

CARLTON COUNTY

ORDINANCE #29

Safe and Smoke-Free Public Places



Adopted: February 13, 2007

Amended: November 25, 2024

**CARLTON COUNTY
ORDINANCE #29**

Safe and Smoke-Free Public Places

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THE CARLTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I: Statement of Purpose and Intent

This ordinance is adopted by the Carlton County Commissioners for the purpose of protecting public health and safety by regulating the use of commercial tobacco products, electronic delivery devices, and cannabis and cannabis derived products in public places and places of public accommodation within Carlton County.

The purpose of this Ordinance is to protect the health, safety and general welfare of the people of Carlton County [hereinafter referred to as “the County”] by better ensuring the ability of citizens to breathe safe and uncontaminated air; to affirm that the right to breathe has priority over the desire to smoke; and to protect vulnerable populations, including employees, children, the elderly and those with chronic health conditions, pursuant to the powers granted under Minnesota Statutes, Chapters 145A, subd.1 and 7, and 375 which authorizes adoption of ordinances to regulate actual or potential threats to public health.

Minnesota Clean Indoor Air Act [hereinafter referred to as “the MCIAA”] prohibits smoking of commercial tobacco products in public places, at public meetings, in public transportation, in places of employment, in daycare centers, in family day care provider homes during their hours of operation, and in health care facilities and clinics within certain exceptions. See Minn. Stat. 144.411 to 144.417. In 2019, the definition of smoking was amended to include carrying or using an activated electronic delivery device prohibiting the use of electronic cigarettes in the same manner as the smoking of tobacco and other plant products. See Minn. Stat. 144.413, subd.4.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to “State Legislation”], the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis became legal August 1, 2023.

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

SECTION II: Statutory Authority

The ordinance is enacted pursuant to and incorporates the following Minnesota Statutes:

- 1) Minnesota Local Public Health Act (Minn. Stat. 145A)
- 2) Minnesota Clean Indoor Air Act (Sections of Minn. Stat. 144.411 to 144.417)
- 3) State Legislation (2023 Session Law, Chapter 63, H. F. 100)

SECTION III. Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in

this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

Subsection A: Commercial Tobacco Products: tobacco products manufactured and sold by the tobacco industry, including cigarettes, e-cigarettes, cigars, and chew. Commercial tobacco is different from the traditional or sacred tobacco, also known as Cansasa, Asemaa, or Kinnikinnick, and which are used by some American Indian communities for sacred purposes.

Subsection B: Electronic Delivery Device: any product containing or delivering nicotine, lobelia, or other natural or synthetic substance intended for human consumption through inhalation of aerosol or vapor from the product. This includes all of the components of the product, even if they are sold separately, and includes electronic cigarettes, electronic cigars, electronic pipes, vape pens, mods, and tank systems. It does not include drugs, devices, or combination products that are authorized for sale by the federal Food and Drug Administration. It does include all devices intended to be used to inhale the aerosol or vapor of commercial tobacco or commercial tobacco products.

Subsection C: Cannabis and Cannabis Derived Products:

- 1) Adult-use cannabis flower: cannabis flower that is approved for sale by the Office of Cannabis Management [hereinafter referred to as “the OCM”] or is substantially similar to a product approved by the OCM. Does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.
- 2) Adult-use cannabis product: cannabis product that is approved for sale by the OCM or is substantially similar to a product approved by the OCM. Includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.
- 3) Cannabis flower: the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.
- 4) Cannabis product: means any of the following:
 - a. Cannabis concentrate;
 - b. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
 - c. Any other product that contains cannabis concentrate.
 - d. Hemp-derived consumer products: a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
 - e. Contains or consists of hemp plant parts; or
 - f. Contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
 - g. Does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.
- 5) Lower-potency hemp edible: means any product that:
 - a. Is intended to be eaten or consumed as a beverage by humans;
 - b. Contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;

- c. Is not a drug;
- d. Consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
- e. Does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- f. Does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- g. Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- h. Is a type of product approved for sale by the OCM or is substantially similar to a product approved by the OCM, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

Subsection D: Public Place: a public park or trail, public recreation area, public street or sidewalk, any publicly owned property, any enclosed area used by the general public, including but not limited to theaters; restaurants, bars, food establishments and their decks/patios; places licensed to sell intoxicating liquor, wine, or malt beverages; retail businesses; gyms; common areas in buildings, any rooms of rental buildings that share and air handling system, public shopping areas; auditoriums; arenas; or other places of public accommodation.

