

**COUNTY OF RENVILLE
STATE OF MINNESOTA
ORDINANCE 2025-02**

**AN ORDINANCE REGULATING THE RETAIL SALE OF CANNABIS AND LOWER-POTENCY
HEMP EDIBLES WITHIN RENVILLE COUNTY, MN**

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Section 1. Authority

1.1 Findings and Purpose. The purpose of this Ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, and Minnesota Rules as amended from time to time, which authorizes Renville County (hereinafter “the County”) to protect the public health, safety, and welfare of Renville County residents by regulating the establishment, operations, and Sales of Cannabis Retailers and Lower-Potency Hemp Edible Retailers located within the legal boundaries of Renville County.

Renville County finds and concludes that the proposed provisions are appropriate and lawful regulations for the County. Renville County recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority and Jurisdiction. The County Board of Commissioners is authorized to adopt this Ordinance by Minnesota Statutes sections 144.417, subd. 4 (a), 145A.04, 145A.05, 152.0263, subd. 5, Chapter 342, and Chapter 375, and any other applicable state law, as may be adopted or amended from time to time.

The registration requirements of this Ordinance in section 2 govern the regulation of Cannabis Retailers and Lower-Potency Hemp Edible Retailers in the unorganized territory of Renville County and in any city or town located in Renville County that does not register and regulate retail Sales of cannabis or Lower-Potency Hemp Edibles. All other sections and provisions of this Ordinance apply throughout Renville County unless otherwise specified.

Nothing in this Ordinance shall prevent cities and townships within Renville County from adopting stricter regulations to protect people from public health and public safety harms of the retail Sale of cannabis and Lower-Potency Hemp Edibles.

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

1.4 Enforcement. The Renville County Board of Commissioners and Renville County Public Health are responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by Minnesota law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this Ordinance.

1.5 Definitions. Except as otherwise provided or clearly implied by context, all terms are given their commonly accepted definitions. For this Ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning:

Approved Products. Any cannabis plants, cannabis flower, cannabis products, artificially derived cannabinoids, and Lower-Potency Hemp Edibles that are a product category approved by the Office of Cannabis Management and that comply with Minnesota Statutes Chapter 342 and rules adopted pursuant to Chapter 342 regarding the testing, packaging, and labeling of cannabis plants, cannabis flower, cannabis products, artificially derived cannabinoids, and Lower-Potency Hemp Edibles. “Approved Products” does not include Medical Cannabinoid Products, as defined in Minn. Stat. chapter 342, as amended from time to time.

Compliance Checks. The system the County uses to investigate and ensure that those Retail Establishments authorized to sell Approved Products and Medical Cannabinoid Products are following and complying with age verification requirements and the requirements of this Ordinance. Compliance Checks may also be conducted by the County or other units of government for educational, research, and training purposes or for investigating or enforcing state or local laws and regulations relating to Approved Products.

Delivery Sale. The Sale of any Approved Products and Medical Cannabinoid Products to any person for personal consumption and not for resale when the Sale is conducted by any means other than an in-person, over-the-counter Sales transaction in a Registered Retail Establishment. Delivery Sale includes but is not limited to the Sale of any Approved Products when the Sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery Sale includes delivery by Registered Retail Establishments or third parties by any means, including curbside pickup.

Department. The Renville County Public Health Department.

Lower-Potency Hemp Edible. “Lower-Potency Hemp Edible” as defined in Minn. Stat. § 342.01, subd. 50, as amended from time to time.

Lower-Potency Hemp Edible Retailer. Any place of business with a license or endorsement to sell Lower-Potency Hemp Edible products to the public from the Office of Cannabis Management and that has a Lower-Potency Hemp Edible retail registration from the County.

Medical Cannabinoid Product. “Medical Cannabinoid Product” as defined in Minn. Stat. § 342.01, subd. 52, as amended from time to time.

Medical Cannabis Combination Business. “Medical Cannabis Combination Business” as described in Minn. Stat. § 342.515, as amended from time to time.

Moveable Place of Business. Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter Sales transactions.

Office of Cannabis Management (“OCM”). Minnesota Office of Cannabis Management or successor entity, referred to as “OCM” in this Ordinance.

Registered Cannabis Retail Business. Any cannabis business with a license or endorsement from the Office of Cannabis Management for retail Sales of Approved Products or Medical Cannabinoid Products and that has a cannabis retail registration from a local unit of government.

