



CITY OF FALCON HEIGHTS

2077 W Larpenteur Ave

Falcon Heights, MN 55113

Phone 651.792.7600 | Fax 651.792.7610

www.falconheights.org

FOR OFFICE USE
Date Received:
Approval Date:
Has State Contacted City? Yes or No
Circle One: Initial or Renewal
B-3 Zoning? Yes or No
Amount Paid:
Receipt:

Cannabis Business Registration Application

Directions: All portions of this application must be completed for it to be considered complete. Only one cannabis business is allowed within the City of Falcon Heights at a time. This will be based on the first complete cannabis business registration application received and paid for with the City of Falcon Heights. Partial applications will be considered incomplete, and applicant(s) will be notified.

All cannabis business registration applications must include a copy of or proof of a license or retail endorsement from the Office of Cannabis Management.

- \$1500 – Cannabis Retailer** - Includes \$500 initial registration fee + \$1000 first renewal fee (1st two years)
- \$1000 – Cannabis Retailer** - Renewal fee only (from 3rd year on)
- \$250 – Lower-Potency Hemp Retailer** - Includes \$125 initial registration fee + \$125 first renewal fee (1st two years)
- \$125 – Lower-Potency Hemp Retailer** - Renewal fee only (from 3rd year on)

Applicant / Business / Establishment Information:

Business / Establishment Name: _____

Applicant Name (Full name, including middle name using no initials):

Is the individual submitting the application the business owner? Yes No

Applicant Residential Address: _____

Street Address

Cell Phone Number: _____ Email Address: _____

Business Address: _____
(Must be a physical location) Street Address

_____ City State Zip

Business Mailing Address: _____
Street Address

_____ City State Zip

Business Owner (If not the individual submitting application):

_____ First Name Middle Name Last Name

Business Phone: _____ Business Email: _____

Alternate Phone: _____ Business Website: _____

Applicant is a: Corporation Partnership LLC Other

Business name registered with the MN Department of Revenue: _____

MN Tax ID (7 digits): _____ Federal Tax ID (9 digits): _____
(Or SSN if applicant is an individual without a state tax ID)

Pursuant to Minnesota Statute (M.S. 270.72) the city is required to provide your Minnesota tax identification number and the social security number or individual taxpayer identification number of each license applicant (person signing this application) to the Minnesota Commissioner of Revenue. Failure to supply this information may jeopardize or delay the processing of this application.

Other True Parties of Interest (List full name and residential address):

Number of Employees at this Location: _____

5. Additional Documents Needed with this Application (all must be checked and included):

- Copy or proof of license or retail registration with the Office of Cannabis Management
- Copy of driver's license
- State of Minnesota Workers' Compensation Form (enclosed)
- Map showing business will be at least 300' from any primary and secondary school, daycare, residential treatment facility, or attraction within a public park regularly used by minors (*Not valid for lower-potency hemp retailers*)
- Signed affidavit confirming distance as shown on submitted map

6. I understand and agree to the following (all must be reviewed and checked):

- I am 21 years of age or older.
- I will not sell any approved product or medical cannabinoid product by vending machine.
- I will store and lock all approved products and medical cannabinoid products, including lower-potency hemp beverages, in a case behind the sales counter, in a storage unit, or in another area not freely accessible to the general public.
- I will not sell products at a movable place of business.
- I will comply with all packaging and labeling requirements under Minn. Stat. §§ 342.62 and 342.63.
- My business will never operate outside of the permitted hours of 10 a.m. and 9 p.m. seven days per week. (*Not valid for lower-potency hemp retailers*)
- All individuals employed at my business to sell approved products and medical cannabinoid products will be at least 21 years of age.
- I will not provide samples of approved products or medical cannabinoid products free of charge or for a nominal cost.
- Smoking will be prohibited within the indoor and outdoor area of my registered cannabis retail establishment, including any patios, porches, decks, or other similar areas.
- I will not allow on-site consumption, unless where expressly permitted by my State license.
- All approved products and medical cannabinoid products will be packaged in child-resistant packaging.

