



Review of Cannabis Related Ordinance & Tobacco Amendments

September 10, 2024

Agenda



- State Law Changes Legalization of Cannabis
- Need for ordinance changes (State law changes)
 - Most handled at state related to regulatory framework
 - Limit local control options
- Cannabis Use Background
- Local Regulatory Options Being Reviewed
- Tobacco Ordinance Related Amendments
- Next Steps

Cannabis Law Changes



- Staff drafting cannabis ordinance amendments in response to MN Session Law Chapter 63, which legalized adult-use cannabis and established a regulatory framework
- State of Minnesota's Office of Cannabis Management handles is expected to begin licensing cannabis businesses in early 2025
 - With new licensing beginning in 2025 staff is working on providing some text amendments in advance for Council review & implementation
- Amendments herein focus on licensing (limited local control), permitted cannabis business locations, Zoning Code definitions and standards, and distance requirements

Cannabis Law Changes



- Under the State Law, local governments may register cannabis businesses and enforce certain zoning regulations within their jurisdiction, but they may not require additional licensing of cannabis businesses
- A local government unit may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to no fewer than one registration for every 12,500 residents
 - There is no upper limit or cap imposed by the State on the number of cannabis retail businesses but local ordinance may limit the maximums

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Perceived Risk of Cannabis Keeps Decreasing



- **Marijuana**
 - Physical risk of occasional marijuana use
 - Psychological/emotional risk of occasional marijuana use
 - Physical risk of marijuana use
 - Psychological/emotional risk of regular marijuana use
- **Alcohol**
 - Physical risk of 2 drinks every day
 - Psychological risk of 2 drinks every day

Source: Young Adult Health Survey, Preliminary Data Report to DBHR, Kilmer (PI)

** Significant decreasing linear trend

** Significant increasing linear trend

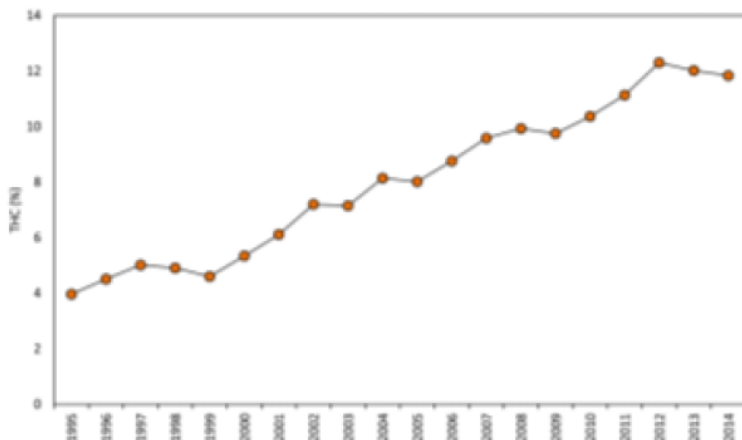
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Potency Changes Over Time

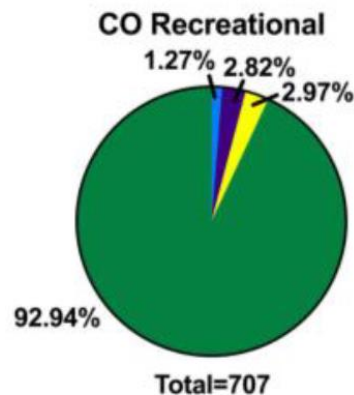


Potency Change Illustration



El Sohly, M.A., Mehmedic, Z., Foster, S., Gon, C., Chandra, S., & Church, J.C. (2016). Changes in cannabis potency over the last two decades (1995-2014) – Analysis of current data in the United States. *Biol Psychiatry*, 79, 613-619.

