

ORDINANCE NO. 1506

AN ORDINANCE AMENDING WILLMAR MUNICIPAL CODE, CHAPTER 8, LICENSES, PERMITS AND BUSINESS REGULATIONS

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 8-301. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-301. – Purpose, Findings and Intent.

The purpose of this Section is to regulate the sale of legalized adult-use of any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. § 151.72 (“THC Products”) for the following reasons:

* * * *

(d) State law requires THC product retailers to check the identification of purchasers to verify that they are at least 21 years of age (Minn. Stat. § 151.72, ~~subd. 3(e)~~subd. 3(d)), comply with certain packaging and labeling requirements to protect children and youth (*Id.*, subd. 5), and meet certain potency and serving size requirements (*Id.*, subd. 55a).

(e) State law authorizes the ~~Board of Pharmacy~~ Minnesota Department of Health to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and ensure the safety and compliance of commercially available THC products in the state of Minnesota.

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Section 2. AMENDMENT OF MUNICIPAL CODE SECTION 8-302. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-302. – Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in

this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * *

~~*Exclusive Liquor Store.* An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, subdivision 10.~~

* * * *

Section 3. AMENDMENT OF MUNICIPAL CODE SECTION 8-303. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-303. – License.

* * * *

(e) *Term.* All licenses issued under this article shall be valid until December 31 of the year of issue or until the Minnesota Office of Cannabis Management issues a license to the person, business or entity, whichever comes first.

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Section 4. AMENDMENT OF MUNICIPAL CODE SECTION 8-306. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-306. – Ineligibility and Basis for Denial of License.

(a) *Ineligibility.*

* * * *

~~(2) *Exclusive Liquor Store.* No license shall be issued to an exclusive liquor store as defined in Minnesota Statutes, section 340A.101, subdivision 10.~~

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Section 5. AMENDMENT OF MUNICIPAL CODE SECTION 8-307. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-307. – Prohibited Acts.

* * * *

(b) *Legal Age; Verification.* ~~No person shall sell any licensed product to any person under the age of 21. Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.~~ Prior to initiating a sale or otherwise providing THC product to an individual, an employee of a retailer must verify that the individual is at least 21 years of age.

(1) Proof of age may be established only by one of the following:

(a) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada and including the photograph and date of birth of the licensed person;

(b) a valid Tribal identification card as defined in section Minnesota Statute 171.072, paragraph (b);

(c) a valid passport issued by the United States;

(d) a valid instructional permit issued under section Minnesota Statute 171.05 to a person of legal age to purchase THC products, which includes a photograph and the date of birth of the person issued the permit; or

(e) in the case of a foreign national, by a valid passport.

(2) A registered retailer may seize a form of identification listed under paragraph (1) if the registered retailer has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A registered retailer that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency within 24 hours of seizing it.

* * * *

(g) *Hours and Days of Sale.* No sale of THC products may be made between 10:00 p.m., and 8:00 a.m. Monday through

~~Sunday~~Saturday. No sale of THC products may be made before 10 a.m. or after 10 p.m. Sundays.

Section 6. AMENDMENT OF MUNICIPAL CODE SECTION 8-308. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-308. – Additional Requirements.

- (a) *Storage*. All licensed products, other than products that are intended to be consumed as a beverage, must be displayed behind a checkout counter where the public is not permitted or in a locked case, shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

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Section 7. AMENDMENT OF MUNICIPAL CODE SECTION 8-311. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-311. – Violations and Penalty.

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- (c) *Misdemeanor Prosecution*. Any person who sells or offers to sell any licensed product in violation of this article shall be guilty of a misdemeanor. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this article. Nothing in this section shall prohibit prosecution of any violation under Minn. Stat. § 151.72, subd. 7.

Section 8. AMENDMENT OF MUNICIPAL CODE SECTION 8-312. Chapter 8, Article IX, of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-312. – Exceptions and Defenses.

Nothing in this article shall prevent the providing of licensed products to a person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. ~~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 in Minn. Stat. § 340A.503, subd. 6.~~ It shall

be an affirmative defense to the violation of this article if a person proves by a preponderance of the evidence that the person reasonably and in good faith relied on proof of age as described in Sec. 8-307(b) and Minn. Stat. § 151.72, subd. 5c.

Section 9. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

Passed by the City Council of the City of Willmar this 7th day of August, 2023.

ATTEST:

/s/ Judy R. Thompson
Judy Thompson, City Clerk

/s/ Douglas E. Reese
Douglas E. Reese, Mayor

VOTE: X SHULDES X O'BRIEN X DAVIS X ASMUS
 X FAGERLIE X ASK X BUTTERFIELD X NELSEN

This Ordinance introduced by Council Member: Fagerlie

This Ordinance introduced on: July 17, 2023

This Ordinance published on: July 22, 2023

This Ordinance given a hearing on: August 7, 2023

This Ordinance adopted on: August 7, 2023

This Ordinance published on: August 12, 2023

SUMMARY PUBLICATION OF CITY OF WILLMAR ORDINANCE NO. 1506

AN ORDINANCE AMENDING WILLMAR MUNICIPAL CODE, CHAPTER 8, LICENSES, PERMITS AND BUSINESS REGULATIONS

Summary: Ordinance No. 1506 makes several amendments in Chapter 8 of the Willmar Municipal Code, regulating Tetrahydrocannabinol Products, by amending sections of the Municipal Code to bring the ordinance in compliance with state statute following the enactment by the Minnesota Legislature of 2023 Session Laws, Chapter 63, Article 7, which amended Minnesota Statutes, Section 151.72, including changes in the law transferring product and testing standards authority to the Minnesota Department of Health; permitting the sale of THC products at exclusive liquor stores; clarifying age verification procedures; requiring certain storage of THC products at retail locations; and addressing certain violations and prosecution.

The complete text of Ordinance No. 1506 may be obtained at no charge at City Hall (333 6th Street Southwest, Willmar, MN 56201), or from the City's website at www.willmarmn.gov.