, wetlands, and other basins (that do not have a floodway designated), the floodway district includes those areas designated as zone A or AE on the flood insurance rate map that are at or below the ordinary high water level as defined in Minn. Stats. § 103G.005, subd. 14.
- (2) **FF Flood fringe district.** The flood fringe district includes those areas designated as floodway fringe on the flood insurance rate map adopted in **section 117-181** as being within zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the flood fringe district includes those areas designated as zone A or AE on the flood insurance rate map panels adopted in **section 117-181** that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minn. Stats. § 103G.005, subd. 14.
- (3) **GF General floodplain district.** The general floodplain district includes those areas designated as zone A or zone AE without a floodway on the flood insurance rate map adopted in **section 117-181**, but not subject to the criteria in sections **117-182(a)(1)** and **(2)** above.
- (B) *Compliance.* Within the floodplain districts established in this subdivision, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this subdivision and other applicable regulations. All uses not listed as permitted uses or conditional uses in **sections 117-183, 117-184, and 117-185**, respectively, are prohibited. In addition, a caution is provided here that:
- (1) New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this subdivision and specifically section 117-188.
- (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this subdivision and specifically section 117-190.

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- (3) All structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this subdivision and specifically as stated in section 117-189.

923 Floodway District (FW)

- (A) *Permitted uses.* The following uses, subject to the standards set forth in [section] 117-183(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
 - (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
 - (3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
 - (4) Residential lawns, gardens, parking areas, and play areas.
 - (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the department of natural resources' area hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in [sections] 117-183(d)(1), 117-183(d)(3) and 117-183(d)(6) are met.
- (B) *Standards for floodway permitted uses:*
 - (1) The use must have a low flood damage potential.
 - (2) With the exception of the uses listed in [section] 117-183(a)(5), the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.
 - (3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (one percent chance) flood.
- (C) *Conditional uses.* The following uses may be allowed as conditional uses following the standards and procedures set forth in section 117-189(d) of this subdivision and further subject to the standards set forth in section 117-183(d), if otherwise allowed in the underlying zoning district or any applicable overlay district.
 - (1) Structures accessory to the uses listed in section 117-183(a) and the uses listed in subsections (c)(2) through (9) below.
 - (2) Extraction and storage of sand, gravel, and other materials.
 - (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
 - (4) Storage yards for equipment, machinery, or materials.
 - (5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 117-1, are permitted uses.
 - (6) Travel-ready recreational vehicles meeting the exception standards in section 117-188(b)(2).
 - (7) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.
- (D) *Standards for floodway conditional uses:*

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- 1 (1) *All uses.* A conditional use must not cause any increase in the stage of the one percent chance
2 or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 3 (2) *Fill; storage of materials and equipment:*
- 4 a. The storage or processing of materials that are, in time of flooding, flammable,
5 explosive, or potentially injurious to human, animal, or plant life is prohibited.
- 6 b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must
7 be protected from erosion by vegetative cover, mulching, riprap or other acceptable
8 method. Permanent sand and gravel operations and similar uses must be covered by a
9 long-term site development plan.
- 10 c. Temporary placement of fill, other materials, or equipment which would cause an
11 increase to the stage of the one percent chance or regional flood may only be allowed
12 if the city has approved a plan that assures removal of the materials from the floodway
13 based upon the flood warning time available.
- 14 (3) *Accessory structures:*
- 15 a. Accessory structures must not be designed for human habitation.
- 16 b. Accessory structures, if permitted, must be constructed and placed on the building site
17 so as to offer the minimum obstruction to the flow of flood waters:
- 18 1. Whenever possible, structures must be constructed with the longitudinal axis
19 parallel to the direction of flood flow; and
- 20 2. So far as practicable, structures must be placed approximately on the same flood
21 flow lines as those of adjoining structures.
- 22 c. Accessory structures must be elevated on fill or structurally dry floodproofed in
23 accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State
24 Building Code. All floodproofed accessory structures must meet the following additional
25 standards:
- 26 1. The structure must be adequately anchored to prevent flotation, collapse or
27 lateral movement and designed to equalize hydrostatic flood forces on exterior
28 walls; and
- 29 2. Any mechanical and utility equipment in the structure must be elevated to or
30 above the regulatory flood protection elevation or properly floodproofed.
- 31 d. As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or
32 FP-4 floodproofing classifications in the Minnesota State Building Code, provided the
33 accessory structure constitutes a minimal investment and does not exceed 576 square feet in
34 size. A detached garage may only be used for parking of vehicles and limited storage. All
35 structures must meet the following standards:
- 36 1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two
37 "automatic" openings in the outside walls of the structure, with a total net area of not
38 less than one square inch for every square foot of enclosed area subject to flooding;
39 and
- 40 2. There must be openings on at least two sides of the structure and the bottom of all
41 openings must be no higher than one foot above the lowest adjacent grade to the
42 structure. Using human intervention to open a garage door prior to flooding will not
43 satisfy this requirement for automatic openings.
- 44 (4) Structural works for flood control that will change the course, current or cross section of
45 protected wetlands or public waters are subject to the provisions of Minn. Stats. § 103G.245.
- 46 (5) A levee, dike or floodwall constructed in the floodway must not cause an increase to the one
47 percent chance or regional flood. The technical analysis must assume equal conveyance or
48 storage loss on both sides of a stream.

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- (6) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

924 Flood Fringe District (FF)

(A) *Permitted uses.* Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in subsection (b) below.

(B) *Standards for flood fringe permitted uses.*

- (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
 - a. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - b. As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with [\[section\] 117-183\(d\)\(3\)](#).
 - (2) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with subsection (a) above, or if allowed as a conditional use under [section 117-184\(c\)\(3\)](#) below.
 - (3) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
 - (4) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (5) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - (6) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning/emergency evacuation plan acceptable to the city.
 - (7) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (one percent chance) flood.
 - (8) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
 - (9) Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - (10) Manufactured homes and recreational vehicles must meet the standards of [section 117-188](#).
- (C) *Conditional uses.* The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in [section 117-189\(d\)](#). conditional uses must meet the standards in [subsections] (b)(4) through (10) above and [section 117-184\(d\)](#).
- (1) Any structure that is not elevated on fill or floodproofed in accordance with [section 117-184\(b\)\(1\)a. and b.](#)
 - (2) Storage of any material or equipment below the regulatory flood protection elevation.

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- 1 (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used
2 to elevate a structure in accordance with [subsection] (b)(1) above.
- 3 (D) *Standards for flood fringe conditional uses.*
- 4 (1) The standards listed in sections 117-184(b)(4) through (10) apply to all conditional uses.
- 5 (2) Basements, as defined in section 117-1, are subject to the following:
- 6 a. Residential basement construction is not allowed below the regulatory flood protection
7 elevation.
- 8 b. Non-residential basements may be allowed below the regulatory flood protection elevation
9 provided the basement is structurally dry floodproofed in accordance with [section] 117-
10 184(d)(3).
- 11 (3) All areas of nonresidential structures, including basements, to be placed below the regulatory
12 flood protection elevation must be floodproofed in accordance with the structurally dry
13 floodproofing classifications in the Minnesota State Building Code. Structurally dry
14 floodproofing must meet the FP-1 or FP-2 floodproofing classification in the Minnesota State
15 Building Code, which requires making the structure watertight with the walls substantially
16 impermeable to the passage of water and with structural components capable of resisting
17 hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed
18 to the FP-3 or FP-4 classification are not permitted.
- 19 (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other
20 than for the purpose of elevating a structure to the regulatory flood protection elevation) must
21 comply with an approved erosion/sedimentation control plan.
- 22 a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event
23 at a minimum of the regional (one percent chance) flood event.
- 24 b. The plan must be prepared and certified by a registered professional engineer or other
25 qualified individual acceptable to the city.
- 26 c. The plan may incorporate alternative procedures for removal of the material from the
27 floodplain if adequate flood warning time exists.
- 28 (5) Storage of materials and equipment below the regulatory flood protection elevation must
29 comply with an approved emergency plan providing for removal of such materials within the
30 time available after a flood warning.
- 31 (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's
32 lowest floor above the regulatory flood protection elevation. These alternative methods may
33 include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl
34 spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-
35 grade and not a structure's basement or lowest floor if:
- 36 a. The enclosed area is above-grade on at least one side of the structure.
- 37 b. It is designed to internally flood and is constructed with flood resistant materials.
- 38 c. It is used solely for parking of vehicles, building access or storage. The above-noted alternative
39 elevation methods are subject to the following additional standards:
- 40 1. *Design and certification.* The structure's design and as-built condition must be certified
41 by a registered professional engineer or architect as being in compliance with the general
42 design standards of the Minnesota State Building Code and, specifically, that all electrical,
43 heating, ventilation, plumbing and air conditioning equipment and other service facilities
44 must be at or above the regulatory flood protection elevation or be designed to prevent
45 flood water from entering or accumulating within these components during times of
46 flooding.
- 47 2. *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas
48 such as crawl spaces or tuck under garages must be designed to internally flood and the
49 design plans must stipulate:

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- (i) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (ii) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles, or storage.