Colorado Legalization Potency



- <5% THC
- ≥5%≤10% THC
- >10%≤15% THC
- >15% THC

95.91% of Colorado market is “high potency” cannabis

Cash, M.C., Cunnane, K., Fan, C., Romero-Sandoval, E.A. (2020). Mapping cannabis potency in medical and recreational programs in the United States. *PLoS ONE* 15(3): e0230167. <https://doi.org/10.1371/journal.pone.0230167>

Negative Impacts of Use



Cannabis Use & Academic Success

More frequent cannabis use associated with lower GPA, skipping more classes, less current enrollment, and being less likely to graduate on time (Arria, et al., 2013, 2015; Suerken, et al., 2016; Meda, et al., 2017)

Psychiatric Disorders with Use

Cannabis Use Associated with Risk of Psychiatric Disorders (Hall & Degenhardt, 2009; Hall, 2009; Hall 2013)

- **Schizophrenia**

- Those who had used cannabis 10+ times by age 18 were 2-3 times more likely to be diagnosed with schizophrenia
- “13% of schizophrenia cases could be averted if cannabis use was prevented (Hall & Degenhardt, 2009, p. 1388)”

- **Depression and suicide**

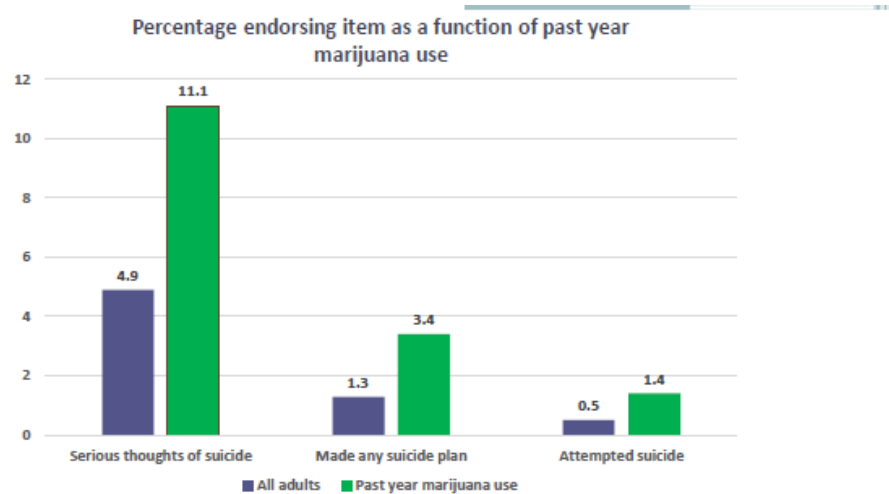
- “Requires attention in cannabis dependent” (Hall, 2013)



Negative Impact of Use



Suicide Impacts of Use



Source: SAMHSA, 2021, Table 8.60B

Staff Framework for Ordinance Amendments



- Reviewing existing other legal but controlled substances (intoxicating beverages & tobacco) to try and create more alignment across the local regulations as might be allowed by statute
- Identify where areas of “gaps” may exist in the law that local regulations could still address areas

Staff Framework for Ordinance Amendments



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Areas of Local Licensing Under Review (policy options) Cannabis



- **Limit on maximum licensing**

- Staff exploring limits on licensing to limit as much as allowed under state law
- no fewer than one registration for every 12,500 residents in City OR County one registration for every 12,500 residents in the County...whichever is greater
- OCM interpretation for City only maximum would be 2 licenses (doesn't mean state will actually issue that many but would be the minimum they could)

- **State Buffer Options**

- State allows local option to restrict licensing up to 1000' of school, or up to 500' from a day care, residential treatment facility, attraction of a public park regularly used by minors, including a playground or athletic field
- City could add these

Areas of Local Licensing Under Review (policy options) Cannabis



- Penalties for violations – proposing alignment of liquor/tobacco training, penalties, etc.
- Use restrictions (City already limits to the extent allowed – public places such as parks, right of way)
- Social host ordinance already includes cannabis based on last council update

Municipal Option (further review not with ordinance update)



- **Municipal Option**

- Separate from private licenses and does not count toward any minimum license required by State
- Staff continuing due diligence on providing analysis and Council policy considerations whether to consider this option or not
- Current Municipal Liquor Goals (for comparison alignment of “why” potentially consider municipal cannabis)
 - A. To Control the Sale of Alcohol;
 - B. To Provide Revenue to Supplement Traditional Tax & Fee Revenue;
 - C. To Provide an Economic Stimulus to the Central Business District;
 - D. To Provide a Convenient Location for Residents to Purchase Alcohol.