- I will follow all advertisement restrictions pursuant to Minn. Stat. § 342.64.
- I will not sell or offer for sale any approved products or medical cannabinoid products that are attractive to underage persons.
- I will not accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any form, that provides an approved product to a consumer at no cost or at a price that is less than the non-discounted, standard price listed. This provision does not apply to the sale of medical cannabinoid products.
- I will not sell or offer for sale any flavored products intended to be inhaled as smoke, aerosol, or vapor.
- I will abide by all potency and amount per sale transaction requirements as set by Minn. Stats. §§ 342.27 and 342.46.
- My business will not share a common entrance with a tobacco shop.
- All business operations will take place within an enclosed building.
- I acknowledge that only one cannabis registration is permitted within the City of Falcon Heights at a time and approval of this registration application is conditional on availability.
- I acknowledge that on-site cannabis consumption is prohibited at any special event within the City of Falcon Heights (not to include the University of Minnesota or Minnesota State Fair properties), regardless of the hosting organization or individual.
- I understand that I will be inspected by authorized city officials or their designees during regular business hours, and will be subject to compliance checks at least once annually.
- I will be responsible for the actions of my employees regarding the sale, offer to sell, and furnishing of approved products on the licensed and registered premises of my business. The sale, offer to sell, or furnishing of any approved product or medical cannabinoid product by an employee will be considered an act of the registrant (myself).
- I understand not all regulations required by City Code may be listed here and I affirm to review and abide by all requirements as set in City Code, Section 14, Article X and Chapter 113.

Application is hereby made for a **Cannabis Registration** for the period of January 1 to December 31 of the calendar year. **If this is an initial registration, this is also valid for the period of January 1 to December 31 of the next calendar year.**

I swear that the above statements are true to the best of my knowledge and belief and that all documents as required have been included with this application. **I also acknowledge that I have reviewed all requirements as outlined in City Code Chapter 14, Article X and Chapter 113 and understand that if any requirements are not met or if I am in violation of City Code, I may be assessed penalties and/or complaint(s) may be issued to the Office of Cannabis Management as outlined in Minn. Stat. § 342.13. False or misleading statements or information may be grounds for registration denial, suspension, or revocation.**

Applicant Signature: _____ Date: _____

Business Owner Signature: _____ Date: _____
(If different from applicant)

Return to the City of Falcon Heights

2077 Larpenteur Avenue West
Falcon Heights, MN 55113

Email: mail@falconheights.org
Website: falconheights.org
Phone: (651) 792-7600
Fax: (651) 792-7610

Certificate of Compliance Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number	
Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)			
DBA ("doing business as" or "also known as" an assumed name), if applicable			
Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. **I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)

Policy number:	Effective date:	Expiration date:
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- I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see <https://mn.gov/commerce/industries/insurance/licensing/self-insurance>.)

2. **I am not required to have workers' compensation insurance because:**

- I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name:

Applicant signature (required)	Title	Date
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City Code of Falcon Heights, Minnesota

ARTICLE X – Cannabis and Hemp Businesses

Sec. 14-313 – Findings

The City Council make the following findings regarding the establishment, operations, and sales of cannabis retailers and lower-potency hemp edible retailers located in the City of Falcon Heights:

- (1) A local regulatory system for cannabis retailers is appropriate and not unduly burdensome to ensure that retailers comply with the cannabis laws and business standards of the city to protect the health, safety, and welfare of our youth and most vulnerable residents; and
- (2) The City of Falcon Heights has a substantial interest in promoting compliance with state and local laws intended to regulate cannabis sales and use, and in promoting compliance with laws prohibiting sales of cannabis and cannabis products to underage persons; and
- (3) The rapid introduction of cannabinoid products presents a significant potential threat to the public health, safety, and welfare of the general public and can interfere with brain development in youth and adolescents according to the U.S. Surgeon General.

Sec. 14-314 – Authority and Jurisdiction

The City Council is authorized to adopt this Ordinance by Minnesota Statutes sections 144.417, subd. 4(a), 145A.05, subd. 9, 412.221, 152.0263, subd. 5, Chapter 342, Chapter 412, and any other applicable state law, as may be adopted or amended from time to time.

Sec. 14-315 – Definitions

Except as otherwise provided or clearly implied by context, all terms are defined as in Minn. Stat. § 342.01 or given their commonly accepted definitions. For this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning:

Advertisement means any written or oral statement, illustration, or depiction that is intended to promote sales of approved products or sales at a specific cannabis business or hemp business and includes any newspaper, radio, internet and electronic media, or television promotion; the distribution of flyers and circulars; and the display of window and interior signs in a cannabis business. “Advertisement” does not include a fixed outdoor sign that meets the requirements in Minn. Stat. § 342.64, subd. 2, paragraph (b) as amended from time to time.

Approved products means 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 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. Ch. 342.