925 General Floodplain District (GF)

(A) *Permitted uses.*

- (1) The uses listed in [section] 117-183(a), floodway district permitted uses, are permitted uses.
- (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in [section] 117-185(b) below. Section 117-183 applies if the proposed use is determined to be in the floodway district. Section 117-184 applies if the proposed use is determined to be in the flood fringe district.

(B) *Procedures for floodway and flood fringe determinations.*

- (1) Upon receipt of an application for a permit or other approval within the general floodplain district, the zoning administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the floodway or flood fringe district. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in [section] 117-185(b)(3) below.
- (3) The determination of floodway and flood fringe must include the following components, as applicable:
 - a. Estimate the peak discharge of the regional (one percent chance) flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half foot. A lesser stage increase than one-half foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- (4) The zoning administrator will review the submitted information and assess the technical evaluation and the recommended floodway and/or flood fringe district boundary. The assessment must include the cumulative effects of previous floodway encroachments. The zoning administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Minnesota Department of Natural Resources, before presenting the technical evaluation and findings to the city council. The city council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The city council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency

Management Agency (FEMA), the Minnesota Department of Natural Resources, or the planning commission for review and comment.

- (5) Once the floodway and flood fringe district boundaries have been determined, the city council shall refer the matter back to the zoning administrator to process the permit application consistent with the applicable provisions of sections 117-183 and 117-184.

930 Shoreland Management Overlay District

- (A) *Statutory authorization.* The ordinance from which this subdivision is derived is adopted pursuant to the authorization and policies contained in Minn. Stats. ch. 103F, Minn. Rules pts. 6120.2500—6120.3900, and the planning and zoning enabling legislation in Minn. Stats. ch. 462.
- (B) *Policy.* The uncontrolled use of shorelands of the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The state legislature has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is recognized by the city.
- (C) *Jurisdiction.* The provisions of this subdivision shall apply to the shorelands of the public water bodies as classified in section 117-224. Pursuant to Minn. Rules pts. 6120.2500—6120.3900, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city council, be exempt from this subdivision.
- (D) *Compliance.* The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this subdivision and other applicable regulations.

931 Shoreland Management Overlay District Administration

- (A) *Permits required.*
- ~~(1) A building permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by section 117-225(g)(2). Application for a permit shall be made to the building official on the forms provided. The application shall include the necessary information so that the building official can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.~~
- (2) A permit authorizing an addition to an existing structure shall stipulate that an identified ~~nonconforming~~ ~~noncomplying~~ sewage treatment system, as defined by Chapter 113, shall be reconstructed or replaced in accordance with the provisions of this subdivision.
- (B) *Certificate of zoning compliance.* The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this subdivision. This certificate will specify that the use of land conforms to the requirements of this subdivision. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this subdivision and shall be punishable as provided in this subdivision.

(C) *Variances.* Variances may only be granted in accordance with section 117-53 and Minn. Stats. ch. 462, as applicable. In addition to the criteria established in section 117-53, the board of adjustment must also determine whether the property is used seasonally or year-round. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. For existing developments, the application for variance must include documentation, either through existing records or an inspection report by a licensed Minnesota Pollution Control Agency septic inspector, documenting that a conforming complying individual sewage treatment system is present for the intended use of the property. If a variance is issued that will have the effect of allowing additional bedroom on the property, the property owner shall be required, if necessary, to upgrade the nonconforming noncomplying individual sewage treatment system in conjunction with the issuance of the variance. If the variance does not have the effect of allowing additional bedrooms, the property owner shall have a maximum of two years to upgrade the nonconforming noncomplying system. ~~A failed system determined to be an imminent public health threat must be reconstructed within 45 days, regardless of the intended use permitted by the variance.~~

(D) *Notifications to the department of natural resources.*

- (1) Copies of all notices of any public hearings to consider variances, zoning amendments, subdivisions, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- (2) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the board of adjustment's summary of the public record/testimony and the findings of fact which supported the issuance of the variance.

932 Shoreland Classification System and Land Use Districts; Shoreland Management

(A) *Shoreland classification system.*

- (1) The public waters of the city have been classified in subsection (a)(2) of this section consistent with the criteria found Minn. Rules pt. 6120.3300, and the protected waters inventory map for the county. In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification.
- (2) These protected waters of the city have been classified by the commissioner of natural resources as follows:

	Natural Environment Lakes	DNR I.D. #
a.	Shack Eddy	2-109
b.	Itasca	2-110

	Recreational Development Lakes	DNR I.D. #
a.	Jeglens Marsh	2-111
b.	Peltzer Pond	2-112
c.	Rogers	2-104
d.	Grass (Sunfish)	2-113

	General Development Lakes	DNR I.D. #
a.	Ramsey Terrace Pond	2-114
b.	Magnesium Street Pond	2-116
c.	Industry Avenue Pond South	2-117
d.	Industry Avenue Pond North	2-118

	Tributary Streams	Locations
a.	Trott Brook	Sections 1, 2, 3, 6, 7, 8, 9, 10, T32N, R25W
b.	Ford Brook	Sections 1 and 2 T32N, R25W

(3) The shorelands of the city in subsection (a)(2) of this section are designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city. Boundaries of the Shoreland Overlay District shall be as defined by shoreland in section 117-1.

(B) *Land use district descriptions.* Within the shoreland area, land use descriptions and allowable uses therein shall be identified in the respective zoning districts established in this chapter.

933 Shoreland Overlay District Development Standards

~~(A) Permitted uses. All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official environmental overlay map of the city.~~

~~(B) Conditional uses.~~

~~(1) All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as defined by shoreland in section 117-1.~~

(2) Boathouses.

(C) *Substandard uses.* Any uses of shorelands in existence prior to the date of enactment of this Code which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Code are substandard uses. Substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a substandard use that will increase the substandard dimensions shall not be allowed.

~~(D) Prohibited uses. Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this Shoreland Overlay District, as defined by shoreland in section 117-1.~~

(E) *Zoning provisions; lot area and width standards.* The following standards shall apply to all shorelands of the protected waters listed in section 117-224 within the city. Where the requirements of the underlying zoning district as shown on the official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply. The lot area (in square feet) and lot width standards (in feet) for single, double, triple, and quad unit residential lots created after the date of enactment of the ordinance from which this subdivision is derived for the lake and river/stream classifications are the following:

(1) *Unsewered lakes.*

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Natural Environment:				

Single	80,000	200	80,000	200
Double	120,000	300	160,000	400
Triple	160,000	400	240,000	600
Quad	200,000	500	320,000	800
Recreational Development:				
Single	40,000	150	40,000	150
Double	80,000	225	80,000	265
Triple	120,000	300	120,000	375
Quad	160,000	375	160,000	490
General Development:				
Single	20,000	100	40,000	150
Double	40,000	180	80,000	265
Triple	60,000	260	120,000	375
Quad	80,000	340	160,000	490

(2) *Sewered lakes.*

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Natural Environment:				
Single	40,000	125	20,000	125
Double	70,000	225	35,000	220
Triple	100,000	325	52,000	315
Quad	130,000	425	65,000	410
Recreational Development:				
Single	20,000	75	15,000	75
Double	35,000	135	26,000	135
Triple	50,000	195	38,000	190
Quad	65,000	255	49,000	245
General Development:				
Single	15,000	75	10,800	75
Double	26,000	135	17,500	135
Triple	38,000	195	25,000	190
Quad	49,000	255	32,500	245

(3) *Stream lot width standards.* There is no minimum lot size requirements for streams. The lot width standards for single-, double-, triple- and four-unit residential developments for the stream classifications are:

