

**CITY OF HARRIS
ORDINANCE 2025-06**

**AN ORDINANCE RELATING TO THE REGULATION AND REGISTRATION OF
CANNABIS RETAIL AND BUSINESSES WHICH INCLUDE CANNABIS MICROBUSINESS WITH
RETAIL OPERATION ENDORSEMENT, CANNABIS MEZZOBUSINESS WITH RETAIL OPERATION
ENDORSEMENT, CANNABIS RETAILER, MEDICAL CANNABIS RETAILER, AND LOWER-
POTENCY HEMP EDIBLE RETAILER.**

CHAPTER 119: ADULT-USE CANNABIS

The City Council of the City of Harris ordains:

Section 1. The Harris Code of Ordinances, Title XI Business Regulations, Chapter 119 is amended to add the following Article:

ADULT-USE CANNABIS PRODUCTS

Sec. 119-01. Find and Purpose

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Harris to protect the public health, safety, welfare of Harris residents by regulating cannabis and lower-potency hemp edible businesses within the legal boundaries of Harris.

The Harris City Council finds and concludes that the proposed provisions are appropriate and lawful regulations for Harris, that they are in the public interest and for the public good.

In making these findings and enacting this ordinance, it is the intent of the Harris City Council to ensure responsible Adult-Use Cannabis Product retailing, allowing legal sale and access, and to prohibit or discourage the marketing, sale, or distribution of Adult-Use Cannabis Products to youth under 21 years of age.

Sec. 119-02. Authority. The Harris City Councils has the authority to adopt this ordinance pursuant to:

(A) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis business.

(B) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

(C) Minn. Stat. 342.27, regarding the general requirements of state-licensed cannabis retail businesses.

Sec. 119-03 Jurisdiction. This ordinance shall be applicable to all places within the legal boundaries of the City of Harris for which the city lies within the boundaries of Chisago County for purposes of cannabis and hemp retailer registration.

Sec. 119-04 Severability If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, which finding shall not serve as an invalidation or affect the validity and enforceability of any other section or provision of this Ordinance.

Sec. 119-05 Definitions. Unless otherwise noted in this section, words and phrases contained in MN Stat 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meaning in this ordinance. Except as otherwise provided or clearly implied by context, all terms are given their commonly accepted definitions. For purposes of this Article, the following definitions apply unless the context clearly indicates or requires a different meaning.

- (1) **Background Investigation.** The investigation conducted by the Chisago County Sheriff's Department of all registered product applicants, all parties having any formal or informal ownership stake in the business, and any person(s) identified as a manager of the proposed retail establishment. The purpose of the background investigation is to determine if there are any disqualifying factors that would preclude the issuance of a registration to the applicant or the proposed retail establishment location.
- (2) **Cannabinoid.** Any edible cannabinoid product or nonedible cannabinoid product authorized for sale in Minnesota Statute.
- (3) **Cannabinoid-related devices.** Any equipment, products or materials of any kind which are used, intended for use, or designed for use in repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.
- (4) **Cannabis plant.** "Cannabis plant" means all parts of the plant of the genus Cannabis that is growing or has not been harvested, including but not limited to a mother plant; a mature, flowering plant; an immature plant; or a seedling. Cannabis plant does not include a hemp plant.
- (5) **Cannabis Retailer.** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- (6) **Certified hemp.** Hemp plants that have been tested and found to meet the requirements of Minnesota Statute Chapter 18K and the rules adopted thereunder by the State of Minnesota.
- (7) **Compliance checks.** The system the City uses to investigate and ensure that those authorized to sell registered products are following and complying with the requirements of this article. Compliance checks will involve the use of persons under

the age of 21 as authorized by this article. Compliance checks also mean the use of persons under the age of 21 who attempt to purchase registered products for educational research and training purposes as authorized by state and federal law. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to registered products.