Child-resistant means packaging that meets the poison prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.

Compliance checks means the system the city 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 city or other units of government for educational, research, and training persons or for investigating or enforcing state or local laws and regulations relating to approved products.

Delivery sale means 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 product and medical cannabinoid product 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.

Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Flavored product means any cannabis flower, cannabis product, hemp-derived consumer product or medical cannabinoid product intended to be inhaled as smoke, aerosol, or vapor from the product that: (1) contains any added artificial, synthetic, or natural flavoring, either in the product itself or in its components or parts; (2) presents any descriptor or depiction of flavor that would imply to an ordinary person that the product contains flavors other than the natural taste or smell of cannabis; (3) imparts a taste or smell, other than the taste or smell of cannabis, that is distinguishable by an ordinary consumer prior to or during the consumption of the product; or (4) imparts a cooling, a burning, a numbing, or another sensation distinguishable by an ordinary consumer to impart a flavor other than cannabis either prior to or during the consumption of the product.

Lower-potency hemp edible means any product that:

- (1) Is intended to be eaten or consumed as a beverage by humans;
- (2) Contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients;
- (3) Is not a drug;
- (4) 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;

- (5) Does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) Does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) 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.

Lower-potency hemp edible retailer means any place of business with a preapproved license, 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 City.

Medical cannabinoid product means (a) a product that:

- (1) Consists of or contains cannabis concentrate or hemp concentrate or is infused with cannabinoids, including but not limited to, artificially derived cannabinoids; and
- (2) Is provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical condition.

A medical cannabinoid product must be in the form of: liquid, including but not limited to oil; pill; liquid or oil for use with a vaporized delivery method; water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles; orally dissolvable product, including lozenges, gum, mints, buccal tablets, and sublingual tablets; edible products in the form of gummies and chews; topical formulation; or any allowable form or delivery method approved by the Office of Cannabis Management.

Medical cannabinoid product does not include adult-use cannabis products or hemp-derived consumer products.

Medical cannabis combination business means any business as described in Minn. Stat. §342.515, as amended from time to time.

Moveable place of business means 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.

Pharmacy means a place of business at which prescription drugs are prepared, compounded, or dispensed by or under the supervision of a pharmacist and from which related clinical pharmacy services are delivered.

Registered cannabis retail business means any cannabis business with a preapproved license, license, or endorsement from the Office of Cannabis Management for retail sales of approved products or medical cannabinoid products and that has a retail registration from the City.

Registered retail establishment means registered cannabis retail businesses, medical cannabis combination businesses with retail sales, and lower-potency hemp edible retailers.

Retail establishment means 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 means any transfer of goods for money, trade, barter, or other consideration.

Sample means any approved products or medical cannabinoid products that are offered free of charge or for sale at a nominal cost.

Self-service display means 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.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, cannabis, or other substance, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic delivery device. Smoking does not include the use of traditional, or sacred, tobacco used by an American Indian, Indigenous, and Alaska Native communities for spiritual or medicinal purposes.

True party of interest means any party with ownership or control over the business, as defined in Minn. Stat. § 342.185 subd. 1(g).

Vending machine means 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 mean 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. Youth-oriented facilities includes, but is not limited to, schools, playgrounds, places of worship, recreation centers, and parks.

Sec. 14-316 – Registration and operation of registered retailers

- (a) *License required.* No person shall sell or offer to sell any approved product or medical cannabinoid product without first having obtained a license or retail endorsement to do so from the Office of Cannabis Management.
- (b) *Registration required.* No person shall sell or offer to sell any approved product or medical cannabinoid product without first being granted a registration by the city. Operating a retail establishment without first being granted a registration is a violation of this Ordinance and of Minn. Stat. § 342.22, subd. 5(e) and is subject to a civil penalty of up to \$2,000 per violation.
- (c) *Application.* An application for a registration to sell approved products and medical cannabinoid products must be made on a form provided by the city. 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 city deems necessary. Upon receipt of a completed application, the city will timely review the application. If an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