	Tributary	
	No Sewer	Sewer
Single	100	75
Double	150	115
Triple	200	150
Quad	250	190

(4) *Additional special provisions.*

- a. Residential subdivisions with dwelling unit densities exceeding those in the tables in subsections (e)(2) and (3) of this section can only be allowed if designed and approved as residential planned unit developments under section 117-227. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection (e)(2) of this section can only be used if publicly owned sewer system service is available to the property.
- b. Subdivisions of double, triple, and quad unit buildings on natural environment lakes must also meet the following standards:
 1. Each building must be set back at least 200 feet from the ordinary high water level;
 2. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 3. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 4. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- ~~c. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in subsections (e)(1) through (3) of this section, provided the following standards are met:~~
 - ~~1. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;~~
 2. Where allowed, an accessory dwelling unit (ADU) ~~A guest cottage~~ must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 3. An ~~guest cottage~~ accessory dwelling unit must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- d. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
 1. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;
 2. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100—200	20
201—300	15
301—400	10
Greater than 400	5

3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(F) *Placement, design, and height of structures.*

- (1) *Placement of structures on lots.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

a. *Structure and on-site sewage system setbacks (in feet) from ordinary high water level*.*

Classes of Public Waters	Structures		Setbacks*
	Unsewered	Sewered	Sewage Treatment System
Lakes			
Natural environment	150	150	150
Recreational development	100	75	75
General development	75	50	50
Tributary streams	100	50	75

*One water-oriented accessory structure designed in accordance with subsection (f)(2) of this section may be set back a minimum distance of ten feet from the ordinary high water level.

- b. *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body:

Setback From:	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads or streets not classified	20

- c. *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- d. *Uses without water-oriented needs.* Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public

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- 1 waters frontage, must either be set back double the normal ordinary high water level setback
2 or be substantially screened from view from the water by vegetation or topography, assuming
3 summer, leaf-on conditions.
- 4 (2) *Design criteria for structures.*
- 5 a. *High water elevations.* Structures must be placed in accordance with any floodplain
6 regulations applicable to the site. Where these controls do not exist, the elevation to which
7 the lowest floor, including basement, is placed or floodproofed must be determined as
8 follows:
- 9 1. For lakes, by placing the lowest floor at a level at least three feet above the highest known
10 water level, or three feet above the ordinary high water level, whichever is higher;
11 2. For rivers and streams, by placing the lowest floor at least three feet above the flood of
12 record, if data are available. If data are not available, by placing the lowest floor at least
13 three feet above the ordinary high water level, or by conducting a technical evaluation to
14 determine effects of proposed construction upon flood stages and flood flows and to
15 establish a flood protection elevation. Under all three approaches, technical evaluations
16 must be done by a qualified engineer or hydrologist consistent with Minn. Rules pts.
17 6120.5000—6120.6200 governing the management of floodplain areas. If more than one
18 approach is used, the highest flood protection elevation determined must be used for
19 placing structures and other facilities; and
20 3. Water-oriented accessory structures may have the lowest floor placed lower than the
21 elevation determined in this item if the structure is constructed of flood-resistant
22 materials to the elevation, electrical and mechanical equipment is placed above the
23 elevation and, if long duration flooding is anticipated, the structure is built to withstand
24 ice action and wind-driven waves and debris.
- 25 b. *Water-oriented accessory structures.* Each lot may have one water-oriented accessory
26 structure not meeting the normal structure setback in this subdivision if this water-oriented
27 accessory structure complies with the following provisions:
- 28 1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and
29 cannot occupy an area greater than 250 square feet. Detached decks must not exceed
30 eight feet above grade at any point;
31 2. The setback of the structure or facility from the ordinary high water level must be at least
32 ten feet;
33 3. The structure or facility must be treated to reduce visibility as viewed from public waters
34 and adjacent shorelands by vegetation, topography, increased setbacks or color,
35 assuming summer, leaf-on conditions;
36 4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a
37 storage area;
38 5. The structure or facility must not be designed or used for human habitation and must not
39 contain water supply or sewage treatment facilities; and
40 6. As an alternative for general development and recreational development waterbodies,
41 water-oriented accessory structures used solely for watercraft storage, and including
42 storage of related boating and water-oriented sporting equipment, may occupy an area
43 up to 400 square feet provided the maximum width of the structure is 20 feet as
44 measured parallel to the configuration of the shoreline.
- 45 c. *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major
46 topographic alterations for achieving access up and down bluffs and steep slopes to shore
47 areas. Stairways and lifts must meet the following design requirements:

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1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 3. Canopies or roofs are not allowed on stairways, lifts, or landings;
 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of the items in subsections (f)(2)c.1 to 5 of this section are complied with in addition to the requirements of Minn. Rules ch. 1340.
- d. *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- e. *Steep slopes.* The city engineer must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- (3) *Height of structures.* All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 35 feet in height.
- (G) *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- (1) *Vegetation alterations.*
- a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this subdivision are exempt from the vegetation alteration standards that follow.
 - b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this subdivision is allowed subject to the following standards:
 1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (i) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

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- 1 (ii) Along rivers, existing shading of water surfaces is preserved; and
2 (iii) The provisions of this subsection (g)(1) of this section are not applicable to the
3 removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- 4 (2) *Topographic alterations/grading and filling.*
- 5 a. Grading and filling and excavations necessary for the construction of structures, sewage
6 treatment systems, and driveways under validly issued construction permits for these
7 facilities do not require the issuance of a separate grading and filling permit. However, the
8 grading and filling standards in this subdivision must be incorporated into the issuance of
9 permits for construction of structures, sewage treatment systems, and driveways.
- 10 b. Public roads and parking areas are regulated by this subdivision.
- 11 c. Notwithstanding subsections (g)(2)a and b of this section, a grading and filling permit will be
12 required for:
- 13 1. The movement of more than ten cubic yards of material on steep slopes or within shore
14 or bluff impact zones; and
- 15 2. The movement of more than 50 cubic yards of material outside of steep slopes and shore
16 and bluff impact zones.
- 17 d. The following considerations and conditions must be adhered to during the issuance of
18 construction permits, grading and filling permits, conditional use permits, variances and
19 subdivision approvals:
- 20 1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine
21 how extensively the proposed activity would affect the following functional qualities of
22 the wetland. This evaluation must also include a determination of whether the wetland
23 alteration being proposed requires permits, reviews, or approvals by other local, state, or
24 federal agencies such as a watershed district, the state department of natural resources,
25 or the United States Army Corps of Engineers. The applicant will be so advised.
- 26 (i) Sediment and pollutant trapping and retention;
- 27 (ii) Storage of surface runoff to prevent or reduce flood damage;
- 28 (iii) Fish and wildlife habitat;
- 29 (iv) Recreational use;
- 30 (v) Shoreline or bank stabilization; and
- 31 (vi) Noteworthiness, including special qualities such as historic significance, critical
32 habitat for endangered plants and animals, or others.
- 33 2. Alterations must be designed and conducted in a manner that ensures only the smallest
34 amount of bare ground is exposed for the shortest time possible;
- 35 3. Mulches or similar materials must be used, where necessary, for temporary bare soil
36 coverage, and a permanent vegetation cover must be established as soon as possible;
- 37 4. Methods to minimize soil erosion and to trap sediments before they reach any surface
38 water feature must be used;
- 39 5. Altered areas must be stabilized to acceptable erosion control standards consistent with
40 the field office technical guides of the local soil and water conservation districts and the
41 United States Soil Conservation Service;
- 42 6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- 43 7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified
44 professionals for continued slope stability and must not create finished slopes of 30
45 percent or greater;
- 46 8. Fill or excavated material must not be placed in bluff impact zones;
- 47 9. Any alterations below the ordinary high water level of public waters must first be
48 authorized by the commissioner under Minn. Stats. § 103G.245;

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10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
11. Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip-rap is within ten feet of the ordinary high water level, and the height of the rip-rap above the ordinary high water level does not exceed three feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- (3) *Placement and design of roads, driveways, and parking areas.*
- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- c. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met. For private facilities, the grading and filling provisions of subsection (g)(2) of this section must be met.
- (4) *Stormwater management.* The following general and specific standards shall apply:
- a. *General standards:*
1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- b. *Specific standards:*
1. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
 3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(5) *Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.*

a. *Standards for commercial, industrial, public, and semipublic uses.*

1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

(i) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this subdivision, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(ii) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

