



**Minneapolis**  
Park & Recreation Board

# **Cannabis Study Item**

**September 20, 2023**



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# State Law Overview

- Minnesota is 23<sup>rd</sup> state to legalize cannabis for individuals 21 and older
  - Effective August 1, 2023
- Other states prohibit use in public spaces, either directly or as part of a no-smoking law; Minnesota's law does not
- Local unit of Minnesota government can enact an ordinance to prohibit use in public spaces and provide a penalty up to a petty misdemeanor
- Cannabis cannot be used or possessed in the following locations (as they relate to parks and recreation):
  - Public school or charter schools and school buses
  - In a location where the smoke, aerosol or vapor of a cannabis product could be inhaled by a minor
- There are no criminal penalties for prohibited uses in the law
- Retail sale anticipated first quarter of 2025



# Question Before the Board

Based on the State Law, public consumption of cannabis is lawful in parks. This includes:

- Smoking
- Vaping
- Edibles
- Infused beverages

Does the Board want to change this condition?



# MPRB Ordinances

- Article 6.2-c of the City Charter gives the Board of Commissioners authority to adopt ordinances
- Ordinances serve as locally adopted laws, established by the Board of Commissioners, for governance of the Minneapolis park and recreation system
- Ordinances can be a petty misdemeanor offense or a misdemeanor crime
- All licensed peace officers (and, additionally, park patrol agents) can enforce ordinance violations; in practical terms, Park Police officers typically enforce MPRB Ordinances
- MPRB has Chapter 14 – Administrative Offenses, which allows for administrative fines (previously used for off-leash dog and parking violations)



# Petty Misdemeanor

- Rule 23 Minnesota Court Rules:

[https://www.revisor.mn.gov/court\\_rules/cr/id/23/](https://www.revisor.mn.gov/court_rules/cr/id/23/)

- Rule 23.01 Definition of Petty Misdemeanor

"Petty misdemeanor" means an offense punishable by a fine of not more than \$300 or other amount established by statute as the maximum fine for a petty misdemeanor.

- Rule 23.06 Effect of Conviction

A petty misdemeanor is not considered a crime.

➤ Examples: Off-leash dog violation; parking violation



# Administrative Offense

- A petty misdemeanor ordinance would still need to be adopted prohibiting public consumption of cannabis
- The adopted ordinance would then need to be designated as an administrative offense
- The MPRB would establish the penalty/fine associated with a violation
- If the fine is paid, there is no court record
- Failure to pay the administrative fine may result in prosecution in the courts as a petty misdemeanor or could result in a collections referral
- MPRB currently has the authority to create Administrative Ordinances, but the staffing and procedural infrastructure would need to be developed



# Other Units of Government

- Ordinance with petty misdemeanor
- Ordinance with an administrative offense option
- Focusing on smoking and vaping versus substance
- Counties – use policies in conjunction with established public health ordinances



# Existing Practices

- Alcohol – addressed through an ordinance that prohibits consumption outside of areas designated by a policy. Enforced by law enforcement (including park agents). Violations are a misdemeanor crime.
- Tobacco – added through a policy. Enforced by all staff through ejection. If patron refuses ejection, can escalate to disorderly conduct, which would be enforced by law enforcement. Disorderly conduct is a misdemeanor crime.



# Options for Consideration

1. Take no action
2. Adopt a policy
3. Adopt a petty misdemeanor ordinance with ability to create exceptions/designated areas for use by policy
4. Adopt a petty misdemeanor ordinance
5. Adopt a petty misdemeanor ordinance with an administrative penalty



# Options in review

## 1. Take no action

- Focus on existing state law that considers impacts on minors, impacts related to school facilities
- Definitions are not clear in all cases and no penalties

## 2. Adopt a policy

- Establishes expectation of not using cannabis in the parks
- Will rely on staff and community to enforce
- If it escalates to disorderly conduct it becomes a misdemeanor



# Options in review

## 3. Adopt a petty misdemeanor ordinance with ability to create designated areas for use by policy

- Establishes expectation of not using cannabis in the parks, except in designated areas
- Enforceable by staff (policy) and peace officers and park patrol agents (ordinance)
- Maximum penalty is petty misdemeanor
- Provides opportunity for permitted use areas

## 4. Adopt a petty misdemeanor ordinance

- Establishes expectation of not using cannabis in the parks
- Enforceable by peace officers and park patrol agents
- Maximum penalty is petty misdemeanor



# Options in review

## 5. Adopt a petty misdemeanor ordinance with an administrative penalty

- Establishes expectation of not using cannabis in the parks
- Enforceable by peace officers and park patrol agents
- Penalty is an administrative fine, un-paid fines are referred to court as a petty misdemeanor or advanced to collections
- No existing infrastructure to manage program, may require additional staffing



# Options for Consideration

1. Take no action
2. Adopt a policy
3. Adopt a petty misdemeanor ordinance with ability to create exceptions/designated areas for use by policy
4. Adopt a petty misdemeanor ordinance
5. Adopt a petty misdemeanor ordinance with an administrative penalty



# Board Discussion and Direction