Subsection E: Place of public accommodation: a business, restaurant, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Exceptions to public place or place of public accommodation include: 1) A private residence, including the individual's curtilage or yard; 2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or 3) on the premises of an establishment or event licensed to permit on-site consumption.

Subsection F: Place of Work: any enclosed, indoor location at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including but not limited to an employment relationship with or for a private corporation, partnership, individual, or government agency. This term includes any enclosed, indoor location where two or more individuals gratuitously perform services for which individuals are ordinarily paid. Examples of a place of work include enclosed, indoor areas of an office, a public conveyance, a factory, a warehouse, a hotel or motel, and other locations where services are performed under an employment relationship. Enclosed, indoor areas of private clubs, and rooms used for private meetings or social functions are places of work if two or more persons acting under a contractual relationship provide cleaning, catering, food or beverage service, maintenance or other support services in the location.

Subsection G: Smoking (related to being “Smoke Free”): means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing products included in the MCIAA, or products listed with the Cannabis and Cannabis Derived Products defined by the Ordinance.

SECTION IV. Jurisdiction

Subsection A. This Ordinance shall be applicable within the legal boundaries of the County.

Subsection B. Nothing in this Ordinance shall prevent other local levels of government within Carlton County from adopting more restrictive measures to protect the health and safety of the County’s citizens as it relates to commercial tobacco products, electronic delivery devices, and cannabis and cannabis derived products.

Subsection C: Nothing in this Ordinance prevents the person in charge of any public place, public place of accommodation or place of work, including, without limitation, any residence, motor vehicle or outdoor space, from adopting more restrictive prohibitions to protect the health of patrons, workers, and other visitors.

SECTION V. Prohibitions

Subsection A: No person shall vaporize or smoke commercial tobacco products, electronic delivery device products, or cannabis or cannabis derived products within twenty-five (25) feet of entrances, exits, open windows, and ventilation intakes of public places, places of accommodation, or places of work. The County will provide signage, at no cost, to any entity to post near entrances, exits, or other areas of air intake that defines this Ordinance’s prohibition under Subsection A.

Subsection B: No person shall vaporize or smoke commercial tobacco products, electronic delivery device products, or cannabis or cannabis derived products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

Subsection C: No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19 codified as Minn. Stat. 152.0263, Subd. 5, or successor statute.

SECTION VI: Penalty

Responsibility for enforcement of this Ordinance is with County's law enforcement agencies.

A violation of this ordinance shall be a petty misdemeanor having a fine payable up to \$300. Nothing in this ordinance prohibits the County or any city within the County from seeking prosecution for an alleged violation. Any additional violation of any provision of this Ordinance

shall be a misdemeanor. Each day of violation constitutes a separate offense. The County Attorney may bring a civil action against the violator to enjoin repeated or continuing violations of this Ordinance.

Failure to comply with any provision of this Ordinance shall constitute grounds for the denial, refusal to renew, suspension, or revocation of any food, liquor, or other business license issued by the County or a municipality within the County.

SECTION VII. Severability.

If any section of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

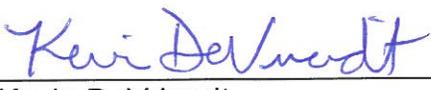
SECTION VIII. Effective Date.

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

Adopted February 13, 2007 with amendment approved and adopted by the Carlton County Board of Commissioners this 25th day of November, 2024.

By 
County Board Chair Susan Zmyslony




Kevin DeVriendt
County Auditor/Treasurer

Published this 29th day of November 2024 Pine Knot News

Published this 5th day of December 2024 Moose Lake Star Gazette

AFFIDAVIT OF PUBLICATION
STATE OF MINNESOTA)
) ss.
COUNTY OF Carlton)

Jana Peterson, being first duly sworn, on oath states as follows: I am the publisher or the authorized agent of the publisher of the newspaper known as the Pine Knot News.