(iii) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

A. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

B. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

C. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

2. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

b. *Agriculture use standards.*

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

2. Animal feedlots must meet the following standards:

(i) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and

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- 1 (ii) Modifications or expansions to existing feedlots that are located within 300 feet of
2 the ordinary high water level or within a bluff impact zone are allowed if they do not
3 further encroach into the existing ordinary high water level setback or encroach on
4 bluff impact zones.
- 5 c. *Forest management standards.* The harvesting of timber and associated reforestation must
6 be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution
7 Assessment-Forestry and the provisions of Water Quality in Forest Management "Best
8 Management Practices in Minnesota."
- 9 d. *Extractive use standards.*
- 10 1. *Site development and restoration plan.* An extractive use site development and
11 restoration plan must be developed, approved, and followed over the course of operation
12 of the site. The plan must address dust, noise, possible pollutant discharges, hours and
13 duration of operation, and anticipated vegetation and topographic alterations. It must
14 also identify actions to be taken during operation to mitigate adverse environmental
15 impacts, particularly erosion, and must clearly explain how the site will be rehabilitated
16 after extractive activities end.
- 17 2. *Setbacks for processing machinery.* Processing machinery must be located consistent with
18 setback standards for structures from ordinary high water levels of public waters and
19 from bluffs.
- 20 e. *Mining of metallic minerals and peat.* Mining of metallic minerals and peat, as defined in
21 Minn. Stats. §§ 93.44—93.51, shall be a permitted use provided the provisions of Minn. Stats.
22 §§ 93.44—93.51, are satisfied.
- 23 (6) *Conditional uses.* Conditional uses allowable within shoreland areas shall be subject to the
24 review and approval procedures, and criteria and conditions for review of conditional uses
25 established communitywide. The following additional evaluation criteria and conditions apply
26 within shoreland areas:
- 27 a. *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic, vegetation,
28 and soils conditions on the site must be made to ensure:
- 29 1. The prevention of soil erosion or other possible pollution of public waters, both during
30 and after construction;
- 31 2. The visibility of structures and other facilities as viewed from public waters is limited;
- 32 3. The site is adequate for water supply and on-site sewage treatment; and
- 33 4. The types, uses, and numbers of watercraft that the project will generate are compatible
34 in relation to the suitability of public waters to safely accommodate these watercraft.
- 35 b. *Conditions attached to conditional use permits.* The city council, upon consideration of the
36 criteria listed in subsection (g)(6)a of this section and the purposes of this subdivision, shall
37 attach such conditions to the issuance of the conditional use permits as it deems necessary
38 to fulfill the purposes of this subdivision. Such conditions may include, but are not limited to,
39 the following:
- 40 1. Increased setbacks from the ordinary high water level;
- 41 2. Limitations on the natural vegetation to be removed or the requirement that additional
42 vegetation be planted; and
- 43 3. Special provisions for the location, design, and use of structures, sewage treatment
44 systems, watercraft launching and docking areas, and vehicle parking areas.
- 45 (7) *Water supply and sewage treatment.*
- 46 a. *Water supply.* Any public or private supply of water for domestic purposes must meet or
47 exceed standards for water quality of the state department of health and the state pollution
48 control agency.

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- b. *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
1. Publicly owned sewer systems must be used where available.
 2. All private sewage treatment systems must meet or exceed the Minn. Rules. ch. 7080, a copy of which is adopted by reference and declared to be a part of this subdivision.
 3. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in this subdivision.
 4. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subsections (g)(7)b.4(i) through (iv) of this section. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations. Evaluation criteria:
 - (i) Depth to the highest known or calculated groundwater table or bedrock;
 - (ii) Soil conditions, properties, and permeability;
 - (iii) Slope;
 - (iv) The existence of lowlands, local surface depressions, and rock outcrops.
 5. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 117-226(3)a.

Shoreland Overlay PUDs

- (a) *Types of PUDs permissible.* Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in this subdivision and the official zoning map.
- (b) *Processing of PUDs.* Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the adoption date of the ordinance from which this subdivision is derived is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- (c) *Application for a PUD.* The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
 - (1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
 - (2) A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of this subdivision.
 - (3) Deed restrictions, covenants, permanent easements or other instruments that:
 - a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this subdivision.
 - (4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

- (5) Those additional documents as requested by the city that are necessary to explain how the PUD will be designed and will function.
- (d) *Site "suitable area" evaluation.* Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation.
- (1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

	Shoreland Tier Dimensions	
	Unsewered (feet)	Sewered (feet)
General development lakes—first tier	200	200
General development lakes—second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

- (2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- (e) *Residential and commercial PUD density evaluation.* The procedures for determining the base density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.
- (1) *Residential PUD base density evaluation.* The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, suitability analysis, and the design criteria contained herein.
- (2) *Commercial PUD base density evaluation.*
- Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
 - Select the appropriate floor area ratio from the following table:

**Commercial Planned Unit Development
Floor Area Ratios*; Public waters classes**

*Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes	Natural environment lakes

200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
 - d. Divide the total floor area by tier computed in subsection (e)(2)c of this section by the average inside living area size determined in subsection (e)(2)a of this section. This yields a base number of dwelling units and sites for each tier.
 - e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria.
- (3) *Density increase multipliers.*
- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards are met or exceeded and the design criteria are satisfied. The allowable density increases in subsection (e)(3)b of this section will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
 - b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

1 (4) *Maintenance and design criteria.*

2 a. *Maintenance and administration requirements.*

- 3 1. Before final approval of a planned unit development, adequate provisions must be
4 developed for preservation and maintenance in perpetuity of open spaces and for the
5 continued existence and functioning of the development.
- 6 2. Open space preservation. Deed restrictions, covenants, permanent easements, public
7 dedication and acceptance, or other equally effective and permanent means must be
8 provided to ensure long-term preservation and maintenance of open space. The
9 instruments must include all of the following protections:
- 10 (i) Commercial uses prohibited (for residential PUDs);
11 (ii) Vegetation and topographic alterations other than routine maintenance prohibited;
12 (iii) Construction of additional buildings or storage of vehicles and other materials
13 prohibited; and
14 (iv) Uncontrolled beaching of watercraft prohibited.
- 15 3. Development organization and functioning. Unless an equally effective alternative
16 community framework is established, when applicable, all residential planned unit
17 developments must use an owners association with the following features:
- 18 (i) Membership must be mandatory for each dwelling unit or site purchaser and any
19 successive purchasers;
20 (ii) Each member must pay a pro rata share of the association's expenses, and unpaid
21 assessments can become liens on units or sites;
22 (iii) Assessments must be adjustable to accommodate changing conditions; and
23 (iv) The association must be responsible for insurance, taxes, and maintenance of all
24 commonly owned property and facilities.

25 b. *Open space requirements.* Planned unit developments must contain open space meeting all
26 of the following criteria:

- 27 1. At least 50 percent of the total project area must be preserved as open space;
28 2. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking
29 areas, or structures, except water-oriented accessory structures or facilities, are
30 developed areas and shall not be included in the computation of minimum open space;
31 3. Open space must include areas with physical characteristics unsuitable for development
32 in their natural state, and areas containing significant historic sites or unplatted
33 cemeteries;
34 4. Open space may include outdoor recreational facilities for use by owners of dwelling units
35 or sites, by guests staying in commercial dwelling units or sites, and by the general public;
36 5. Open space may include subsurface sewage treatment systems if the use of the space is
37 restricted to avoid adverse impacts on the systems;
38 6. Open space must not include commercial facilities or uses, but may contain water-
39 oriented accessory structures or facilities;
40 7. The appearance of open space areas, including topography, vegetation, and allowable
41 uses, must be preserved by use of restrictive deed covenants, permanent easements,
42 public dedication and acceptance, or other equally effective and permanent means; and
43 8. The shore impact zone, based on normal structure setbacks, must be included as open
44 space. For residential PUDs, at least 50 percent of the shore impact zone area of existing
45 developments or at least 70 percent of the shore impact zone area of new developments
46 must be preserved in its natural or existing state. For commercial PUDs, at least 50
47 percent of the shore impact zone must be preserved in its natural state.

