

COUNTY OF JACKSON  
STATE OF MINNESOTA

ORDINANCE No.: 111

**ORDINANCE REGULATING THE USE OF CANNABIS AND CANNABIS DERIVED  
PRODUCTS IN JACKSON COUNTY OWNED PARKS, CAMPGROUNDS AND  
TRAILS**

THE JACKSON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS  
FOLLOWS:

**SECTION 1. PURPOSE AND INTENT**

This Ordinance is adopted by Jackson County for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of cannabis and cannabis derived products in county owned public places within Jackson County.

Minnesota Session Law 2023, Chapter 63, effective in relevant part August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal subject to the requirements and restrictions of Minnesota Statutes.

Minnesota Session Law 2023, Chapter 63, Art. 4, section 19, codified as Minn. Stat. 152.0263, subd. 5 authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis.

The County intends to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis.

Jackson County (hereinafter “the County”) recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.

**SECTION 2. 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 ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

- (a) **Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.
- (b) **Adult-use cannabis products.** “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not

include medical cannabinoid products or lower-potency hemp edibles.

(c) **Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

(d) **Cannabis product.** “Cannabis product” means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

(e) **County.** Jackson County, Minnesota.

(f) **Hemp derived consumer products.**

- (1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
  - i. contains or consists of hemp plant parts; or
  - ii. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
- (2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(g) **Lower-potency hemp edible.** A “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 cannabivarin, 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.
- (h) **Public place.** A “public place” means a county owned public park, campground or trail.
- (i) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

### SECTION 3. PROHIBITED ACTS

**Subd. 1.** No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp- derived consumer products in a public place.

**Subd. 2.** No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any public place.

### SECTION 4. JURISDICTION

This Ordinance shall be applicable within public places as defined herein.

### SECTION 5. PENALTY

**Subd. 1.** Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

**Subd.2.** An alleged violation or violation of this ordinance may be investigated by a peace officer as defined in Minn. Stat. 626.84, Subd. 1. Any alleged violation or violation of this ordinance shall be prosecuted by the Office of the Jackson County Attorney.

### SECTION 6. SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

**SECTION 7. EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the Jackson County Board of Commissioners this 7th day of May, 2024.

  
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Don Wachal - County Board Chair

Attest:

  
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Ryan Krosch - County Administrator

**DRAFTED BY:**  
COUNTY ADMINISTRATOR, RYAN KROSCH  
JACKSON COUNTY COURTHOUSE  
405 4<sup>TH</sup> STREET  
JACKSON, MN 56143

*Subscribed and sworn before me this 7<sup>th</sup> day of May 2024.*

Brandi Bourquin  
Signature of Notary Public

January 31, 2026  
Date Commission Expires

Brandi Bourquin  
Printed Name of Notary Public

Jackson  
County of Residence