- (d) *Action.* The city shall review the application for conformance with this ordinance and all applicable state and local laws and rules, including, but not limited to, compliance with local zoning code, building code, and fire code. The city may approve or deny the application for a registration, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the city approves the application, the city will issue the registration to the applicant. If the city 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.
- (e) *Term.* All registrations issued are valid for one calendar year from the date of issue.
- (f) *Revocation or suspension.* Any registration issued may be suspended or revoked following the procedure set forth in Sec. 14-323(a) of this ordinance.
- (g) *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.
- (h) *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.
- (i) *Renewals.* The renewal of a registration issued under this Ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current registration.
- (j) *Issuance is privilege and not a right.* The issuance of a registration is a privilege and does not entitle the registration holder to an automatic renewal of the registration.
- (k) *Maximum number of cannabis retailer registrations.* The City shall issue a registration to no more than one cannabis retailer, cannabis microbusiness with a retail endorsement, or cannabis mezzobusiness with a retail endorsement. When the maximum number of registrations for these license types has been issued, the city may place persons seeking registration on a waiting list and allow them to apply on a first-come, first-served basis, as registrations are not renewed or are revoked. This maximum number of registrations does not apply to businesses with lower-potency hemp edible retailer registrations.

Sec. 14-317 – Fees

No registration will be issued under this ordinance until the appropriate registration fees are paid in full. The annual fee for the initial registration and renewal registrations for a cannabis business with a cannabis retail operations license or endorsement or lower-potency hemp edible retail operations license shall be established in the City Fee Schedule. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Subsequent

renewal fees shall be charge at the time of the second renewal and each subsequent renewal thereafter.

Sec. 14-318 – Basis for Denial of Registration

- (a) An initial application for registration or a renewal of registration with the city will be denied if:
 - (1) The applicant is under 21 years of age;
 - (2) The applicant does not have a valid retail license, preapproved license, or retail endorsement from the Office of Cannabis Management;
 - (3) The applicant fails to provide any piece of information required on the licensing application, or provides false or misleading information;
 - (4) The applicant is prohibited by state, or local, law, ordinance, or other regulation from holding a registration; or
 - (5) There are no available registrations under Sec. 14-316(k) for the type of business applying; or
- (b) If a registration is mistakenly issued or renewed to any person, 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.

Sec. 14-319 – Prohibited Sales and Other Restrictions

- (a) *In general.* In addition to the prohibitions and restrictions set forth under Minn. Stat. § 342.46, subd. 7, and Minn. Stat. § 342.27, subd. 12, no registered cannabis retailer, lower-potency hemp edible retailer, or medical cannabis combination business shall sell or offer to sell any approved product or medical cannabinoid product:
 - (1) By means of any type of vending machine.
 - (2) All approved products and medical cannabinoid products, including lower-potency hemp beverages, 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 retailers from displaying single product samples pursuant to Minn. Stat. § 342.27, subd. 5.
 - (3) At a moveable place of business. Only fixed location businesses may sell approved products and medical cannabinoid products.
 - (4) That do not comply with the packaging and labeling required under Minn. Stat. §§ 342.62 and 342.63 as may be amended from time to time, except that:
 - a. No lower-potency hemp edible beverage may be sold outside of its original packaging; and,
 - b. No lower-potency hemp edible product may be sold that does not indicate a single serving by scoring or use of another indicator that appears on the product. If it is not possible to indicate a single serving by scoring or use of another indicator that appears on the product, the lower-potency hemp edible may not be packaged in a manner that includes more than a single serving in each container.

- (5) By means of delivery sales except by a state-licensed Cannabis Delivery Service. All sales of approved products and medical cannabinoid products must be conducted in person, in a registered retail establishment, in over-the counter sales transactions. This does not prohibit sale of medical cannabinoid products by medical cannabis combination businesses by curbside pick-up as allowed in Minn. Stat. § 342.42, subv. 5, or the operations of a Cannabis Delivery Service under Minn. Stat. § 342.42.
- (6) 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.
- (b) *Legal age.* No person shall sell any approved product 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.
- (c) *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. Businesses licensed or endorsed to sell medical cannabinoid products may allow admittance to persons under age 21 who are enrolled in the medical registry program for the sole purpose of purchasing medical cannabinoid products pursuant to Minn. Stat. § 342.24.
- (d) *Cannabis retailer distance restrictions.*
 - (1) No registered cannabis retail business may be located within 300 feet of any primary and secondary school, measured from the property line of the school to the principal structure of the cannabis retail business.
 - (2) No registered cannabis retail business may be located within 300 feet of any daycare, residential treatment facility, or attraction within a public park that is regularly used by minors, including a playground or athletic field, measured from the nearest property line of a daycare, residential treatment facility, or attraction within a public park that is regularly used by minors to the principal structure of the cannabis retail business.
 - (3) This restriction does not apply to lower-potency hemp edible retailers.
- (e) *Cannabis retailer hours of operation.* Sales of approved products at a registered cannabis retail business are only allowed between the hours of 10 a.m. and 9 p.m. seven days per week 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 restriction does not apply to lower-potency hemp edible retailers.
- (f) *Minimum clerk age.* Individuals employed by a registered retail establishment and medical cannabis combination business must be at least 21 years of age to sell approved products and medical cannabinoid products.
- (g) *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.
- (h) *Smoking prohibited.* Smoking is prohibited within the indoor and outdoor area of any registered cannabis retail establishment, including patios, decks, porches, and any similar area related to the registered retail establishment.