48 c. *Erosion control and stormwater management.* Erosion control and stormwater management
49 plans must be developed and the PUD must:

-
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with this subdivision.
- d. *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:
1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the state department of health and this subdivision. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with this subdivision for developments with density increases;
 3. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 4. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
 5. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
 6. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this subdivision and are centralized.
- (5) *Conversions.* Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

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- a. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
 - b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
 - c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 3. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 - d. Existing dwelling unit or dwelling site densities that exceed standards may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

934 Shoreland Overlay District Nonconformities

All legally established nonconformities as of the date of the ordinance from which this subdivision is derived may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

(A) *Construction on nonconforming lots of record.*

- a. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of this subdivision may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this subdivision are met.
- b. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the **Planning Commission** shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- c. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this subdivision, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this subdivision as much as possible.

(B) *Additions/expansions to nonconforming structures.*

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- a. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this subdivision. Any deviation from these requirements must be authorized by a variance.
 - b. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 1. The structure existed on the date the structure setbacks were established;
 2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 3. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 4. The deck is constructed primarily of wood, and is not roofed or screened.
- (C) ~~Nonconforming~~ *Noncomplying sewage treatment systems.*
- a. A sewage treatment system not meeting the requirements of chapter 113, article II must be upgraded, at a minimum, at any time a variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
 - b. The city has adopted the following by reference: Minn. Rules pts. 7080.0020, 7080.0060, 7080.0065, 7080.0110, 7080.0120, 7080.0125, 7080.0150, 7080.0160, 7080.0170, 7080.0175, 7080.0176, being the sections containing the technical standards and criteria contained in the "Individual Sewage Treatment Systems Program." The city currently requires and monitors septic system pumping permits that indicate the status of each system. The city will require upgrading or replacement of any nonconforming system within a reasonable period of time, which will not exceed two years following issuance of written notification from the city to the property owner of said nonconforming system. Sewage systems installed according to all applicable local shoreland management standards adopted under Minn. Stats. §§ 103F.201—103F.221 in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by Minn. Rules ch. 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

940 Scenic River Protection Overlay District

The purpose of this subdivision is to control bluff land and river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scenic values of the Rum River in Ramsey, Minnesota, in a manner consistent with Minn. Stats. §§ 103F.301—103F.345.84, Minn. Rules pts. 6105.0010—6105.0250, 6105.1400—6105.1500.

941 Scope and Interpretation

- (A) The provisions of this subdivision shall apply within the designated Scenic River Land Use District of the Rum River in accordance with the property descriptions contained in Minn. Rules pt. 6105.1400.
- (B) In their interpretation and application, the provisions of this subdivision shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.
- (C) It is not intended by this subdivision to repeal, abrogate, or impair any existing easement, covenants, deed restrictions, or land use controls. Where this subdivision imposes greater restrictions, the provisions of this subdivision shall prevail.

- (D) Compliance. The use of any land within the Scenic River Land Use District; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this subdivision and other applicable regulations. Permits from the zoning authority are required by this Code, for the construction of buildings, public or private water supply and sewage treatment systems, the grading and filling of the natural topography, and erection of signs within the Scenic River Land Use District of the Rum River.
- (E) The term "wetland" shall be as defined in Minn. Stats. § 103G.005, subd. 19.

942 District Application

- (A) The Scenic River Land Use District of the Rum River, within the city, is divided into two areas: ~~The portion of the Scenic River Land Use District located within the~~ along the line between the North and South half of Section 19, Township 32, Range 24. ~~of this chapter~~ South of that line shall be classified as an urban district area; and ~~the remainder of the Scenic River Land Use District within the city north of that line~~ shall be classified as a rural district area.
- (B) The Scenic River Land Use District shall be shown on the official zoning map, as shall the urban and rural area portions of the district contained therein.
- (C) The provisions of Minn. Rules pts. 6105.0010—6105.0250 shall apply within the Scenic River Land Use District, as specified in the Minn. Rules pts. 6105.1400—6105.1500. Where the provisions of this Code are in conflict with Minn. Rules pts. 6105.1400—6105.1500, the provisions of Minn. Rules pts. 6105.1400—6105.1500 shall apply. Copies of Minn. Rules pts. 6105.0010—6105.0250 and 6105.1400—6105.1500 shall be kept on file in the office of the administrator.

943 Scenic River Protection Overlay District Uses

- (A) **Urban area.** The urban area of the Scenic River Land Use District is designated the **Urban Area Overlay District.**
- (1) Permitted uses are all permitted uses allowed and regulated by the applicable zoning district underlying the urban area overlay district, as indicated on the official zoning map of the city, except that public roads, utility crossings, and all private and commercial recreation uses shall be conditional uses.
- (2) Conditional uses are all conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying the urban area overlay district, as indicated on the official zoning map of the city.
- (B) **Rural areas.** The uses allowed within the rural area of the Rum River Scenic Land Use District shall be those prescribed for a Scenic River Minn. Rules pt. 6105.0100 as follows:

	Scenic River	
(1)	Governmental campgrounds, subject to management plan specifications and the provisions of section 117-261(g).*	P*
(2)	Private campgrounds, subject to management plan specifications and the provisions of section 117-261(g).	C**
(3)	Public accesses, road access type with boat launching facilities subject to management plan specifications and the provisions of section 117-261(g).	P
(4)	Public accesses, trail access type, subject to management plan specifications and the provisions of section 117-261(g).	P
(5)	Temporary docks.	C
(6)	Other governmental open space recreational uses, subject to management plan specifications and the provisions of section 117-261(g).	P

(7)	Other private open space recreational uses, subject to management plan specifications and the provisions of section 117-261(g).	C
(8)	Agricultural uses.	P
(9)	Single-family residential uses.	P
(10)	Forestry uses.	P
(11)	Essential services.	P
(12)	Sewage disposal systems.	P
(13)	Private roads and minor public streets.	P
(14)	Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.	P
(15)	Signs not visible from the river that are not specified in section 117-253(e).	P
(16)	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P
(17)	Underground mining that does not involve surface excavation in the Land Use District.	C
(18)	Utility transmission power lines and pipelines, subject to the provisions of section 117-260(c).	C
(19)	Public roads, subject to the provisions in section 117-260(d).	C

P* means permitted use

C** means conditional use

944 District Provisions

(A) The following chart sets forth the minimum dimensional requirements of the urban area overlay district:

		Unsewered Area	Sewered Areas Riparian Lots	Sewered Areas Non-Riparian Lots
(1)	Lot size (in square feet)	43,560	20,000	12,150
(2)	Lot width at building line and ordinary high water level	150'	90'	90'
(3)	Building setback from ordinary high water level	100'	75'	75'
(4)	Building setback from federal, state and county trunk highway rights-of-way	50'	50'	50'
(5)	Building setback from other roads and public street rights-of-way	20'	20'	20'
(6)	On-site sewage treatment system setback from ordinary high water level	75'	NA	NA
(7)	Maximum structure height*	35'	35'	35'
(8)	Maximum total area of all impervious surfaces on each lot**	30%	30%	30%

(9)	Minimum road parking area setback from ordinary high water level	***50'	50'	50'
(10)	Controlled vegetative cutting area measured from the ordinary high water level	100'	75'	75'

*Does not apply to buildings used primarily for agricultural purposes.

**Includes all structures, surfaced roads, parking lots, and other impervious areas.

***Where practical and feasible, all roads and parking areas shall meet the setback requirements established for structures in subsection (9) of this section.

(B) The following chart sets forth the minimum dimensional requirements for the rural district areas of the Rum River Scenic Land Use District:

(1)	Minimum lot size above ordinary high water level	
	Riparian lots	4 acres
	Non-riparian lots	2½ acres
(2)	Lot width at building line	300 feet
(3)	Lot width at ordinary high water level	300 feet
(4)	Building setback from ordinary high water level	150 feet
(5)	Building setback from bluff line	30 feet
(6)	On-site sewage treatment system setback from ordinary high water level	100 feet
(7)	Maximum structure height*	35 feet
(8)	Controlled vegetative cutting area (see section 117-260(a))	
	Setback from ordinary high water level	150 feet
	Setback from bluff line	30 feet

*This requirement shall not apply to buildings used primarily for agricultural uses.

(C) Trott Brook is a designated tributary of the Rum River and the following setbacks shall also apply:

(1) Building setback from the OHW level of Trott Brook: 100 feet.

(2) On-site sewage treatment system setback from OHW level of Trott Brook: 75 feet.

(3) Controlled vegetative cutting area setback from ordinary high water level of Trott Brook: 100 feet. (See section 117-260(a).)