- (8) **Delivery sale.** The sale of any registered 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 retail establishment. Delivery sale includes, but is not limited to, the sale of any registered products when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by registrants or third parties by any means, including curbside pick-up.
- (9) **Edible Cannabinoid Product** Edible cannabis product" means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other than an artificially derived cannabinoid in combination with food ingredients; is not a drug; and is a type of product approved for sale by the office, or is substantially similar to a product approved by the office including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include lower-potency hemp edibles.
- (10) **Exclusive Liquor Store.** An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, subdivision 10.
- (11) **Labeling.** All labels and other written, printed, or graphic matter that are:
 - a. affixed to the immediate container in which a product regulated under this article is sold.
 - b. provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets.; or
 - c. provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.
- (12) **Registered product.** Adult-Use Cannabis Products and Cannabinoid-related devices.
- (13) **Registrant.** A person registered under this Article and/or the owner of the business.
- (14) **Registrant's employee.** A person employed by a registrant to work at a sales or service counter or otherwise make sales to the registrant's customers.
- (15) **Moveable place of business.** Any form of business operated out of a truck, van, automobile, trailer, or other type of vehicle or transportable shelter and not a fixed

address store front or other permanent type of structure authorized for sales transactions.

- (16) **Nonedible Cannabinoids.** Include, but are not limited to tablets, capsules, solutions, tinctures, or other products meant for oral administration/ingestion; creams, lotions, ointments, salves, or other products meant for topical administration; products meant to be inhaled, smoked, vaped, sprayed into nostrils, or insufflated (sniffed); and hemp flowers and buds.
- (17) **Nonintoxicating Cannabinoid.** Substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.
- (18) **Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
- (19) **Retail establishment.** Any place of business where registered products are available for sale to the public. The phrase shall include a business facility that sells goods or merchandise directly to the public at retail value, including but not limited to, grocery stores, convenience stores, restaurants, gas station and drugstores.
- (20) **Sale.** Any transfer of goods for money, trade, barter, or other consideration.
- (21) **Sampling.** The introduction or promotion of registered products by offering single or partial servings for no or minimal fee.
- (22) **Self-service merchandising.** Open displays of registered product in any manner where any person shall have access to the registered product without the assistance or intervention of the registrant or the registrant's employee. Such assistance or intervention shall involve the actual physical exchange of the registered product between the customer and the registrant or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the registrant's employee and the customer.
- (23) **THC Product** means any product that contains tetrahydrocannabinol and that meets the requirement to be sold for human or animal consumption.
- (24) **Vending machine.** Any mechanical, electric or electronic, or other type of self-service device which, upon the insertion of money, tokens, or other form of payment, dispenses the registered product and includes vending machines equipped with manual, electric or electronic locking devices.

The provisions of this Ordinance shall be considered minimum requirements and shall be liberally construed in favor of the City of Harris and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Sec. 119-06 Registration Required. No person shall sell or offer to sell registered products without first having obtained registration to do so from the city. All registrations issued under this article shall be valid only on the premises for which the registration was issued and only for the person to whom the registration was issued. No transfer of any registration to another location or person shall be valid.

Sec. 119-07. Application Procedures.

- (1) **Registration Application.** An application for registration to sell registered products must be made on a form provided by the city and filed, along with all required fees, with the city clerk or designated registering authority. The application shall be submitted on **the city's approved** form and shall contain all information that the city deems necessary. If the registering authority determines that an application is incomplete, the application shall be returned to the applicant with notice of the information necessary to make the application complete.
 - A.) An applicant for a retail registration shall fill out an application form, as provided by the City of Harris. Said form shall include, but is not limited to:
 - a. Full name of the applicant;
 - b. Full name of the property owner, as well as mailing address, email address and telephone number of the property owner, if property owner is different from the applicant;
 - c. Address, email address, and telephone number of the applicant;
 - d. The address and parcel ID for the property which the retail registration is sought;
 - e. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. § 342.13; and
 - B.) The applicant shall include with the form:
 - a. The application fee as required in Section 119-07 above;
 - b. A copy of a valid state license or written notice of OCM license preapproval;
 - c. A copy of the lease agreement or other contract authorizing applicant to occupy the retail location if the applicant is not the owner of the property;
 - d. Verification that applicant is current on all applicable property taxes and assessments at the location where the retail establishment is located;
 - e. A copy of the documentation showing compliance with state fire and building codes, if applicable to the business; and
 - f. A certificate of liability insurance.
 - C.) Once an application is considered complete, the City of Harris shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial. A complete application is an application that contains all information and documentation as required pursuant to A) and B), above

