

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: January 23, 2023  
Item No.: 7.c

Department Approval

City Manager Approval



Item Description: Consider an ordinance rescinding Ordinance #1616 and lifting the moratorium on the sales of edibles and beverages infused with Tetrahydrocannabinol (THC) Products

**BACKGROUND**

A new law ([Minnesota Statutes 151.72](#)) was enacted at the end of the 2022 Minnesota legislative session that allows certain edible and beverage products infused with tetrahydrocannabinol (THC) to be sold. The new law expanded the authority to include nonintoxicating cannabinoids, including edible cannabinoid products, provided they do not contain more than 0.3% of any THC. Local governments are delegated authority from the state to protect the public health, safety and general welfare of their residents.

On August 8, 2022, the Roseville City Council passed an ordinance implementing a moratorium on the sale of edibles and beverages infused with THC determining finding that the moratorium was necessary to protect the planning process regarding regulation on the sale of THC products and to protect the health, welfare, and safety of its citizens.

On November 7, 2022, the City of Roseville adopted Ordinance No. 1621 establishing a licensing process and other regulations for the sale of THC which made the moratorium no longer necessary. Under the ordinance, it would expire after 365 days after passage and publication or unless lawfully terminated or extended pursuant to state law. In order to officially end the THC sales moratorium, the City Council is asked to approve an ordinance (Attachment B) to rescind Ordinance #1616 and lift the moratorium on the sale of edibles and beverages infused with THC.

**POLICY OBJECTIVE**

Local governments are delegated authority from the state to protect the public health, safety and general welfare of their residents. Imposing and rescinding moratoriums are part of that authority.

**BUDGET IMPLICATIONS**

There is no direct budget impact on rescinding Ordinance #1616. A licensing framework for retail sales of edibles and beverages infused with THC was passed by the City Council on November 7, 2022. The new licensing framework will create revenue from license fees.

**RACIAL EQUITY IMPACT SUMMARY**

Studies have shown that there are some communities that have experienced a disproportionate, negative impact from cannabis regulation enforcement. For example, Black Americans are arrested for cannabis offenses at a rate of nearly 4:1, compared to whites.<sup>1</sup> With the creation of a legal

<sup>1</sup> ACLU. (2020, April 17). *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*. Retrieved from ACLU.org: <https://www.aclu.org/news/criminal-law-reform/a-tale-of-two-countries-racially-targeted-arrests-in-the-era-of-marijuana-reform>

31 regulatory framework for THC edibles and beverage sales and use, there will be less need for  
32 criminal enforcement against individuals.  
33

34 **STAFF RECOMMENDATION**

35 Adopt the ordinance provided in Attachment B and ordinance summary provided in Attachment C.

36 **REQUESTED COUNCIL ACTION**

37 Adopt the Ordinance provided in Attachment B, and approve the ordinance summary as provided in  
38 Attachment C.

Prepared by: Patrick Trudgeon, City Manager

Attachments: A. Ordinance #1616  
B. Ordinance rescinding Ordinance #1616  
C. Ordinance Summary

**City of Roseville  
ORDINANCE NO. 1616**

**AN INTERIM ORDINANCE IMPOSING A TEMPORARY  
MORATORIUM ON THE SALE OF EDIBLES AND BEVERAGES  
INFUSED WITH TETRAHYDROCANNIBINOL (THC)**

**THE CITY OF ROSEVILLE ORDAINS:**

**SECTION 1: PURPOSE AND INTENT**

The City of Roseville recognizes the significant public interest and concern regarding recent State of Minnesota legislation legalizing the sale of certain products, including edibles and beverages, infused with tetrahydrocannabinol (THC). The City desires to regulate the sale of such products in a manner that is consistent to public health, welfare, and safety, as well as in accordance with the City's interest in fairness and due process toward potential future retail establishments and purveyors of such products.

Given the abrupt nature of the Legislature's passage of relevant law and the significant public interest and concern resulting therefrom, the City further recognizes that the specific contours of such regulation have not yet been vetted with appropriate diligence.

Minnesota Statutes Section 462.355, subd. 4, permits municipalities to implement a moratorium on certain land uses within its jurisdiction to allow for the completion of appropriate study and subsequent adoption of relevant land use controls. State law permits such moratoria to persist for a period of up to twelve (12) months.

The City hereby concludes that additional study and research is required to formulate and adopt appropriate regulations governing the sale of edibles and beverages infused with THC within its jurisdiction.

Therefore, the City finds that a moratorium on the sale of edibles and beverages infused with THC is necessary to protect the planning process and to protect the health, welfare, and safety of its citizens.

## SECTION 2: PROHIBITION

Pursuant to Minnesota Statutes Section 462.355, the sale of products, including edibles and beverages, infused with any tetrahydrocannabinol (THC) is prohibited until this interim ordinance expires or is terminated by action of the City Council.

