

Edible Cannabinoid Products

Application





EDIBLE CANNABINOID PRODUCTS LICENSE APPLICATION

Applicant Information

Applicant's Name (First, Middle, Last)

Applicant's Home Phone Number

Applicant's Address

Applicant's Cell Phone Number

City State Zip

Applicant's Email Address

Applicant's Birthdate

Business Information

Business Name

Business Phone Number

Doing Business As

Business Address

City State Zip

Name and address of ALL persons with ten percent (10%) or more ownership interest in the business.

Product Manufacturer Information

Manufacturer Name

Business Phone Number

Doing Business As

Manufacturer Address

City State Zip

Type of entity – See Details

If the responsible Party is listed as the Registered Agent or Chief Executive Officer of the Entity on the Minnesota Secretary of State's website, no further documentation is necessary. However, if not so identified, the following information for specific types of Entities is necessary.

State where created: _____

Registered with MN Secretary of State: Yes No

Sole Proprietorship

- Certificate of Assumed Name (if any)

Partnerships (all Types)

- Partnership Agreement and subsequent Amendments and/or
- Additional Documentation**

General Partnership

Limited Partnership

Limited Liability Partnership

Limited Liability Limited Partnership

Limited Liability

- Operating Agreement and subsequent Amendments and/or
- Additional Documentation**

Limited Liability Company

Corporations (all Types)

- Articles of Incorporations and/or
- Bylaws of the Corporation and subsequent Amendments and/or
- Additional Documentation

Business Corporation

Nonprofit Corporation

Trusts

- Trust title page with name of Trust, date of Trust, and name of Trustee and
- Trust Signature page and
- Any Amendments affecting Trusteeship

** Additional documentation showing that the Responsible Party is authorized to act on behalf of the Partnership/LLC/Corp. Such documentation may include a signed and notarized written document authorizing the responsible Party to act executed by a Registered Agent or Chief Executive Officer so identified on the Minnesota secretary of State's website.

The failure to provide the above requested information will result in your application being rejected as incomplete.

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. 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.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)
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DBA (doing business as name) (if applicable)

BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
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YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

I have no employees.

I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____

Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

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

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

TAX IDENTIFICATION FORM

LICENSE APPLICANT:

Pursuant to *Minnesota Statute 270C.72 Tax Clearance: Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest:
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service:
3. Failure to supply this information may jeopardize or delay the processing of your licensing issuance or renewal application.

Please supply the following information and return along with your application to the agency issuing the license. DO NOT RETURN TO THE DEPARTMENT OF REVENUE.

Name of Applicant _____

Type of Business _____

Minnesota Tax Identification # _____

Federal Tax Identification # _____

Social Security # (if MN & Federal Tax ID are not provided)* _____

If a Minnesota Tax Identification Number is not required, please explain below.

Signed by _____ Date _____

Print Name of Person Signing: _____

***2008 Minnesota Statutes
270C.72 TAX CLEARANCE; ISSUANCE OF LICENSES.**

Subd. 4. Licensing authority; duties.

All licensing authorities must require the applicant to provide the applicant's Social Security number and Minnesota business identification number on all license applications. Upon request of the commissioner, the licensing authority must provide the commissioner with a list of all applicants, including the name, address, business name and address, Social Security number, and business identification number of each applicant. The commissioner may request from a licensing authority a list of the applicants no more than once each calendar year.

History: 2005 c 151 art 1 s 87



**CONSENT TO PERFORM CRIMINAL HISTORY/
DRIVER'S LICENSE BACKGROUND CHECK
TENNESSEN WARNING**

Print Full Name (First) (Full Middle) (Last)

Print Maiden / Previous Name(s) and/or Aliases

Residing at _____
(Address) (City) (State) (Zip Code)

Driver's License No. / State

Phone Number

Cell Phone Number

E-Mail

Date of Birth

Place of Birth

I do hereby authorize the Moorhead Police Department to disclose criminal history, driver's license, and local records check information to the Moorhead City Manager, City Clerk, and City Council all collected as a result of the background investigation completed for the purpose of evaluating the license application. I understand that failure to provide this release will result in a denial of my application.

I understand that my records are subject to the State Data Practices Act and become public documents unless otherwise provided for by state or federal law. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it and that in any event, the consent expires automatically as described below.

This authorization is valid for six (6) months from the date indicated below.

Signature of above individual authorizing release

Date: _____

Subscribed and sworn before me this

_____ day of _____, 20_____.

(Notary Public)

My commission expires _____

All **owners**, **partners**, and **managers** are to complete a copy of this form.