I have personal knowledge of the facts stated in this Affidavit. The day of the week and date of the month and year on which the public notice attached was published in the newspaper are as follows:

Friday, Nov. 29, 2024
Carlton County Ordinance 29,
safe and smoke-free public places

FURTHER YOUR AFFIANT
SAITH NOT.



Subscribed and sworn to before me
on this 29th day of November 2024.


Notary Public



**NOTICE OF
CARLTON COUNTY
ORDINANCE #29
SAFE AND SMOKE-FREE
PUBLIC PLACES**

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Minnesota Clean Indoor Air Act [hereinafter referred to as "the MCIAA"] prohibits smoking of commercial tobacco products in public places, at public meetings, in public transportation, in places of employment, in daycare centers, in family day care provider homes during their hours of operation, and in health care facilities and clinics within certain exceptions. See Minn. Stat. 144.411 to 144.417. In 2019, the definition of smoking was amended to include carrying or using an activated electronic delivery device prohibiting the use of electronic cigarettes in the same manner as the smoking of tobacco and other plant products. See Minn. Stat. 144.413, subd.4.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to "State Legislation"], the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis became legal August 1, 2023.

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

SECTION II: Statutory Authority

The ordinance is enacted pursuant to and incorporates the following Minnesota Statutes:

1) Minnesota Local Public Health Act

Continued on next page

**NOTICE OF
CARLTON COUNTY
ORDINANCE #29
SAFE AND SMOKE-FREE
PUBLIC PLACES**

Continued from previous page

(Minn. Stat. 145A)
2) Minnesota Clean Indoor Air Act
(Sections of Minn. Stat. 144.411 to
144.417)

3) State Legislation (2023 Session
Law, Chapter 63, H. F. 100)

SECTION III. Definitions

Except as may otherwise be provided
or clearly implied by context, all terms
shall be given their commonly accept-
ed definitions. The following words,
terms, and phrases, when used in this
ordinance, shall have the meanings
ascribed to them except where the
context clearly indicates a different
meaning.

Subsection A: Commercial Tobacco
Products: tobacco products man-
ufactured and sold by the tobacco
industry, including cigarettes,
e-cigarettes, cigars, and chew.

Commercial tobacco is different from
the traditional or sacred tobacco,
also known as Cannabis, Asemag, or
Kinninnick, and which are used by
some American Indian communities
for sacred purposes.

Subsection B: Electronic Delivery
Device: any product containing or
delivering nicotine, lobbella, or other
natural or synthetic substance intend-

ed for human consumption through
inhalation of aerosol or vapor from
the product. This includes all of the
components of the product, even if
they are sold separately, and includes
electronic cigarettes, electronic
cigars, electronic pipes, vape pens,
mods, and tank systems. It does not
include drugs, devices, or combina-

tion products that are authorized for
sale by the federal Food and Drug
Administration. It does include all
devices intended to be used to inhale
the aerosol or vapor of commercial
tobacco or commercial tobacco
products.

Subsection C: Cannabis and Cannabi-
s Derived Products:

1) Adult-use cannabis flower: cannabis
flower that is approved for sale by
the Office of Cannabis Management
[hereinafter referred to as "the OCM"]
or is substantially similar to a product
approved by the OCM. Does not
include medical cannabis flower,
hemp plant parts, or hemp-derived
consumer products.

2) Adult-use cannabis product: canna-
bis product that is approved for sale
to a product approved by the OCM.
Includes edible cannabis products
but does not include medical can-
nabinoid products or lower-potency
hemp edibles.

3) Cannabis flower: the harvested
flower, bud, leaves, and stems of a
cannabis plant. Cannabis flower in-
cludes adult-use cannabis flower and
medical cannabis flower. Does not
include cannabis seed, hemp plant
parts, or hemp-derived consumer
products.

4) Cannabis product: means any of
the following:

a. Cannabis concentrate;
b. A product infused with cannabi-
noids, including but not limited to
tetrahydrocannabinol, extracted
cannabis flower, or
cannabis concentrate.

d. Hemp-derived consumer products:
a product intended for human or
animal consumption, does not contain
cannabis flower or cannabis concen-
trate, and:

e. Contains or consists of hemp plant
parts; or
f. Contains hemp concentrate or
artificially derived cannabinoids in
combination with other ingredients.

g. Does not include artificially derived
cannabinoids, lower-potency hemp
edibles, hemp-derived topical prod-
ucts, hemp fiber products, or hemp
grain.