- (i) *On-site consumption prohibited.* No registered retail establishment may allow on-site consumption of lower-potency hemp edible products on the premises except where expressly permitted by State license.
- (j) *Child-resistant packaging.* All sales of any approved products and medical cannabinoid products must be packaged in child-resistant packaging.
- (k) *Advertising restrictions.* Registered retail establishments must follow all advertisement restrictions pursuant to Minn. Stat. § 342.64, as amended from time to time.
- (l) *Products that are attractive to underage persons.* No person shall sell or offer for sale any approved products and medical cannabinoid products that are attractive to underage persons.
- (m) *Coupon and price promotion.* No registered retail establishment may accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any approved products 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 shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes. This provision does not apply to the sale of medical cannabinoid products.
- (n) *Flavored product.* No person shall sell or offer for sale any flavored products indented to be inhaled as smoke, aerosol, or vapor.
- (o) *Potency and amount per sale transaction.*
 - (1) Registered cannabis retail businesses may sell or offer for sale approved products that comply with potency limits in accordance with Minn. Stat. § 342.27, subd. 2, c, d, and e, as amended from time to time.
 - (2) Lower-potency hemp edible retailers and cannabis retailers may sell or offer to sale lower-potency hemp edible products that comply with potency limits in accordance with Minn. Stat. § 342.46, subd. 6, as amended from time to time.
- (p) *Special events.* No on-site use of approved products is allowed at special events.

Sec. 14-320 – Compliance checks and inspections.

- (a) All registered retail establishments must be open to inspection by authorized city officials or their designees during regular business hours.
- (b) In accordance with Minn. Stat. § 342.22, subd. 4, city will conduct compliance checks of every retail establishment with a retail registration issued by the city. The checks will assess compliance with age verification requirements and all provisions of this ordinance.
- (c) From time to time, but at least once per year, the city must conduct compliance checks to ensure compliance with all provisions of this ordinance.
- (d) In accordance with state law, the city will conduct at least one annual compliance check that involves participation of a person at least 17 years of age, but under the age of 21, to enter the registered retail establishment to attempt to purchase approved products under the supervision of a law enforcement officer or an employee of the City. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check.

Sec. 14-321 – Responsibility

All registered medical cannabis combination businesses, cannabis retail businesses, and lower-potency hemp edible retailers 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 product or medical cannabinoid product by an employee will be considered an act of the registrant.

Sec. 14-322 – Defenses

It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

Sec. 14-323 – Violations, penalties, and administrative hearings.

(a) *Violations.*

- (1) *Notice.* A person violating this ordinance may be issued, either personally or by mail, an administrative citation from the city that sets forth the alleged violation and 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.
- (2) *Hearings.*
 - a. 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 City Administrator or other designated city officer. 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.
 - b. The City Administrator or other designated city officer 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.
- (3) *Hearing officer.* The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.
- (4) *Decision.* A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in Sec. 14-323 (a)(6).

- (5) *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$500.00 must be paid by the person requesting the hearing.
 - (6) *Appeals.* Appeals of any decision made by the hearing officer must be filed in Ramsey County district court within 10 business days of the date of the decision.
 - (7) *Continued violation.* Each violation, and every day in which a violation occurs or continues, will constitute a separate offense.
- (b) *Administrative Penalties*
- (1) *Registrants.* Any registrant cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of \$500.00 for a first violation; \$750.00 for a second offense at the same registered premises within a 24-month period; and \$250.00 for a third or subsequent offense at the same location within a 24-month period from the first violation. Upon the third violation, the registration will be suspended for a period of not less than 30 consecutive days and may be revoked. Upon a fourth violation within a 36-month period from the first violation, the registration will be revoked.
 - (2) *Registration suspension.* In accordance with Minn. Stat. § 342.22, subd. 5, the city will suspend the retail registration of any registered retail establishment for up to 30 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 City shall immediately notify the Office of Cannabis Management, including a description of the grounds for the suspension.
 - (3) *Retail establishment operating without a registration.* Pursuant to Minn. Stat. § 342.22, subd. 5(3), 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.
- (c) *Tobacco retail licenses.* In accordance with Minn. Stat. § 461.12, subd. 2a, a tobacco retail license will be suspended for no less than seven (7) days and may be revoked for certain cannabis-related violations by the licensed tobacco retailer on the licensed premises.
- (d) *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.
- (e) *Complaints submitted to the Office of Cannabis Management.* In accordance with Minn. Stat. § 342.13 (h), any violations of this ordinance will be submitted as complaints to the Office of Cannabis Management.