Tobacco Additional Regulations for Consideration

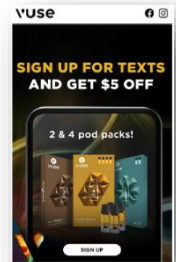


- Rice County Presented and Intend to Add additional restrictions beyond Northfield current ordinance standards
 - Coupons/Discounts
 - Flavors (including menthol)
 - Delivery Sales Prohibition
- While City is amending code for Cannabis this Section could be amended to align with pending Rice County standards that we currently do not have
- Draft ordinance by staff & Attorney's Office include these but can be amended to removed at Council discretion

(8) Coupon and Promotion Prohibitions



- Studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments
- The price of tobacco products directly affects consumption levels, particularly among price-sensitive consumers, such as people with lower incomes, including youth and young adults
- Approximately 66% of Minnesota smokers take advantage of price-minimization strategies, compared to only about 50% of smokers nationally, demonstrating the impact of tobacco prices on Minnesota smokers and the potential that prohibiting product discounts can have on Minnesota smoking rates
- Rice County Public Health recommendation
 - Prohibit tobacco coupons and promotions



(13) Flavors (& Menthol) Restriction



- These products increase initiation in all populations by masking the harsh taste of tobacco and nicotine
 - Flavors like menthol and clove also provide a numbing effect that leads to longer breath-holding
 - Quitting flavored products is more difficult
 - Overwhelmingly, youth start tobacco with flavored products
- A flavored product prohibition has a strong potential to subvert youth initiation and use
- 3/4 of youth flavored tobacco users would stop if the products were not flavored

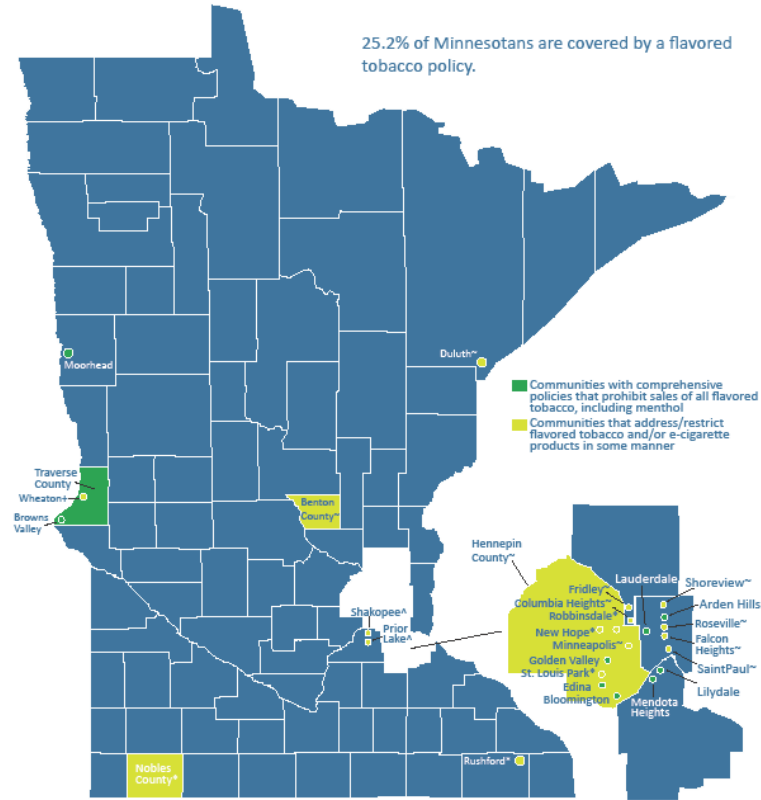
- Rice County Public Health recommendation
 - Prohibit flavors including menthol