- D.) The City of Harris shall review a completed application once the City makes a determination that the application is complete. The City shall review completed application in the order in which such application is received and determined complete. When a registration becomes available, the City of Harris shall review the waitlist for applicants in the order they were received.
- E.) The application fee shall be non-refundable once processed.
- (2) **Background Investigation.** The background investigation fee is applied to the city's costs of the background investigation of the retail establishment and all persons or entities that have at least a five percent financial interest in the retail establishment, and the manager of the retail establishment. The property must be in compliance with all applicable laws and ordinances. The Chisago County Sheriff's Department shall conduct the background investigation before consideration by the city.
- (3) **Payment of Fees.** Each application for registration must be accompanied by payment in full of the required fees, as such fees are determined by the City Council. No application will be processed until all fees have been paid.
- a. **Registration fee.** Each application for registration or registration renewal must be accompanied by a payment in full of the required registration fee.
- Initial retail registration fee – \$500 or up to half the amount of the applicable initial license fee under MN Stat 342.11, whichever is less. The initial retail registration fee shall include the fee for initial registration and the first annual renewal.
 - Renewal retail registration fee – \$1,000 or up to half the amount of the applicable renewal license fee under MN Stat 342.11, whichever is less. Any renewal fee shall be charged at the time of the second renewal and each subsequent annual renewal thereafter.
 - There shall be no application fee. MN Stat 342.22
 - A cannabis business with a cannabis retailer registration and a medical cannabis retailer registration for the same location may only be charged a single registration fee.
 - Registration fees are non-refundable.
- b. **Background investigation fee.** Each initial application for an initial registration under this article must be accompanied by a payment in full of the background investigation fee(s). Background investigation fees are nonrefundable.
- c. **Late fee.** Each application for renewal application submitted after the given due date for such application, must be accompanied by payment in full of a late fee. Late fees are not refundable.
- (4) **Registration Location.**

- a. **Retail Establishment.** Registered products may only be sold within a retail establishment.
- b. **Movable Business.** No registration may be issued to a moveable place of business. Only fixed location businesses shall be eligible for registering under this article.
- c. **Exclusive Liquor Store.** Licensed liquor stores can now sell edibles or beverages containing hemp THC. Liquor stores are subject to the same registration and product compliance requirements as other retail establishments.
- d. **Land Use Buffer.** Cannabis Product sales are prohibited from locating or operating within the following prescribed buffer distances. Measurements shall be made in a straight line, without regard to city boundaries, intervening structures, or objects, from the nearest point of the approved premises containing the cannabinoid use to the nearest point of the following prescribed facility or building:
 - 1) 1000 feet of a school (including public/nonpublic school, college or university)
 - 2) 500 feet of a licensed daycare or childcare
 - 3) 500 feet of a residential treatment facility
 - 4) 500 feet of an attraction within a public park that is regularly used by minors including a playground or athletic field

(5) Hours of Operation.

- a. A cannabis business with a registration or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between 8:00 a.m. and 10:00 p.m. on the days of Monday through Saturday and 10:00 a.m. and 10:00 p.m. on Sunday.
- b. A cannabis business with a registration or endorsement authorizing the retail sale of cannabis flower or cannabis products may not be open to the public or sell any other products at times when the cannabis business is prohibited from selling cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived products.

Sec. 119-08. Persons eligible. Grounds for denying the issuance or renewal of a registration under this article are described below. However, except as may otherwise be provided by law, the existence of any grounds for denial does not mean that the city must deny the registration. If a registration is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the registration under this article. The following are grounds for denying a registration or a registration renewal:

- (1) The applicant is under the age of 21 years;
- (2) The applicant or any other person included on the application has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation reasonably relating to the sale of registered products;
- (3) The applicant or any other person included on the application has had a registration to sell registered products revoked within the preceding 12 months of the date of application in this or any other jurisdiction in the United States;
- (4) The applicant or any other person included on the application has been subject to any adverse or disciplinary actions against any business registration held in this or any other jurisdiction in the previous five years, regardless of whether any criminal charges were brought in connection with the alleged violation(s);
- (5) The applicant fails to provide any information required on the application, or provides false or misleading information at any stage of the application or background investigation;
- (6) The applicant or any other person included on the application is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a registration;
- (7) The applicant or any other person included on the application has failed to pay any taxes or fees owed to the City of Harris or is in violation of MN Stat 270C.72;
- (8) The applicant or any other person included in the application is determined to be law abiding citizen; or
- (9) The business is proposed to be operated on premises on which property taxes, assessments, or other financial claims by the state, county or city are due, delinquent, and unpaid, provided the applicant or owner(s) or other entity in which the applicant or owner(s) has an interest has the legal duty to pay said taxes, assessments, or claims due and owing.

Sec. 119-09. Action on Registration Application.

- (1) **City Council Determination.** The City Council may either approve the registration, approve the registration with conditions, deny the registration, or it may delay action for a reasonable period as necessary to complete any additional investigation of the application or the applicant it deems necessary. If the City Council approves the registration, the registering authority shall issue the registration to the applicant. If the City Council approves the registration with conditions or denies the registration, notice of the action and the basis for the action shall be given to the applicant along with notice of the applicant's right and method to appeal the City Council's decision.
- (2) **Transfer.** All registrations issued under this article shall be valid only on the premises for which the registration was issued and only for the persons to whom the

registration was issued. Should the ownership of the business change at any point during the registration period, a new application and background investigation will be required. MN Stat 342.22 sub 3d

- (3) **Renewals.** The renewal of a registration issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current registration. The issuance of a registration issued under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the registration. This renewal shall be at the same time OCM renews the cannabis retail business' license.
- (4) **Renewal Application.** Harris may charge a renewal fee for the registration starting at the second renewal, as established in Harris' fee schedule.
- (5) **Revocations or Suspension.** Any registration issued under this article may be revoked, suspended, or have registration conditions imposed as provided in the Administrative Penalties section.
- (6) **Display.** All registrations shall be posted and displayed at or near the primary entrance to the registered retail establishment and in plain view of the public on the registered premises.

Sec. 119-10. Storage and Display.

It shall be unlawful for a registrant under this Article to allow the sale of registered products by any means whereby a customer may have access to such items without having to request the item from the registrant or the registrant's employee and whereby there is not a physical exchange of the registered product between the registrant or their employee and the customer. All registered products must either be stored behind a counter or another area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the public.

Sec.119-11. Prohibited Acts.

- (1) **In general.** It shall be a violation of this article for any person to sell or offer to sell any registered products:
 - a. By means of any type of vending machine.
 - b. By means of self-service merchandising whereby the customer does not need to make a verbal or written request to an employee of the registered premises to receive the registered product.
 - c. From any form of movable place of business, or at the time and location of any special event.
 - d. Containing controlled substances as defined in MN Stat 152.

- e. By delivery sale.
- f. To an individual under the age of 21.
- g. By any employee under the age of 21.
- h. To an obviously intoxicated person.
- i. By any other means or to any other person, prohibited by federal, state, or other local law, ordinance, provision, or other regulation.

(2) **Legal Age.** No person shall sell any registered products to any person under the age of 21 years.

- a. **Proof of age** for purchasing registered products may be established only by a valid driver's license or state identification card, a valid military identification card issued by the United States Department of Defense, or in the case of a foreign national by a valid passport.
- b. **Signage.** Notice of the legal sales age and age verification requirement must be always posted prominently and in plain view at each location where registered 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. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

(3) **Samples Prohibited.** No person shall distribute samples of any registered product free of charge or at a nominal cost. The distribution of registered products as a free donation is prohibited.

(4) **Self-Checkout.** No sales of registered products may be completed through self-checkout. A registrant or registrant's employee must process each transaction at a point of sale.

(5) **Pricing and discounts.** No person shall accept or redeem any coupon, price promotion, or the instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any registered product to a consumer at no cost or at a price that is less than the non-discounted standard price listed by a retailer on the item or on any retailers shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

Sec. 119-12. Compliance Checks and Inspections.