Registered Hemp Retail Business. Any place of business with a license or endorsement to sell Lower-Potency Hemp Edible products to the public from the Office of Cannabis Management and that has a Lower-Potency Hemp Edible Retailer registration from a local unit of government.

Registered Retail Establishment. Refers to Registered Cannabis Retail Businesses, Medical Cannabis Combination Businesses with retail Sales, and Registered Hemp Retail Businesses.

Residential Treatment Facility. Any residential facility licensed by the Minnesota Department of Human Services for the purpose of providing treatment for mental health, substance use, and other medical conditions.

Retail Establishment. Any place of business where products are available for Sale to the general public. “Retail Establishment” includes, but is not limited to, grocery stores, tobacco product shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants.

Sale. Any transfer of goods for money, trade, barter, or other consideration.

Sample. Refers to any Approved Products or Medical Cannabinoid Products that are offered free of charge or for Sale at a nominal cost.

Self-Service Display. The open display of Approved Products or Medical Cannabinoid Products in a Retail Establishment in any manner where any person has access to the products without the assistance or intervention of the Registered Retail Establishment or its employee and where a physical exchange of the products from the Registered Retail Establishment or its employee is not required to access the products.

State License. An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Temporary Cannabis Event. Events described in Minnesota Statutes 342.39 and 342.40, as amended from time to time, held by an individual or business with a cannabis event organizer license granted by the Office of Cannabis Management, with approval from the local unit of government with delegated retail authority.

True Parties of Interest. Any party with ownership or control over the business, as defined in Minn. Stat. § 342.185, subd 1(g), as amended from time to time.

Vending Machine. Any mechanical, electric or electronic, or other type of device that dispenses products upon payment by any form by the person seeking to purchase the product.

Youth-Oriented Facility. Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. A Youth-Oriented

Facility includes, but is not limited to, schools (as defined under Minnesota Statutes, Chapter 120A.05 and Chapter 120A.24, as amended from time to time), daycares (a location licensed with the Minnesota Department of Human Services to provide care of a child outside the child's home for gain or otherwise, on a regular basis for any part of a 24-hour day), and a public park that is regularly used by minors including, but not limited to, a playground, swimming pool, or athletic field.

Section 2. Registration of Cannabis Retailers and Lower-Potency Hemp Edible Retailers

The provisions in this section apply to businesses operating in the unincorporated areas within Renville County and jurisdictions that have deferred registration to the County.

2.1 License Required. No individual or entity shall sell or offer to sell any Approved Products or Medical Cannabinoid Product without first having obtained a license or retail endorsement to do so from the Office of Cannabis Management.

2.2 Registration Required. No person shall sell or offer to sell any Approved Products or Medical Cannabinoid Product without first being granted a registration by the Department. Operating a Retail Establishment without a valid retail registration is a violation of this Ordinance and of Minn. Stat. § 342.22, subd. 5(e), as amended from time to time, and is subject to a civil penalty of up to \$2,000 per violation.

2.3 Registration and Application Procedure.

2.3.1 Fees. A registration fee shall be charged to applicants depending on the type of Registered Retail Establishment applied for. No registration will be issued under this Ordinance until the appropriate registration fees are paid in full.

The initial retail registration fee shall be \$500 or half the amount of an initial State License fee under Minn. Stat. § 342.11, as amended from time to time, whichever is less, except for the Lower-Potency Hemp Edible Retailer fee which is \$125 per retail location. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by Renville County shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall be \$1,000 or half the amount of a renewal State License fee under Minn. Stat. §342.11, as amended from time to time, whichever is less, except for the Lower-Potency Hemp Edible Retailer fee which is \$125 per retail location.

A medical combination business operating an adult-use retail location may only be charge a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

Registration fees are non-refundable.

2.3.2. Application Submittal. The Department shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. § 342.22, as amended from time to time. An application for a registration to sell Approved Products and Medical Cannabinoid Products must be made on a form provided by the Department. The application must contain the full name of the applicant and any True Parties of Interest, the applicant's and True Parties' residential and business addresses and telephone numbers, the name of the business for which the registration is sought, and any additional

information the Department deems necessary. Upon receipt of a completed application, the Department will timely review the application. If the application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

The applicant shall include with the form the registration fee as required in section 2.3.1; and a copy of a valid State License or written notice of OCM license preapproval.

Once an application is considered complete, the Department shall inform the applicant as such, process the registration fees, and review the application for approval or denial. The registration fee shall be non-refundable once processed.

