

**ORDINANCE NO. 2022-13**

STATE OF MINNESOTA)  
COUNTY OF MARTIN ) ss  
CITY OF FAIRMONT )

**ORDINANCE REGULATING THE SALE OF CERTAIN EDIBLE AND BEVERAGE PRODUCTS INFUSED WITH TETRAHYDROCANNABINOL (THC) PRODUCTS**

**WHEREAS**, during the 2022 Minnesota Legislative Session, the legislature passed H.F. number 4065 as Chapter 98 of the session laws; and,

**WHEREAS**, as part of Chapter 98, Article 13 makes several changes to Minnesota Statutes section 151.72 regarding the sale of certain cannabinoid (CBD products for human or animal consumption; and,

**WHEREAS**, the changes to Minnesota Statutes section 151.72 allow the sale of certain cannabinoid products for human or animal consumption; and,

**WHEREAS**, the City of Fairmont desires to regulate the sale of cannabinoid products inside city limits to protect the health, safety and welfare of its residents.

**NOW THEREFORE the City of Fairmont does ordain the following shall be inserted in the Fairmont City Code:**

**“Article VI. Cannabinoid Dealers**

**14.70 Definitions**

- (a) *Certified Hemp* has the meaning given in Minn. Stat. § 151.72, subd. 1.
- (b) *Edible Cannabinoid Product* has the meaning given in Minn. Stat. § 151.72, subd. 1.
- (c) *Hemp* has the meaning given in Minn. Stat. § 151.72, subd. 1.
- (d) *Movable place of business* means a business whose physical location is not permanent or is capable of being moved or changed, including, but not limited to, any business that is operated from a kiosk, other transportable structure or shelter, or a motorized or nonmotorized vehicle.
- (e) *Non-intoxicating cannabinoid* has the meaning given in Minn. Stat. § 151.72, subd. 1.
- (f) *Self-service merchandising* means open displays of edible THC products in any manner where any person has access to the edible THC products without the assistance or intervention of the licensee or licensee’s employee.
- (g) *THC* means tetrahydrocannabinol.
- (h) *Vending machine* means any mechanical, electric or electronic, self-service device which, upon inserting money, tokens, or any other form of payment, dispenses edible THC products and including vending machines equipped with manual, electric or electronic locking devices.

**14.71 Edible Cannabinoid Dealer License**

No person shall, directly or indirectly keep for retail sale, sell at retail, or otherwise dispose of any

edible cannabinoid product in any form unless a license therefor shall first be obtained by the city.

- (a) Separate licenses are required for the sale of edible cannabinoid products at more than one (1) place of business.
- (b) No license may be transferred to another location, or person, without the approval of Council.
- (c) Licenses must be displayed and plainly visible to the public at the licensed location.
- (d) The fee for an edible cannabinoid license shall be set by resolution of the council.

**14.72 Ineligibility.** No license shall be issued under this section to:

- (a) A moveable place of business.
- (b) A person under twenty-one (21) years of age.
- (c) A person who has knowingly misrepresented or falsified information on the license application.
- (d) A person who has been convicted within the past five (5) years of any violation of a federal, state, or local law, ordinance provision or other regulation governing the manufacture, sale, distribution or possession for sale or distribution of any products containing THC.
- (e) A person who is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.
- (f) A person who does not have, or at the time of the issuance of a license at least one permanent physical premises in the City on which the licensed business will be located.
- (g) Any location within 300 feet of any school, park, library, public sports fields, sports arenas, and all government owned properties.

**14.73 Exemption.**

This Article does not apply to the sale of any product by a registered medical cannabis manufacturer pursuant to Minnesota Statutes 152.22 to 152.37.

**14.74 Inspections.**

Any police officer, building inspector, or any properly designated officer or employee of the city shall have the unqualified right to enter, inspect and search the public portion of the premises of a licensee under this Article during business hours without a search warrant.

**14.75 Regulations**

A licensee holder under the terms of this Article must comply with the following regulations.

- (a) 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.
- (b) No minor shall be employed to sell edible cannabinoid products in any establishment holding a license issued pursuant to this article.
- (c) A licensee may sell edible THC products only in a direct face-to-face exchange between the licensee or the licensee's employee and the consumer.
- (d) No person may sell or dispense any edible THC product through the use of vending machines or by means of delivery.
- (e) No person may sell or dispense any edible THC product through the use of self-service merchandising displays.

- (f) No person may distribute samples of any edible THC product free of charge or at a nominal cost. The distribution of edible THC products as a free donation is prohibited.
- (g) No person may sell any edible THC product that is not in compliance with the requirements of Minn. Stat. § 151.72, including but not limited to the packaging, labeling, and other requirements for edible cannabinoids provided by Minn. Stat. § 151.72, subdivisions 4, 5, and 5a.
- (h) A licensee is responsible for the conduct of their place of business and the conditions of order in it. The act of an employee of the licensee is deemed the act of the licensee as well, and the licensee is liable for all penalties provided by this section equally with the employee.

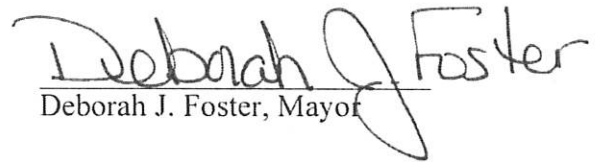
**14.76 Underage Possession/Use**

No person under the age of 21 may purchase, have in their possession, or use edible cannabinoid products.

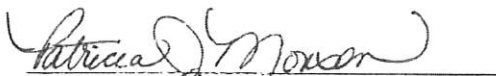
**14.77 Violations and Enforcement**

Any person, firm or corporation who shall violate any of the provisions hereof or shall fail to comply with any of the provisions hereof shall be guilty of a misdemeanor.”

Passed by the City Council of the City of Fairmont, Minnesota, this 10th day of October 2022.

  
 Deborah J. Foster, Mayor

ATTEST:

  
 Patricia Monsen, City Clerk

Motion by: Council Member Bruce Peters  
 Seconded by: Council Member Wayne Hasek  
 All in Favor: Council Members Randy Lubenow, Bruce Peters, Wayne Hasek and Britney Kawecki  
 Opposed: None  
 Abstained: None  
 Absent: Council Member Michele Miller

1st Reading: September 16, 2022  
 2nd Reading: October 10, 2022