Sec. 14-324 – 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.

Sec. 14-325 – Effective date.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as amended from time to time.

City Code of Falcon Heights, Minnesota
Portions of Chapter 113 regarding Cannabis Retail Establishments

Section 113-3 –

Cannabis retail establishment means a cannabis business with a license or endorsement authorizing the retail sale of cannabis flower, cannabis plants, or cannabis products.

Lower-Potency Hemp Edible Retailer has the meaning as established in Minnesota Statutes Chapter 342, as amended.

Special event means any temporary, outdoor privately-sponsored event open to the general public and held on privately owned property. Special events including cannabis events licensed under Minnesota Statutes Chapter 342 regardless of size, but do not include:

- (1) Any permanent place of worship, stadium, athletic field, arena, theater, auditorium;
- (2) Any event conducted on the campus of the University of Minnesota or the grounds of the Minnesota State Fair;
- (3) Special events or activities sponsored by the city;
- (4) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, wedding receptions, funerals and funeral processions;
- (5) Garage sales and residential boutique sales as regulated in section 113-174;
- (6) Block parties and neighborhood meetings;
- (7) Any event attended by fewer than 150 persons at one time which does not require any special services and does not involve the sale of alcohol;
- (8) Any event that is other regulated by the city through the use of another regulatory manner, such as an interim use permit or conditional use permit; and
- (9) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

Section 113-179(c) –

- (36) Cannabis retail establishment, subject to additional standards as specified in section 113-255.
- (37) Lower-potency hemp edible retail, subject to additional standards as specified in section 113-255.

Sec. 113-255 – Cannabis or hemp retail establishments.

A cannabis business with a license or endorsement authorizing the retail sale or any lower-potency hemp edible retailer must meet the following requirements and all requirements as outlined in Chapter 14, Article X:

- (1) No individual or entity may operate a state-licensed cannabis retail business within the City of Falcon heights without first registering with the City of Falcon Heights. See Chapter 14, Article X for requirements.
- (2) Only one cannabis retailer, cannabis microbusiness with a retail endorsement, or cannabis mezzobusiness with a retail endorsement shall be permitted in the City of Falcon Heights at a time.
- (3) Cannabis retailer distance restrictions.
 - a. No registered cannabis retail business may be located within 300 feet of any primary and secondary school, measured from the property line of the school to the principal structure of the cannabis retail business.
 - b. No registered cannabis retail business may be located within 300 feet of any daycare, residential treatment facility, or attraction within a public park that is regularly used by minors, including a playground or athletic field, measured from the nearest property line of a daycare, residential treatment facility, or attraction within a public park that is regularly used by minors to the principal structure of the cannabis retail business.
 - c. This restriction does not apply to lower-potency hemp edible retailers.
- (4) Sales of approved products at a registered cannabis retail business are only allowed between the hours of 10 a.m. and 9 p.m. seven days per week.
- (5) No registered retail establishment may allow on-site consumption of cannabis flower, cannabis products, or lower-potency hemp edible products on the premises unless expressly permitted to do so by the terms of its license from the State of Minnesota.
- (6) Smoking is prohibited within the indoor and outdoor area of any registered cannabis retail establishment, including patios, decks, porches, and any similar area related to the registered retail establishment.
- (7) A cannabis retail establishment is prohibited from sharing a common entrance with a business licensed as a tobacco products shop.
- (8) All operations of the business shall take place within an enclosed building.

Section 113-315(r)(14) –

- r. Retail, including cannabis retail establishments and lower-potency edible hemp retailers. One space for each 150 square feet of gross floor area.

Section 113-402 -

- (6) *Cannabis consumption.* The on-site consumption of cannabis or cannabis products, including lower-potency hemp edibles or beverages, is prohibited at all special events.