2.3.3. Application Approval.

A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of Registered Cannabis Retail Businesses permitted under section 2.6.

A state-licensed cannabis retail business registration application shall not be approved or renewed if the applicant is unable to meet the requirements of this Ordinance. If the Department denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.

A state-licensed cannabis retail business registration application that meets the requirements of this ordinance shall be approved. If the Department approves the application, it will issue the registration to the applicant.

If a registration is mistakenly issued or renewed to any person or entity, it will be revoked upon the discovery of ineligibility for registration under this Ordinance or state or other local law, Ordinance or other regulation. Any revocation will comply with the requirements of Minn. Stat. § 342.22, subd. 5, as amended from time to time.

2.3.4. Display. All registrations must be posted and displayed at all times at the Registered Retail Establishment or Medical Cannabis Combination Business in plain view of the general public.

2.3.5. Term. All registrations issued are valid for one calendar year from the date of issue and must be renewed annually. A Registered Retail Establishment must renew the license with Office of Cannabis Management prior to renewing the registration with the Department.

2.3.6. Transfers. All registrations issued are valid only on the premises for which the registration was issued and only for the person to whom the registration was issued. The transfer of any registration to another location or person is prohibited.

2.3.7. Renewals. The renewal of a registration issued under this Ordinance will be handled in the same manner as the original application. The request for renewal must be made at least thirty (30) days but no more than sixty (60) days before the expiration of the current registration.

2.3.8. Issuance is a Privilege, Not a Right. The issuance of a registration is a privilege and does not entitle the registration holder to an automatic renewal of registration.

2.4 Compliance Checks. All Registered Retail Establishments must be open to inspection by authorized Department officials, law enforcement, or their designees during regular business hours.

In accordance with Minn. Stat. § 342.22, subd. 4, as amended from time to time, the Department shall conduct Compliance Checks of every Retail Establishment with a retail registration issued by the Department. During a Compliance Check, the Department shall assess a business's compliance with age verification requirements and compliance with the provisions of this Ordinance pursuant to Minn. Stat. §342.13, as amended from time to time.

The Department must conduct unannounced age verification Compliance Checks of Retail Establishments at least once each calendar year. Age verification Compliance Checks must involve persons at least 17 years of age but under the age of 21 who, with prior written consent of a parent or guardian if the person is under age 18, attempt to purchase Approved Products under the direct supervision of an employee of the Department or of a law enforcement officer.

Any failures under this section must be reported to OCM.

2.5. Suspension of Registration. Renville County may suspend a cannabis retail business's registration if it violates this Ordinance or poses an immediate threat to the health or safety of the public. The Department shall immediately notify the cannabis retail business and OCM in writing of the grounds for the suspension.

OCM will provide the Department and cannabis business retailer a response to the complaint per Minn. Stat. §342.22, subd. 5, as amended from time to time.

The suspension of a cannabis retail business registration may be for up to thirty (30) calendar days, unless OCM suspends the license for a longer period or revokes the license. The Registered Retail Business may not make any Sale to a customer or patient if their registration is suspended. Renville County may reinstate a registration if it determines that the violations have been resolved. Renville County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

Subject to Minn. Stat. §342.22, subd. 5(e), as amended from time to time, Renville County may impose penalties for registration violations; refer to Section 6.

2.6 Limiting of Registrations. Renville County shall limit the number of cannabis retail registrations within its boundaries to one registration for every 12,500 residents within Renville County. If Renville County has one active cannabis retail business registration for every 12,500 residents, Renville County shall not register additional state-licensed cannabis retail businesses in any city or township which has delegated registration authority to Renville County.

Applications will be reviewed in the order applications were received, starting with the earliest received. Incomplete applications or those not following the requirements of this Ordinance will be removed from the order.

2.7 Local Government as a Cannabis Retailer. A municipality may establish, own, and operate a municipal Cannabis Retail Business subject to the restrictions in this Ordinance.

A municipal cannabis retail store shall not be included in any limitation of the number of Registered Cannabis Retail Businesses under section 2.6.

A municipal cannabis retail store shall be subject to all same retail license requirements and procedures applicable to all other applicants.

Section 3. Requirements for Cannabis Retailers and Lower-Potency Hemp Edible Retailers

The provisions in this section apply to all jurisdictions and Registered Retail Establishments throughout Renville County under the County's public health authority pursuant to Minn. Stat. § 145A, as amended from time to time, and Minn. Stat. § 342.13 (c), as amended from time to time.