ORDINANCE NO. 2022-21

AN ORDINANCE TO CREATE AND ENACT TITLE 2, CHAPTER 5, ARTICLE E, TO AMEND AND REENACT TITLE 10, CHAPTER 18, SECTION 1, AND TO AMEND AND REENACT THE ANNUAL FEE SCHEDULE OF THE APPENDIX OF THE MOORHEAD MUNICIPAL CODE RELATING TO SALES, USE REGULATIONS, AND LICENSING FEES OF EDIBLE CANNABINOID PRODUCTS

BE IT ORDAINED by the City Council of the City of Moorhead as follows:

SECTION 1. Title 2, Chapter 5, Article E of the Moorhead Municipal Code is hereby created and enacted to read as follows:

ARTICLE E. SALES OF EDIBLE CANNABINOID PRODUCTS

- 2-5E-1: SCOPE
- 2-5E-2: DEFINITIONS
- 2-5E-3: LICENSE
- 2-5E-4: BASIS FOR DENIAL OF LICENSE
- 2-5E-5: QUALIFICATIONS OF LICENSEE
- 2-5E-6: ADMINISTRATIVE REMEDIES
- 2-5E-7: CRIMINAL PENALTIES
- 2-5E-8: PROHIBITED SALES
- 2-5E-9: OBVIOUSLY INTOXICATED OR IMPAIRED PERSONS
- 2-5E-10: SELF-SERVICE SALES
- 2-5E-11: RESPONSIBILITY
- 2-5E-12: COMPLIANCE CHECKS
- 2-5E-13: OTHER PROHIBITED ACTS
- 2-5E-14: MEDICAL CANNABIS MANUFACTURE, DISPENSING, AND USE
- 2-5E-15: EXCEPTIONS AND DEFENSES
- 2-5E-16: SEVERABILITY

2-5E-1: SCOPE:

A. This Article applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human consumption by any route of administration.

B. This Article does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to state law.

2-5E-2: DEFINITIONS:

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

LICENSED PRODUCT OR EDIBLE CANNABINOID PRODUCT: Any product that is intended to be eaten or consumed as a beverage by humans, contains tetrahydrocannabinol in combination with food ingredients, and is not a drug.

SALE: Any transfer of goods for money, trade, barter or other consideration.

SAMPLE: Any quantity of an edible cannabinoid product, given for free or a nominal cost, so a person can try it or examine it before making the decision to purchase.

2-5E-3: LICENSE:

A. **License Required:** No person shall, directly or indirectly, or by means of any device, keep for retail sale, sell at retail, or otherwise dispose of any edible cannabinoid products without a license therefor.

B. **Application:** An application for a license to sell edible cannabinoid products must be made on a form provided by the city. Application for a license shall state the full name and the residential and business addresses and telephone numbers of the applicant, the name of the business, the location of the building intended to be used by the applicant under the license, the kind of business conducted at such location, and such other information as shall be required by the city.

C. **License Fee:** No license shall be issued under this article until the appropriate license fees are paid in full. License fees shall not be prorated for any reason, including where licenses are issued for terms less than one (1) year. The fees for such licenses will be established by the city's fee schedule. The city may from time to time amend and change the permit fees by and amendment of the fee schedule or passage of a subsequent fee schedule.

D. **Term:** All licenses issued under this section shall be valid from January 1 through December 31 of each year.

E. **Revocation Or Suspension:** Any license issued under this section may be revoked or suspended as provided in the administrative remedies section of this article.

F. **Transfers:** All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid. If a transfer is needed, the applicant will need to reapply and submit new payment of license fees.

G. **Moveable Place of Business:** No license shall be issued to a movable place of business. Only fixed location businesses shall be eligible to be licensed under this section.

H. **Display:** All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

I. **Issuance As Privilege And Not A Right:** The issuance of a license issued under this section 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 license.

J. **Distribution Of Samples:** No person shall distribute samples of any edible cannabinoid products free of charge or at nominal cost, including on licensed premises.

K. **Background Check:** The police department shall conduct a criminal background check on the applicant, and any and all owners with ten percent (10%) or more ownership interest in the business. Where the applicant is a firm, association, partnership, corporation, limited liability company, or joint venture, the police department may conduct a criminal background check on the applicant, local manager, or agent of the licensed premises, in addition to any and all owners with a ten (10% or more ownership interest in the business). In the event a national criminal background investigation is required, the applicant shall be responsible for all additional fees incurred for such and, upon request, provide additional information required to complete this process. All applicants are required to complete an informed consent authorizing the disclosure of all criminal history record information. The city clerk and the police department shall review such application and, without further authorization on the part of the council, issue such license to the applicant if the applicant is eligible therefor.

L. **Renewals:** The renewal of a license 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 thirty (30) calendar days, but no more than sixty (60) calendar days, before the expiration of the current license.

M. **Signage:** Notice of the legal sales age and age verification requirement must be always posted prominently and in plain view at each location where edible cannabinoid products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

2-5E-4: INELIGIBILITY AND BASIS FOR DENIAL OF LICENSE:

A. **Ineligibility.**

1. **Moveable Place of Business:** No license under this section shall be issued to a movable place of business. Only fixed location businesses shall be eligible to be licensed under this section.
2. **Financial Delinquencies:** No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the city or of the state are due, delinquent, or unpaid. If an action has been commenced pursuant to state law, as the same may be amended, questioning the amount or validity of taxes, the city council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.
3. **Other Establishments and Uses:** Any establishment or use prohibited by State law.