945 Sanitary Provisions; Sewage Disposal and Water Supply

(A) Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administration procedures set forth in other

applicable city regulations and the minimum standards of the Minnesota Pollution Control Agency (Minn. Rules ch. 7080) and [section 117-256](#).

- (B) No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system or private well without first obtaining a permit for such action from the zoning authority for the specific installation, alteration, repair, or extension. Prior to issuance of any such permit, the zoning authority may require that soil boring tests be done on the proposed site to determine whether or not the site is capable of supporting a conforming sewage treatment system.

~~(D) Any public or private supply of water for domestic purposes must conform to state department of health standards for water quality and the administrative procedures of other applicable local ordinances.~~

946 Placement of Structures

- (A) Structures proposed within a floodplain area shall be consistent with all floodplain management regulations of the city.
- (B) No structure shall be placed on any slope greater than 12 percent (12 feet vertical rise in 100 feet horizontal distance) unless such structures can be screened. Sewage disposal facilities can be installed so as to comply with the sanitary provisions of [section 117-257](#), and the permit applicant can prove to the zoning authority that any potential erosion or sedimentation problems related to locating such a structure either do not exist, or that adequate measures will be taken to prevent such problems through special construction methods.

947 Subdivision of Land in Scenic River Overlay District

- (A) No land shall be subdivided which is determined by the city, or the commissioner of natural resources, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. Soil percolation rate tests and soil borings shall be required on each proposed subdivision within the Rum Scenic River Land Use District, to establish the suitability of the land for development. Such testing is required before any final plat may be approved, but may be waived by the zoning administrator when adequate data is already available.
- (B) Planned unit or cluster developments may be allowed in the Scenic River Land Use District if preliminary plans are first approved by the commissioner of natural resources and the applicable provisions of Minn. Rules pts. 6105.0010—6105.0250 pertaining to such development are satisfied, and the provisions of this Code are satisfied.

948 Landscape Alterations

- (A) *Vegetative cutting.*
- (1) The vegetative cutting provisions of this section shall apply to those areas as specified in [section 117-256](#).
- (2) General provisions within designated setback areas:
- Clear-cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
 - Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous cover is maintained.

-
- 1 c. The cutting provisions of subsections (a)(2)a and b of this section shall not be deemed to
2 prevent:
- 3 1. The removal of diseased or insect infested trees or of rotten or damaged trees that
4 present safety hazards.
- 5 2. Pruning understory vegetation, shrubs, plants, brushes, grasses, or from harvesting crops,
6 or cutting suppressed trees or trees less than four inches in diameter at breast height.
- 7 (3) Clear-cutting. Clear-cutting anywhere within the Scenic River Land Use District of the Rum River
8 is subject to the following standards and criteria:
- 9 a. Clear-cutting shall not be used as a cutting method where soil, slope, or other watershed
10 conditions are determined by the zoning authority to be fragile and subject to severe erosion
11 and/or sedimentation.
- 12 b. Clear-cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases,
13 shaped and blended with the natural terrain.
- 14 c. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
- 15 d. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural
16 regeneration will not result in adequate vegetative cover, areas in which clear-cutting is
17 conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the
18 area. Where feasible, replanting shall be performed in the same spring or the following spring.
- 19 (B) *Grading, filling, alterations of the bed of public waters.*
- 20 (1) Any grading and filling work done within the Scenic River Land Use District of this section shall
21 require a permit and shall comply with the following:
- 22 a. Grading and filling of the natural topography that is not accessory to a permitted or
23 conditional use shall not be permitted in the Scenic River Land Use District.
- 24 b. Grading and filling of the natural topography that is accessory to a permitted or conditional
25 use shall not be conducted without a grading and filling permit from the zoning authority. A
26 grading and filling permit may be issued only if the conditions of the following subsections
27 (b)(1)c and d of this section are properly satisfied.
- 28 c. Grading and filling of the natural topography which is accessory to a permitted or conditional
29 use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and
30 the destruction of natural amenities.
- 31 d. Grading and filling in of the natural topography shall also meet the following standards:
- 32 1. The smallest amount of bare ground is exposed for as short a time as feasible.
- 33 2. Temporary ground cover such as mulch is used and permanent ground cover such as sod,
34 is planted.
- 35 3. Methods to prevent erosion and to trap sediment are employed.
- 36 4. Fill is stabilized to accepted engineering standards.
- 37 (2) Excavation of material from, or filling in a wild, scenic or recreational river, or construction of
38 any permanent structures of navigational obstructions therein is prohibited unless authorized
39 by a permit from the commissioner of DNR pursuant to Minn. Stats. § 103G.245.
- 40 (3) Drainage or filling in of wetlands is not allowed within the Scenic River Land Use District
41 designated by this subdivision.
- 42 (C) *Utility transmission lines.* All utility transmission crossings of land within the Scenic River Land Use
43 District designated by this subdivision shall require a conditional use permit. The construction of
44 such transmission services shall be subject to the standards and criteria of Minn. Rules pt. 6105.0170.
45 No conditional use permit shall be required for high voltage transmission lines under control of the
46 environmental quality council pursuant to Minn. Stats. § 216E.10.
- 47 (D) *Public roads.* In addition to such permits as may be required by Minn. Stats. § 103G.245, a conditional
48 use permit shall be required for any construction or reconstruction of new public roads within the
49 Scenic River Land Use District of this subdivision. Such construction or reconstruction shall be subject

to the standards and criteria of Minn. Rules pt. 6105.0200. A conditional use permit is not required for minor public streets that are streets intended to serve primarily as an access to abutting properties. Public roads include township, county, and municipal roads and highways that serve or are designed to serve flows of traffic between communities or other traffic generating areas.

949 Administration

(A) *Organization provisions.*

- (1) The provisions of this subdivision shall be administered by the city's zoning authority.
- (2) The **Planning Commission** shall act upon all questions as they arise in the administration of this subdivision, to hear and decide appeals; and to review any order, requirement, decision or determination made by the zoning authority, who is charged with enforcing this subdivision as provided by Minnesota Statutes.
- (3) Permit fees and inspection fees as may be established by the **annual fee schedule** shall be collected by the zoning authority for deposit with the city and credited to the appropriate general fund.

(B) *Substandard lots and uses, nonconforming uses.*

(1) *Substandard lots.*

- a. Lots of record in the office of the county recorder on the effective day of enactment of this subdivision that do not meet the dimensional requirements of this Code shall be allowed as building sites; provided that such use is permitted in the land use district; the lot was in separate ownership from abutting lands on the date of enactment of this Code; and all sanitary and dimensional requirements are complied with to the greatest extent practicable.
- b. If in a group of two or more contiguous lots under single ownership any individual lot does not meet the lot width requirements of this Code, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Code, except that such lots which meet or exceed 60 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage disposal systems can be installed so as to comply with these regulations.

(2) *Nonconforming uses.*

- a. *Nonconforming uses.* Uses which are prohibited by this subdivision but which are in existence prior to the effective date of the ordinance from which this subdivision is derived shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permit issued prior to the adoption of the ordinance from which this subdivision is derived.
- b. *Nonconforming sanitary systems.* All sanitary facilities inconsistent with the performance standards of other applicable local ordinances and the minimum standards of MPCA shall be brought into conformity or discontinued within five years of the date of enactment of the ordinance from which this subdivision is derived or other applicable ordinances.

(3) *Substandard uses.* All uses in existence prior to the effective date of enactment or amendment of the ordinance from which this subdivision is derived which meet the allowable use criteria within the newly established land use district provisions of this subdivision, but do not meet the minimum lot area, setback, or other dimensional requirements of this subdivision are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

- a. Any structural alteration or addition to a substandard use that will increase the substandard dimensions shall not be allowed.