5) Lower-potency hemp edible:

means any product that:

a. Is intended to be eaten or con-
sumed as a beverage by humans;
b. Contains hemp concentrate or an
artificially derived cannabinoid; in
combination with food ingredients;
c. Is not a drug;

d. Consists of servings that contain no
more than five milligrams of delta-9
tetrahydrocannabinol, 25 milligrams
of cannabidiol, 25 milligrams of
cannabigerol, or any combination
of those cannabinoids that does not
exceed the identified amounts;

e. Does not contain more than a
combined total of 0.5 milligrams of all
other cannabinoids per serving;
f. Does not contain an artificially de-
rived cannabinoid other than delta-9
tetrahydrocannabinol;

g. Does not contain a cannabinoid
derived from cannabis plants or
cannabis flower; and
h. Is a type of product approved for
sale by the OCM or is substantially
similar to a product approved by the
OCM, including but not limited to
products that resemble nonalcoholic
beverages, candy, and baked goods.

Subsection D: Public Place: a public
park or trail, public recreation area,
public street or sidewalk, any publicly
owned property, any enclosed area
used by the general public, including
but not limited to theaters; restau-

rants; bars; food establishments and
their decks/patios; places licensed
to sell intoxicating liquor, wine, or
malt beverages; retail businesses;
gyms; common areas in buildings;
any rooms of rental buildings that
share and air handling system, public
shopping areas; auditoriums; arenas;
or other places of public accommo-
dation.

Subsection E: Place of public accom-
modation: a business, restaurant,
entertainment, recreation, or trans-
portation facility of any kind, whose
goods, services, facilities, privileges,
advantages, or accommodations are
extended, offered, sold, or otherwise
made available to the public.

Exceptions to public place or place of
public accommodation include: 1) A
private residence, including the indi-
vidual's curtilage or yard; 2) a private
property, not generally accessible
by the public, unless the individual is
explicitly prohibited from consuming
cannabis flower, cannabis products,
lower-potency hemp edibles, or
hemp-derived consumer products
on the property by the owner of the
property; or 3) on the premises of an
establishment or event licensed to
permit on-site consumption.

Subsection F: Place of Work: any
enclosed, indoor location at which
two or more individuals perform any
type of a service for consideration of
payment under any type of contrac-
tual relationship, including but not
limited to an employment relationship
with or for a private corporation,
partnership, individual, or government
agency. This term includes any en-
closed, indoor location where two or
more individuals gratuitously perform
services for which individuals are
ordinarily paid. Examples of a place of
work include enclosed, indoor areas
of an office, a public conveyance,
a factory, a warehouse, a hotel or
motel, and other locations where
services are performed under an
employment relationship. Enclosed,
indoor areas of private clubs, and
rooms used for private meetings or
social functions are places of work
if two or more persons acting under
a contractual relationship provide
cleaning, catering, food or beverage
service, maintenance or other support
services in the location.

Subsection G: Smoking (related to
being "Smoke Free"): means inhaling,
exhaling, burning or carrying any
lighted or heated cigar, cigarette,
pipe, or any other lighted or heated
product containing products included
in the MGLA, or products listed with
the Cannabis and Cannabidiol Deri-
ved Products defined by the Ordinance.

SECTION IV. Jurisdiction

Subsection A. This Ordinance shall be

applicable within the legal boundaries
of the County.

Subsection B. Nothing in this Ordinance shall prevent other local levels of government within Carlton County from adopting more restrictive measures to protect the health and safety of the County's citizens as it relates to commercial tobacco products, electronic delivery devices, and cannabis and cannabis derived products.

Subsection C. Nothing in this Ordinance prevents the person in charge of any public place, public place of accommodation or place of work, including, without limitation, any residence, motor vehicle or outdoor space, from adopting more restrictive prohibitions to protect the health of patrons, workers, and other visitors.