3.1 In General. In addition to the prohibitions set forth under Minn. Stat. § 342.46, subd. 7, as amended from time to time, and Minn. Stat. § 342.27, subd. 12, as amended from time to time, no Registered Retail Establishment shall sell or offer to sell any Approved Products or Medical Cannabinoid Product:

- a. By means of any type of Vending Machine.
- b. By means of Self-Service Display. All Approved Products and Medical Cannabinoid Products, excluding multipacks of lower-potency hemp beverages in unopened containers sold in Retail Establishments which are also licensed for off-Sale intoxicating liquor Sales according to Minn. Stat. § 340A, as amended from time to time, must be stored in a locked case behind the Sales counter, in a storage unit, or in another area not freely accessible by the general public. This does not prohibit Registered Cannabis Retail Businesses from displaying single product Samples pursuant to Minn. Stat. § 342.27, Subd. 5, as amended from time to time.
- c. At a Moveable Place of Business. Only fixed location businesses may sell Approved Products and Medical Cannabinoid Products.
- d. By any other means, to any other person, or in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

3.2 Legal Age. No person shall sell any Approved Products to any person under the age of 21. Businesses licensed or endorsed to sell Medical Cannabinoid Products may sell Medical Cannabinoid Products to persons under age 21 who are enrolled in the medical registry program pursuant to Minn. Stat. § 342.24, subd. 1, as amended from time to time.

3.3 Age Verification. Before any Sale of Approved Products, the Registered Retail Establishment must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least twenty-one (21) years of age.

3.4 Signage. Notice of the legal Sales age and age verification requirement must be posted prominently and in plain view at all times at each location where Approved Products are offered for Sale. The required signage must be posted in a manner that is clearly visible to anyone who is, or is considering, making a purchase.

3.5 Cannabis Retailer Hours of Operation. Sales of Approved Products at a Registered Cannabis Retail Business are only allowed between the hours of 8:00 a.m. to 10:00 p.m. Monday through Saturday and 11:00 a.m. to 6:00 p.m. on Sunday and may not be open to the public or sell any other products at times when the business is prohibited from selling Approved Products.

This provision does not apply to the operations of Lower-Potency Hemp Edible Retailers or Medical Cannabis Combination Businesses. See Minn. Stat. § 342.46, as amended from time to time.

3.6 Minimum Clerk Age.

- a. Individuals employed by a Registered Cannabis Retail Establishment and Medical Cannabis Combination Business must be at least 21 years of age to sell Approved Products and Medical Cannabinoid Products.
- b. Individuals employed by a Registered Hemp Retail Business must be at least 16 years of age to sell or handle Lower-Potency Hemp Edibles, including beverages as outlined in section 3.1.b.

3.7 Sale of Other Products. Registered Cannabis Retail Businesses and Medical Cannabis Combination Businesses with retail Sales are limited to selling only the products allowed under Minn. Stat. § 342.27, subd. 3, as amended from time to time. The Sale of any products other than Approved Products by Registered Retail Establishments must comport with all requirements of state law.

3.8 Samples Prohibited. No Samples of any Approved Products or Medical Cannabinoid Products may be distributed free of charge or at a nominal cost. The distribution of Approved Products or Medical Cannabinoid Products as a free donation is prohibited.

3.9 Setback Requirements.

- a. Renville County prohibits the operation of a cannabis business within 500 feet of any Youth-Oriented Facility or Residential Treatment Facility (as measured from the proposed licensee's building to the property line of the Youth-Oriented Facility or Residential Treatment Facility).
- b. Nothing in Section 3.9.a of this Ordinance shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a Youth-Oriented Facility or a Residential Treatment Facility moves within the minimum buffer zone.

3.10 Instructional Program. Registered Retail Establishments must ensure that all sales clerks complete training on the legal requirements related to the Sale of Approved Products or Medical Cannabinoid Products, and the possible consequences of registration or license violations. Registered Retail Establishments must maintain documentation demonstrating their compliance and must provide this documentation to the County at the time of renewal, or whenever requested to do so during the registration term.

Section 4. Temporary Cannabis Events

Temporary cannabis events are not allowed.

The provision in this section applies to events occurring in the unincorporated areas within Renville County and jurisdictions that have deferred retail registration to the County.

Section 5. Responsibility

All Registered Retail Establishments are responsible for the actions of their employees regarding the Sale, offer to sell, and furnishing of Approved Products or Medical Cannabinoid Products on the licensed and registered premises. The Sale, offer to sell, or furnishing of any Approved Products or Medical Cannabinoid Product by an employee will be considered an act of the registrant.