- 1 b. Substandard signs shall be gradually eliminated over a period of time not to exceed five years
2 from the date of enactment of the ordinance from which this subdivision is derived.
- 3 c. Where a setback pattern from the ordinary high water level already has been established on
4 both sides of a proposed building site, the setback of the proposed structure may be allowed
5 to conform to that pattern. This provision shall only apply to lots that do not meet the
6 minimum lot width requirement of **section 117-256**.
- 7 (C) *Variances.*
- 8 (1) The grant of a variance requires the presence of the following conditions:
- 9 a. The strict enforcement of the land use controls will result in ~~unnecessary hardship~~ **practical**
10 **difficulty**.
- 11 b. Granting of the variance is not contrary to the purpose and intent of the zoning provisions
12 herein established by these standards and criteria, and is consistent with Minn. Rules pts.
13 6105.1400—6105.1500.
- 14 ~~c. There are exceptional circumstances unique to the subject properties that were not created~~
15 ~~by the landowner.~~
- 16 ~~d. Granting of the variance will not allow any use which is neither a permitted or conditional use~~
17 ~~in the land use district in which the subject property is located.~~
- 18 ~~e. Granting of the variance will not alter the essential character of the locality as established by~~
19 ~~Minn. Rules pts. 6105.1400—6105.1500.~~
- 20 ~~(2) All variances to the requirements of this subdivision must be certified in accordance with~~
21 ~~subsection (g) of this section.~~
- 22 (D) *Plats.*
- 23 (1) Copies of all plats within the boundaries of the Scenic River Land Use District shall be forwarded
24 to the commissioner within ten days of final approval by the city.
- 25 (2) Inconsistent plats: Approval of a plat which is inconsistent with this subdivision is permissible
26 only if the detrimental impact of the inconsistency is more than overcome by other protective
27 characteristics of the proposal.
- 28 ~~(3) All inconsistent plats approved by the council must be certified in accordance with subsection~~
29 ~~(g) of this section.~~
- 30 (E) *Amendments.*
- 31 (1) This subdivision may be amended whenever the public necessity and the general welfare
32 require such amendments by the procedure specified in this subdivision. Amendments to this
33 subdivision must be certified by the commissioner as specified in subsection (g) of this section.
- 34 (2) Requests for amendments of this subdivision shall be initiated by a petition of the owner of the
35 actual property; or by action of the council.
- 36 (3) An application for an amendment shall be filed with the zoning authority.
- 37 (4) Upon receipt in proper form of the application and other requested materials, the planning
38 commission shall conduct a public hearing in the manner prescribed in article II, division 2 of
39 this chapter.
- 40 **(5) Following the public hearing, the planning agency shall make a report of its recommendations**
41 **on the proposed amendment and shall file a copy with the council within 60 days after the**
42 **hearing for the city council's action. Certification from the commissioner must be obtained as**
43 **specified in subsection (g) of this section before the proposed amendment becomes effective.**
- 44 (6) To defray the administrative costs of processing requests for an amendment to this subdivision,
45 a fee not exceeding administrative costs shall be paid by the petitioners. Such fee shall be
46 determined by the council.
- 47 (F) *Conditional use permit review.*
- 48 (1) A copy of all notices of any public hearing, or where a public hearing is not required, a copy of
49 the application to consider issuance of a conditional use permit shall be sent so as to be

received by the commissioner at least 30 days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within ten days of such action.

(2) Conditional use permits relating to private or commercial recreational development must be certified in accordance with subsection (g) of this section.

(G) Certification.

(1) Certain land use decisions which directly affect the use of land within the Scenic River Land Use District and involve any of the following actions must be certified by the commissioner as specified in subsection (g)(2) of this section.

a. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of the land.

b. Granting a variance from a provision of this subdivision that related to the zoning dimension provisions of section 117-256 and any other zoning dimension provisions established in Minn. Rules pts. 6105.1400—6105.1500.

c. Approving a plat that is inconsistent with the local land use.

d. Granting a conditional use permit for a private or commercial recreational development.

(2) Certification process.

a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under local code shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance, or a copy of the conditional use permit application, where applicable.

b. The city shall notify the commissioner of its final decision on the proposed action within ten days of the decision.

c. The action becomes effective when and only when either:

1. The final decision taken by the city has previously received certification of approval from the commissioner;

2. The city received certification of approval after its final decision;

3. Thirty days have elapsed from the day the commissioner received notice of the final decision, and the city has received from the commissioner neither certification of approval nor notice of non-approval; or

4. The commissioner certifies approval within 30 days after conducting a public hearing.

d. In case the commissioner gives notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or the administrator may, within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of non-approval becomes final.

1. The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.

2. The hearing will be conducted in accordance with Minn. Stats. § 103G.311.

3. The commissioner shall either certify approval or disapproval of the proposed action within 30 days of the hearing.

e. The following recreational uses shall require certification approval by the commissioner:

1. Governmental campgrounds.

2. Private campgrounds.

3. Public accesses, road access type with boat launching facilities.

4. Public accesses, trail access type.

5. Temporary docks.

6. Other governmental open space recreational uses.

(H) *Enforcement.* It is declared unlawful for any person to violate any of the terms and provisions of this subdivision. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

(1) In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

(2) Any taxpayer of the city may institute mandamus proceedings in the district court to compel specific performance by the proper official of any duty required by this subdivision.

950 Tower Overlay District

Tower Overlay District. The intent of this district is to accommodate the communication needs of residents and business, while protecting the public health, safety, and general welfare of the community.

960 Highway 10 Signage Overlay District

Highway 10 Signage Overlay District means is a district for purposes of allowing additional signage in a specified area due to limited visibility created by overpasses on Highway 10, described as all commercially business zoned property located within 750 feet of the centerline of Highway 10 between the eastern border of the City of Ramsey and the centerline of Llama Street. Parcels located within the COR Zoning District are excluded from this overlay district, as sign regulations for that district are located in a separate section of the City Code.

970 Game Fair Parking Overlay District

The "GF Game Fair parking overlay district," is established as shown on the official zoning map accompanying this code chapter. Notwithstanding the provisions of section 117-355 to the contrary, Game Fair parking on residentially zoned property may be permitted in required side and front yards only during the period of the annual "Game Fair" event conducted by Armstrong Kennels.

980 Wellhead Protection Overlay District

In order to protect the City's drinking water supply, the following additional standards apply to certain uses located within the Wellhead Protection Overlay District.

(A) Gas Station, CNG Fuel Sales must have the following:

- (1) Double walled storage tanks with corrosion protection.
- (2) Spill protection to catch spills that may occur during delivery of products.
- (3) Overfill protection including automatic shutoff devices, overfill alarms and ball float valves or approved equal.
- (4) Leak detection, including interstitial monitoring of the double walled tank.
- (5) Product release monitoring, including installation of groundwater monitoring wells and monthly monitoring of these wells will be required only after a reportable leak or spill has been detected.
- (6) Tank tightness testing on an annual basis.
- (7) Annual reports summarizing monthly monitoring results, monthly inventory control, and tank tightness testing.

CC Work Session

2. 4.

Meeting Date: 04/11/2023

Information

Title:

Discuss Polling Locations

Purpose/Background:

Background: Following the 2022 General Election, we received comments from the public, head judges and staff regarding two facilities that did not work well in administering the election. Independent Baptist was used for our Ward 2 Precinct 2 polling location and Fire Station #2 was used for our Ward 4 Precinct 1 polling location. See the attached comments about issues at both locations.

Staff proposes utilizing Fire Station #1 for voters who previously voted at Independent Baptist (W2P2). The second proposal is to utilize Ramsey Elementary for voters who previously voted at Fire Station #2 (W4P1). Both proposed locations have previously been used as polling locations and offer ample well-lit parking lots, are ADA compliant and offer large rooms to administer voting. The change would be effective for the 2024 scheduled elections.

Purpose: To decide on alternate polling locations for Ward 2 Precinct 2 and Ward 4 Precinct 1 that are within one mile of the precinct boundary. A resolution would be brought forward to City Council later in 2023 establishing the 2024 polling locations as required by law.

Timeframe:

Approximately 15 minutes

Funding Source:

N/A

Responsible Party(ies):

City Clerk

Outcome:

To receive clear direction from the Council with regard to changing the polling locations for Ward 2 Precinct 2 and Ward 4 Precinct 1 for the 2024 Elections.

Attachments

Complaints/Comments Received Post Election

Map - One Mile Buffer

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 04/06/2023

Reviewed By

Brian Hagen

Date

04/06/2023 01:58 PM

Started On: 04/06/2023 10:59 AM

Complaints/Concerns Regarding Polling Locations following the November 8, 2022 General Election

Independent Baptist 15650 Sunfish Lk Blvd W2P2

Feedback from resident received 11/9/2022:

My polling place was that Baptist church the CC decided to use because there were no other options in Ward 2. I have to say, it was awful (not Georgia 12 hours in line with no water awful - but awful). Certainly the weather played a part, but since there is ZERO lighting in the lot and it was so dark, you could not see anything. My daughter and I had to park up top in the overflow lot because the lower lot was so full people were parking in the trees and into the field. There was NO accessible parking for anyone who may have had a disability to be seen (one spot was there, and taken by a non-handicapped driver). We used our phone lights to see to slide down a sizable muddy hill to get to the door. I would like to go on record as objecting that this building/location is ever used again for voting purposes. I know the fire station on Armstrong was not used last night and I'd love to see that utilized again. Clean building, room to vote, well lit parking lot - the whole nine.