SECTION V. Prohibitions

Subsection A: No person shall va-
porize or smoke commercial tobacco products, electronic delivery device products, or cannabis or cannabis derived products within twenty-five (25) feet of entrances, exits, open windows, and ventilation intakes of public places, places of accommoda-
tion, or places of work. The County will provide signage, at no cost, to any entity to post near entrances, exits, or other areas of air intake that defines this Ordinance's prohibition under Subsection A.

Subsection B: No person shall va-
porize or smoke commercial tobacco products, electronic delivery device products, or cannabis or cannabis de-
rived products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

Subsection C: No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State
Legislation Article 4, Sec. 19 codified

November, 2024.

County Board Chair, Susan Zmyniony
Kevin DeVriendt, County Auditor/
Treasurer

as Minn. Stat. 152.0263, Subd. 5, or
successor statute.

SECTION VI: Penalty
Responsibility for enforcement of
this Ordinance is with County's law
enforcement agencies.

A violation of this ordinance shall be
a petty misdemeanor having a fine
payable up to \$300. Nothing in this
ordinance prohibits the County or any
city within the County from seeking
prosecution for an alleged violation.
Any additional violation of any
provision of this Ordinance shall be a
misdemeanor. Each day of violation
constitutes a separate offense. The
County

Attorney may bring a civil action
against the violator to enjoy repeat-
ed or continuing violations of this
Ordinance.

Failure to comply with any provision
of this Ordinance shall constitute
grounds for the denial, refusal to re-
new, suspension, or revocation of any
food, liquor, or other business license
issued by the County or a municipali-
ty within the County.

SECTION VII. Severability.
If any section of this Ordinance is
held invalid, such invalidity will not af-
fect other sections or provisions that
can be given force and effect without
the invalidated section or provision.

SECTION VIII. Effective Date.
This Ordinance shall be in full force
and effect from and after its passage
and publications as required by law.
Adopted February 13, 2007 with
amendment approved and adopted
by the Carlton County Board of
Commissioners this 25th day of

November, 2024.

PKN Nov. 29, 2024

Affidavit of Publication

STATE OF MINNESOTA)
) ss.
COUNTY OF CARLTON)

Callie Wasson, being first duly sworn, on oath states as follows:

1. I am the publisher of the MOOSE LAKE STAR GAZETTE, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes 331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes 331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

Once a week, for 1 successive week(s): it was first published on every Thursday, the 5th day of December, 2024 and was thereafter printed and published on every Thursday to and including Thursday the 5th day of December, 2024.

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to 331A.06, is as follows:

- a) Lowest classified rate paid by commercial users for comparable space \$9.00 per inch
b) Maximum rate allowed by law for the above matter \$13.50 per inch
c) Rate actually charged for the above matter \$14.4 per inch

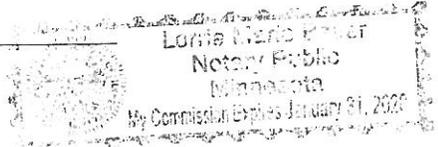
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes 580.033 relating to the publication of mortgage foreclosure notices. The newspaper's known office of issue is located in Pine County. The newspaper complies with the conditions described in 580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

BY: [Signature]
Admin. Assistant, Callie Wasson

Subscribed and sworn to before me on this 5th day of December, 2024.

By [Signature]
Notary Public



CARLTON COUNTY ORDINANCE #29

- Safe and Smoke-Free Public Places
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tobacco and other plant products. See Minn. Stat. 144.413, subd.4.

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Subsection C: Cannabis and Cannabis Derived Products:

1) Adult-use cannabis flower: cannabis flower that is approved for sale by the Office of Cannabis Management [hereinafter referred to as "the OCM"] or is substantially similar to a product approved by the OCM. Does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

2) Adult-use cannabis product: cannabis product that is approved for sale by the OCM or is substantially similar to a product approved by the OCM. Includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

3) Cannabis flower: the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

4) Cannabis product: means any of the following: a. Cannabinoid concentrate; b. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or c. Any other product that contains cannabinoid concentrate.