## SECTION 3: EFFECTIVE DATE AND EXPIRATION.

This interim ordinance shall take effect upon its passage and publication, and shall expire 365 days after such effective date unless lawfully terminated or extended pursuant to state law.

Passed by the City Council of the City of Roseville this 8<sup>th</sup> day of August, 2022.

*Ordinance –Temporary Moratorium on sale, manufacturing, and distribution of THC products*

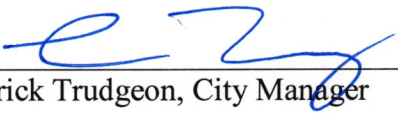


CITY OF ROSEVILLE

BY: 

\_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:

  
\_\_\_\_\_  
Patrick Trudgeon, City Manager

**City of Roseville  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE RESCINDING ORDINANCE NO. 1616 AND  
LIFTING THE MORATORIUM ON THE SALE OF EDIBLES AND BEVEAGES  
INFUSED WITH TETRAHYDROCANNIBINOAL (THC)**

THE CITY COUNCIL OF THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Ordinance No. 1616 is hereby amended to read as follows:

**PURPOSE AND INTENT**

When originally adopted on August 8, 2022, the City of Roseville adopted the following:

The City of Roseville recognizes the significant public interest and concern regarding recent State of Minnesota legislation legalizing the sale of certain products, including edibles and beverages, infused with tetrahydrocannabinol (THC). The City desires to regulate the sale of such products in a manner that is consistent to public health, welfare, and safety, as well as in accordance with the City's interest in fairness and due process toward potential future retail establishments and purveyors of such products.

Given the abrupt nature of the Legislature's passage of relevant law and the significant public interest and concern resulting therefrom, the City further recognizes that the specific contours of such regulation have not yet been vetted with appropriate diligence.

Minnesota Statutes Section 462.355, subd. 4, permits municipalities to implement a moratorium on certain land uses within its jurisdiction to allow for the completion of appropriate study and subsequent adoption of relevant land use controls. State law permits such moratoria to persist for a period of up to twelve (12) months. The City hereby concludes that additional study and research is required to formulate and adopt appropriate regulations governing the sale, manufacturing and distribution of edibles and beverages infused with THC within its jurisdiction.

Therefore, the City finds that a moratorium on the sale of edibles and beverages infused with THC is necessary to protect the planning process and to protect the health, welfare, and safety of its citizens.

On November 7, 2022, the City of Roseville adopted Ordinance No. 1621 establishing a licensing process and other regulations for the sale of THC which made the moratorium no longer necessary. Therefore, the City wishes to lift the moratorium prior to its expiration.

## PROHIBITION

~~Pursuant to Minnesota Statutes Section 462.355, the sale, manufacturing and distribution of products, including edibles and beverages, infused with any tetrahydrocannabinol (THC) is prohibited until this interim ordinance expires or is terminated by action of the City Council.~~

EFFECTIVE DATE AND EXPIRATION. This interim ordinance shall take effect upon its passage and publication, and shall expire 365 days after such effective date ~~unless lawfully terminated or extended pursuant to state law~~ or upon passage and publication of an ordinance lifting the moratorium.

SECTION 2: Effective Date: Ordinance No. 1621 shall be repealed upon the passage and publication of this ordinance.

Passed by the City Council of the City of Roseville this \_\_\_\_th day of \_\_\_\_\_, 2023.

**Ordinance – Repealing Temporary Moratorium on sale, manufacturing, and distribution of THC Products**

(SEAL)

CITY OF ROSEVILLE

BY: \_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:

\_\_\_\_\_  
Patrick Trudgeon, City Manager

**CITY OF ROSEVILLE  
OFFICIAL SUMMARY OF ORDINANCE NO.**

**AN ORDINANCE AN ORDINANCE RESCINDING ORDINANCE NO. 1616 AND  
LIFTING THE MORATORIUM ON THE SALE OF EDIBLES AND BEVEAGES  
INFUSED WITH TETRAHYDROCANNIBINOAL (THC)**

The City Council of the City of Roseville adopted Ordinance No.        on        , which is summarized as follows:

This ordinance rescinds Ordinance # 1616 and lifts the moratorium on the sales of edibles and beverages infused with Tetrahydrocannabinol (THC) in Roseville.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary is available online at the Roseville Branch of the Ramsey County Library, 2160 Hamline Avenue, Roseville, MN. 55113, and on the City of Roseville website at [www.cityofroseville.com](http://www.cityofroseville.com).

*Ord – Chapters XXXX & XXXXX*

Attest: \_\_\_\_\_  
Patrick J. Trudgeon, City Manager

Date: \_\_\_\_\_