Feedback from Head Judges Post Election:

The parking lot doesn't have lighting, so we actually had a small fender bender in the parking lot. There are not lights leading to the door and we did have a voter fall down in her walker out there. Overall, our biggest problem was trying to fit people into our space and the worries about all the illegal and unsafe parking that was happening.

Even more needed would be to find a larger building for w2p2 with more parking, and more space inside. There was a lot of discussion among the judges again this time wondering why we are not using the schools or any of the many new building that have gone up in Ramsey as polling places. Parking is frustrating for voters. As the lot gets full, voters park in the upper lot, where they cannot get into the building so are forced to walk down a slope that could be icy. If judges park in the upper lot to make more parking available, voters see all the cars and would try to get in the building where the doors are locked. Lighting is bad for the darker hours of the day in the parking lot. It is also very hard to see the unlighted sign the city puts out by the highway to mark the driveway entrance. Very hazardous given the speed on Co 5 is 55 mph.

Proposed Alternative Location within 1-mile border of W2P2:

- Fire Station #1 15050 Armstrong Blvd

Fire Station #2 5650 Alpine Dr W4P1

Feedback from Head Judge Post Election:

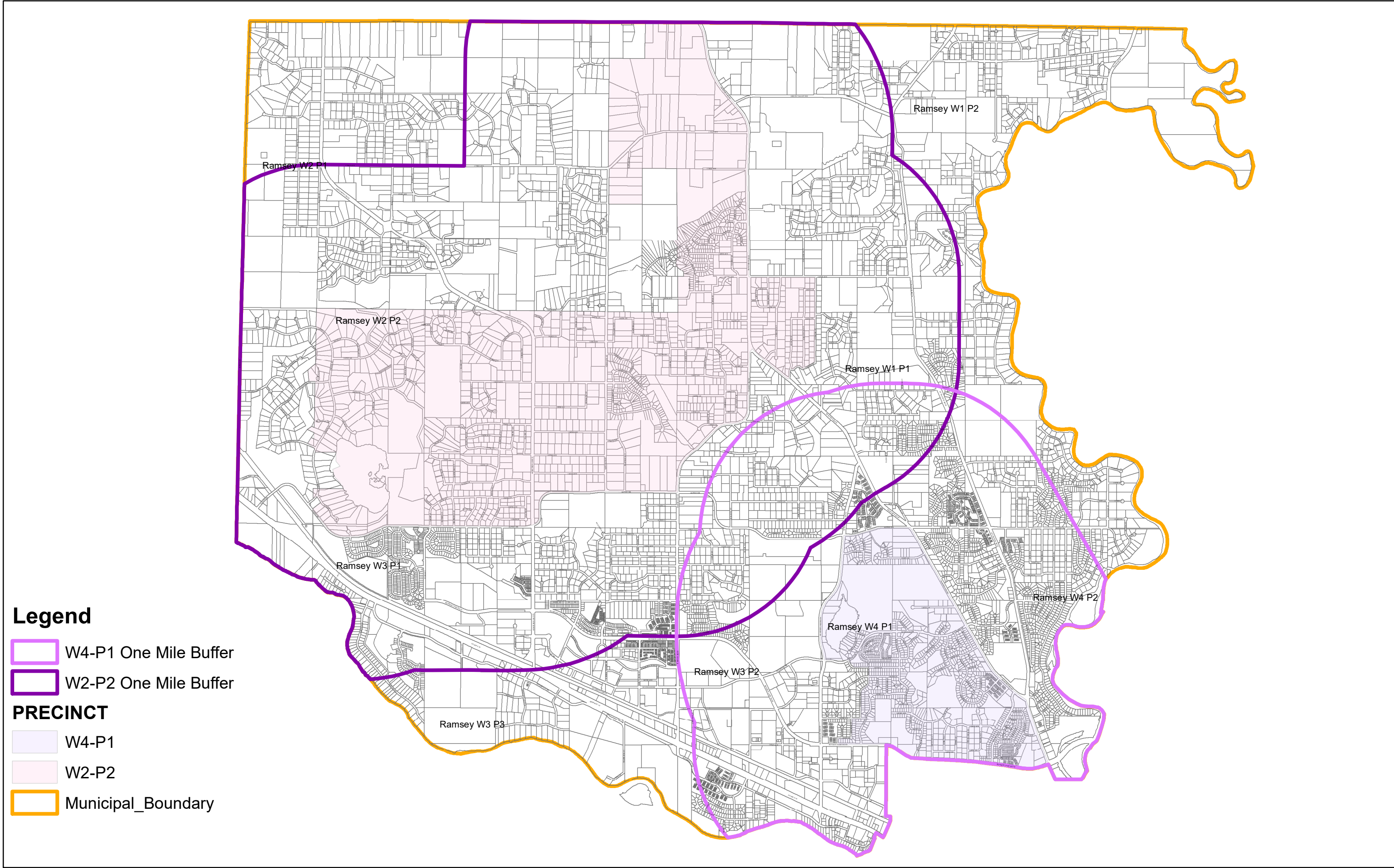
As you know, the parking lot at the fire hall has one in/out. I was amazed there were no accidents. Thankfully it was only rain that day and not snow.

Feedback from Staff:

Fire Station #2 logistically does not work well with the increased number of registered voters. For large elections the voting area is in the fire truck bay. During the 2022 General, the fire department could not pull out to respond as quickly to an emergency. The parking lot is relatively small and both voters and fire fighters had to park on the residential streets near the fire station. The congestion adds to the additional response time to arrive at emergencies.

Proposed Alternative Location within 1-mile border of W4P1:

- Ramsey Elementary 15100 Nowthen Blvd



CC Work Session**3. 1.****Meeting Date:** 04/11/2023

Information**Title:**

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussion. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Tentative dates have been assigned.

Timeframe:**Funding Source:****Responsible Party(ies):****Outcome:**For Council review - no formal action necessary.

AttachmentsFuture Topics List

Form Review**Inbox**

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 04/06/2023

Reviewed By

Brian Hagen

Date

04/06/2023 11:49 AM

Started On: 04/04/2023 11:22 AM

Row #		<u>Tentative City Council Future Work Session Topics</u>	
	Proposed Date	Topic	Minutes (Estimate)
	2023		
	April 25	Quarterly Communications Update	15
	April 25	Consider Public Art	30
	April 25	Discuss PW Staffing	15
	April 25	Parcel 46 Apartment Discussion	30
	April 25	Attorney-Client Privileged Discussion of Litigation: PSD Holdings, LLC v. City of Ramsey - Closed to the Public	30
	May 9	All Staff Survey – Lasher	30
	May 9	Home Occupation Discussion and Update	45
	May 9	Discuss Charter Election Amendments regarding Vacancies	20
	May 23	Discuss Policy Project and Begin Policy Review	75
	May 23	Discuss Amending 2023 Water and Sewer Rates and Charges	15
	June 13	City Administrator’s Annual Performance Evaluation - Lasher	30
	June 13	City Administrator’s Annual Performance Evaluation - Lasher	30
	June 27	Annual Comprehensive Financial Report	30
	June 27	City Administrator’s Annual Performance Evaluation - Lasher	30
	TBD	Happy Days Program Update/25th Anniversary	20
	TBD	Draft Trail Maintenance Policy – Riverblood	30
	TBD	Draft Stormwater Pond Maintenance Policy – Westby	30
	TBD	Review procedure/policy/best practice for introduction of resolutions/proclamations – Staff	20
	TBD	Discuss Council and B/C Remote Meetings Policy - Staff	15
	TBD 2024 Budget	Discuss Election Judge Pay - Schmidt	20
	TBD 2024 Budget	Discuss applying the COLA to: Firefighter, Seasonal, Intern, Rink Attendant, Plow Driver and other temporary employee pay scales - Lasher	20