Chisago County Sheriff's Office shall complete at minimum one unannounced age verification compliance check per calendar year of every cannabis retail business that Chisago County registers to assess if the business meets age verification requirements, as required under Minn. Stat. § 342.22 Subd. 4 and Minn. Stat. § 342.24, Subd. I and this Ordinance.

- 1. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the

person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

The following are violations of an age verification compliance check:

1. Employment of or contracting with an individual under 21 years of age if the individual's scope of work involves handling cannabis plants, cannabis flowers, artificially derived cannabinoids, or cannabinoid products.
2. Allowing an individual under 21 years of age to enter the business premises unless the individual is a person enrolled in the Registry Program.
3. Selling or giving cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to an individual under 21 years of age unless the individual is enrolled in the Registry Program and the cannabis business holds a medical cannabis retail endorsement.

Any violation of an age verification compliance checks under this section must be reported to the Office of Cannabis Management.

Sec.119-13. Administrative Penalties; Fines Established.

Registrants. If a registrant, any employee of a registrant, or any other person representing the registered premises sells registered products to an individual under the age of 21 or violates any other provision of this article, the registrant shall be subject to an administrative penalty. If a retail establishment has its registration suspended pursuant to this article, that retail establishment shall, during the period of suspension, remove all registered products away from public view. Penalties occurring within a 24-month period will be presumed as follows:

Upon a finding that the registrant has sold registered product to another retail registrant for the purpose of resale; purchased registered product from another retail registrant for the purposes of resale; failed to remove or dispose of registered product when ordered by the Sheriff to do so under City ordinance; or failed to comply with any other applicable state statute or rule, or code provision herein relating to registered product, a civil penalty of \$500 for the first violation, \$1,000 for the second violation within a 24-month period, and \$1,500 and a seven-day suspension of registration for a third violation within a 24-month period shall be imposed upon the registrant who shall pay the civil penalty within 30 days of the date of a notice from the city. Notwithstanding the foregoing civil penalties, a civil penalty of \$2,000 and 30-days' suspension of the registration, unless a greater civil penalty, suspension or revocation is otherwise determined by City Council, shall be imposed upon a registrant upon the fourth or more violation within a 36-month period. The foregoing penalties shall not restrict the City Council from

ordering the revocation of the registration, suspension of the registration for up to 60 days, a civil penalty up to \$2,000, or impose any combination thereof. If the registrant fails to pay the civil penalty within 30 days of notice, the registrant's registration shall be suspended until the civil penalty, plus any surcharge or interest for late payment, is paid in full.

No suspension or revocation of a registration or civil penalty under this section shall take effect until the registrant has been given an opportunity for a hearing under the Minnesota Administrative Procedure Act. If the registrant files a request for a hearing with the City Clerk within ten business days of the date of the notice of the registration action or civil penalty, the City Clerk shall schedule a hearing before a hearing officer duly appointed by the City Council. If the registrant fails to timely request a hearing or fails to appear at a scheduled hearing, the registrant shall be deemed to have waived his or her right to a hearing and shall be subject to the registration action or civil penalties imposed hereunder. If the registrant timely requests a hearing, the hearing shall be held before the hearing officer within 14 days of the date the registrant files a request for hearing with the City Clerk. Upon conclusion of the hearing, the hearing officer shall issue written findings of fact and conclusions as to whether a violation has occurred, and the penalty imposed as authorized herein. If the hearing involves a fourth or more violation by the registrant, the hearing officer shall present written findings of fact and conclusions to the City Council for its consideration of additional penalties, including revocation of the registration.

Individuals. A person who sells registered products to an individual under the age of 21 may be charged an administrative fine of \$500.00. No fine may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and was provided an opportunity for a hearing before the City Council. A decision that a violation has occurred must be in writing.

Fines Established. The fines for violations as listed above may be amended from time to time by the City Council.

Sec.119-14. Criminal Penalty. In addition to any administrative penalties under this article, any person, firm, or corporation violating any of the provisions of this article shall be guilty of a misdemeanor. Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor in district court for any violation of this article, or in the case of minors, referring the matter to juvenile court.

Sec.119-15. Defenses. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

This Ordinance shall take effect and be in full force after its adoption and publication, as provided by law.