Section 6. Violations, Administrative Process, and Penalties

6.1 Violations and Administrative Process

6.1.1. Notice. A person violating this Ordinance may be issued, either personally or by mail, an administrative citation from the County that sets forth the alleged violation and that informs the alleged violator of their right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

6.1.2 Hearings. Upon issuance of a citation, a person accused of violating this Ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the Department. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.

The County will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.

6.1.3 Hearing Panel. The Renville County Board of Commissioners shall serve as the hearing panel.

6.1.4 Decision. A decision will be issued by the hearing panel within 10 business days of the hearing. If the hearing panel determines that a violation of this Ordinance did occur, that decision, along with the hearing panel's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator by in-person delivery or mail as soon as practicable. Likewise, if the hearing panel finds that no violation occurred or finds grounds for not imposing penalty, such findings shall be recorded and a copy provided to the acquitted accused violator by in-person delivery or mail as soon as practicable.

6.1.5. Costs. If the citation is upheld by the hearing panel, the County's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.

6.1.6 Appeals. Appeals of any decision made by the hearing panel shall be filed in the district court within 10 business days of the date of the decision.

6.1.7 Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

6.2 Administrative penalties.

6.2.1 Registrants.

- a. Any registrant or Registered Cannabis Retail Establishment or Medical Cannabis Combination Business cited for violating this Ordinance, or whose employee has violated this Ordinance, will be charged an administrative penalty fine of \$500 for a first violation, and \$1500 for a second offense at the same registered premises within a 36-month period. Upon a third violation within a 36-month period from the first violation, an administrative penalty fine of \$2,500 will be charged and the registration issued by the Department will be revoked; the registrant will not be allowed to re-apply for registration within 12 months from the date of revocation.
- b. Any registrant or Registered Hemp Retail Business cited for violating this Ordinance, or whose employee has violated this Ordinance, will be charged an administrative penalty fine of \$500 for a first violation; \$750 for a second offense at the same registered premises within a 36-month period; and \$1,000 for a third or subsequent

offense at the same location within a 36-month period from the first violation. Upon a fourth violation within a 36-month period from the first violation, the registration issued by the Department will be revoked.

6.2.2 Registration Suspension. In accordance with Minn. Stat. § 342.22, subd. 5, as amended from time to time, the County will suspend the retail registration of any Registered Retail Establishment for up to thirty (30) calendar days for violations of this Ordinance or if the operation of the business poses an immediate threat to the health or safety of the public. The Department shall immediately notify the cannabis retail business and OCM in writing of the grounds for the suspension.

6.2.3 Retail Establishment Operating Without a Registration. Pursuant to Minn. Stat. § 342.22, Subd. 5 (e), as amended from time to time, any Retail Establishment found to be making or attempting to make any Sales to a customer or patient without a valid retail registration will be charged a civil penalty of \$2,000 for each violation.

6.3 Misdemeanor Prosecution. Violations of this Ordinance pertaining to operating without a license (Section 2.1) or registration (Section 2.2), or selling Approved Products to persons under the legal age (Section 3.2), may be prosecuted as a misdemeanor by the Department or law enforcement. Any person found guilty of violating provisions of this Ordinance shall be subject to a fine not exceeding \$1,000, imprisonment for up to 90 days, or both. If misdemeanor prosecution is pursued, no administrative penalty shall be imposed.

6.4 Tobacco Retail Licenses. In accordance with Minn. Stat. § 461.12, subd. 2a, as amended from time to time, a tobacco retail license also issued by the Department will be suspended for no less than seven (7) days and may be revoked for certain cannabis or hemp related violations by the licensed tobacco retailer on the licensed premises.

6.5 Statutory Penalties. If the administrative penalties for violations of this Ordinance authorized to be imposed by Minn. Stat. Chapter 342, as amended from time to time, differ from those established in this Ordinance, then the higher penalty will prevail.

6.6 Complaints Submitted to the Office of Cannabis Management. In accordance with Minn. Stat. § 342.13 (h), as amended from time to time, any violations of this Ordinance will be submitted as complaints to the Office of Cannabis Management.

Section 7. Effective Date

This Ordinance is effective upon its passage and publication according to law, or upon the publication of a summary of the Ordinance as provided by Minn. Stat. § 375.51, subd. 3, as amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as amended from time to time.