d. Hemp-derived consumer products: a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

e. Contains or consists of hemp plant parts; or

f. Contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

g. Does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

5) Lower-potency hemp edible: means any product that:

a. Is intended to be eaten or consumed as a beverage by humans;

b. Contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;

c. Is not a drug;

d. Consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;

e. Does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;

f. Does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;

g. Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

h. Is a type of product approved for sale by the OCM or is substantially similar to a product approved by the OCM, including

but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

Subsection D: Public Place: a public park or trail, public recreation area, public street or sidewalk, any publicly owned property, any enclosed area used by the general public, including but not limited to theaters; restaurants, bars, food establishments and their decks/patios; places licensed to sell intoxicating liquor, wine, or malt beverages; retail businesses; gyms; common areas in buildings, any rooms of rental buildings that share and air handling system, public shopping areas; auditoriums; arenas; or other places of public accommodation.

Subsection E: Place of public accommodation: a business, restaurant, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Exceptions to public place or place of public accommodation include: 1) A private residence, including the individual's curtilage or yard; 2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or 3) on the premises of an establishment or event licensed to permit on-site consumption.

Subsection F: Place of Work: any enclosed, indoor location at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including but not limited to an employment relationship with or for a private corporation, partnership, individual, or government agency. This term includes any enclosed, indoor location where two or more individuals gratuitously perform services for which individuals are ordinarily paid. Examples of a place of work include enclosed, indoor areas of an office, a public conveyance, a factory, a warehouse, a hotel or motel, and other locations where services are performed under an employment relationship. Enclosed, indoor areas of private clubs, and rooms used for private meetings or social functions are places of work if two or more persons acting under a contractual relationship provide cleaning, catering, food or beverage service, maintenance or other support services in the location.

Subsection G: Smoking (related to being "Smoke Free"): means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing products included in the MCIAA, or products listed with the Cannabis and Cannabis Derived Products defined by the Ordinance.

SECTION IV. Jurisdiction

Subsection A. This Ordinance shall be applicable within the legal boundaries of the County.

Subsection B. Nothing in this Ordinance shall prevent other local levels

of government within Carlton County from adopting more restrictive measures to protect the health and safety of the County's citizens as it relates to commercial tobacco products, electronic delivery devices, and cannabis and cannabis derived products.

Subsection C: Nothing in this Ordinance prevents the person in charge of any public place, public place of accommodation or place of work, including, without limitation, any residence, motor vehicle or outdoor space, from adopting more restrictive prohibitions to protect the health of patrons, workers, and other visitors.

SECTION V. Prohibitions

Subsection A: No person shall vaporize or smoke commercial tobacco products, electronic delivery device products, or cannabis or cannabis derived products within twenty-five (25) feet of entrances, exits, open windows, and ventilation intakes of public places, places of accommodation, or places of work. The County will provide signage, at no cost, to any entity to post near entrances, exits, or other areas of air intake that defines this Ordinance's prohibition under Subsection A.

Subsection B: No person shall vaporize or smoke commercial tobacco products, electronic delivery device products, or cannabis or cannabis derived products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

Subsection C: No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived

consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19 codified as Minn. Stat. 152.0263, Subd. 5, or successor statute.

SECTION VI: Penalty

Responsibility for enforcement of this Ordinance is with County's law enforcement agencies.

A violation of this ordinance shall be a petty misdemeanor having a fine payable up to \$300. Nothing in this ordinance prohibits the County or any city within the County from seeking prosecution for an alleged violation. Any additional violation of any provision of this Ordinance shall be a misdemeanor. Each day of violation constitutes a separate offense. The County Attorney may bring a civil action against the violator to enjoin repeated or continuing violations of this Ordinance.

Failure to comply with any provision of this Ordinance shall constitute grounds for the denial, refusal to renew, suspension, or revocation of any food, liquor, or other business license issued by the County or a municipality within the County.

SECTION VII. Severability.

If any section of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION VIII. Effective Date.

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

Adopted February 13, 2007 with amendment approved and adopted by the Carlton County Board of Commissioners this 25th day of November, 2024.

By County Board Chair Susan Zmyslony

ATTEST: Kevin DeVriendt
County Auditor/Treasurer

Published in the Moose Lake Star
Gazette Dec. 5, 2024