Flavored Tobacco Restrictions

- 25.2% of Minnesotans are covered by a flavored tobacco policy

Minnesota communities addressing the sale of flavored commercial tobacco products



www.ansrmn.org
Updated January 2023

*Restricts sales of fruit- and candy-flavored tobacco products, excludes menthol

**Restricts sales of all flavored tobacco products, includes menthol

+Prohibits sales of all menthol cigarettes, flavored cigars, and flavored chewing tobacco, excludes flavored e-cigarettes/vaping devices

^Prohibits sales of flavored e-cigarettes/vaping devices, excludes menthol cigarettes, flavored cigars, and flavored chewing tobacco

(14) Delivery Sales Prohibition



- Prohibiting delivery sales is an effective means of curtailing underage access to tobacco
 - This approach recognizes the challenges inherent in trying to effectively monitor online retailers and prevent underage access to the enormous numbers of e-cigarette products found online, acknowledging that age verification processes do not prevent underage persons from obtaining e-cigarettes and other licensed products online
- State and local jurisdictions are increasingly choosing to completely prohibit sales conducted by any means other than in-person, over-the-counter sales transactions in a licensed retail establishment
- Rice County Public Health recommendation
 - Prohibit delivery sales



Rice County Tobacco Data



9th Grade Any Tobacco Use

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Prior 30 days, conventional tobacco/e-cigs/hookah

9% in 2022

15.3% in 2019

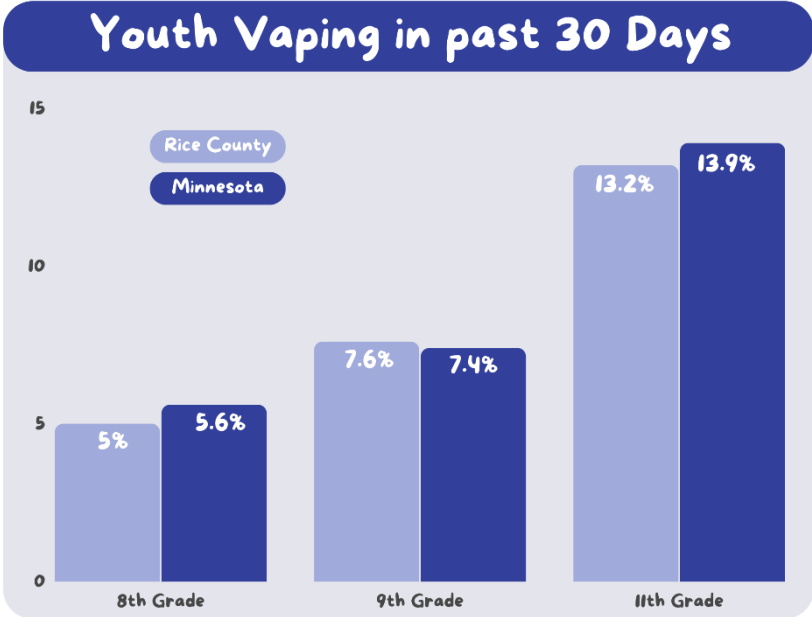
Adult Cigarette Smoking

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Current conventional cigarette smoker

7.6% in 2021

13.3% in 2016

Youth Vaping



Next Steps



- Draft ordinances are underway by staff
- September/October: Initial review by Planning Commission & Northfield Alliance for Substance Abuse Prevention (Northfield ASAP) & Public Hearing for LDC Ordinance Amendment
- Council Additional Review – October/November

Questions?