B. **Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:**

1. The applicant is under the age of twenty-one (21) years.

2. The applicant has been convicted within the past five (5) years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to edible cannabinoid products.
3. The applicant has had a license to sell edible cannabinoid products suspended or revoked within the preceding twelve (12) months of the date of application.
4. The applicant fails to provide any information required on the application, or provides false or misleading information.
5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

C. However, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license.

D. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.

2-5E-5: QUALIFICATIONS OF LICENSEE:

No license shall be issued to any applicants for sale of edible cannabinoid products at any place other than their established place of business, nor shall any license be issued for the sale of edible cannabinoid products at a movable place of business, nor at more than one place of business, nor as a home occupation at a residential dwelling unit.

2-5E-6: ADMINISTRATIVE REMEDIES:

A. Licensees: Any licensee found to have violated this article, or whose employees have violated this article, shall be subject to the following penalties, and such violation shall be cause for the imposition of an administrative penalty, license suspension, and/or license revocation as set forth below:

1. The first violation shall be subject to an administrative penalty of three hundred dollars (\$300.00).
2. The second violation at the same licensed premises within thirty-six (36) months of the first violation, shall subject licensee to a three (3) day suspension of the license and an administrative penalty of six hundred dollars (\$600.00).
3. The third violation within a thirty-six (36) month period shall subject licensee to thirty (30) day suspension of the license and an administrative penalty of one thousand dollars (\$1,000.00).
4. Upon a fourth violation within a thirty-six (36) month period the license will be revoked.

B. Other Individuals: Individuals other than persons under the age of twenty-one (21) regulated by subsection C of this section, who are found to be in violation of this ordinance may be charged an administrative fine of fifty dollars (\$50.00).

C. Persons Under The Age Of 21: Persons under the age of twenty-one (21) who violate this ordinance may only be subject to non-criminal, non-monetary penalties such as related education classes, diversion programs, community services, or another penalty that the city determines to be appropriate. The city council will consult with court personnel, educators, parents, children, and other interested parties to determine an appropriate penalty for persons under the age of twenty-one (21) in the city. The penalty may be established by ordinance and amended from time to time.

D. Administrative Hearing/Waiver: Upon receipt of information indicating that a violation has occurred, the city manager or his/her designee shall personally serve or send by certified mail notice to the person accused of the violation. The notice shall indicate the nature of the violation and whether such violation will result in an administrative penalty, license suspension, or license revocation. The notice shall also indicate that the person has the option of requesting a hearing before the city council prior to the license suspension, revocation, or imposition of a penalty, or waiving such hearing and accepting the disposition described in the notice. The person shall file a written request for a hearing within ten (10) calendar days of the date specified in the license violation notice, or licensee shall be deemed to have waived its right to a hearing. Upon receipt of a hearing request, the city manager or his designee shall schedule a hearing before the city council at the earliest opportunity and shall send a hearing notice by certified mail. The decision of the city council must be in writing.

2-5E-7: CRIMINAL PENALTIES:

A. Penalty: The penalty for violation of any of the provisions of this article shall be a misdemeanor.

B. Subsequent Offenses: Nothing in this section prohibits the city from seeking prosecutions as a misdemeanor for an alleged second violation of this ordinance by a person twenty-one (21) years of age or older within five (5) years of a previous conviction under the ordinance.

C. Immunity Clause: A person under twenty-one (21) years of age who purchases or attempts to purchase edible cannabinoid products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes which have been approved by the city manager or his designee shall not be subject to a criminal penalty.

2-5E-8: PROHIBITED SALES:

It shall be a violation of this section for any person to sell or offer to sell any edible cannabinoid products:

A. To any person under the age of twenty-one (21) years. Licensees must verify by means of government-issued photographic identification that the purchaser is at least twenty-one (21) years of age.

B. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the edible cannabinoid products and whereby there is not a physical exchange between the licensee, or the licensee's employee, and the customer.

C. By means of any type of vending machine.

D. From any location other than a fixed place of business that is a licensed premise. Delivery of licensed products from a licensee to a purchaser who is located off the licensed premises is strictly prohibited.

E. That bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children.

F. Modeled after a brand of products primarily consumed by or marketed to children.

G. Made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item.

H. Containing an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food.

I. That are packaged in a way that resembles trademarked, characteristic, or product-specialized packaging of any commercially available food product.

J. That are packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

K. That are not prepackaged in packaging or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

L. Without a label containing at least the following information affixed to the packaging or container of all edible cannabinoid products sold to consumers:

a. The serving size;

b. The cannabinoid profile per serving and in total;

c. A list of ingredients, including identification of any major food allergens declared by name; and

d. The following statement: "Keep this product out of reach of children."

e. The name and address of the manufacture of the cannabinoid product.

M. At any place other than for where the license was issued.

N. For consumption or use on any premises that holds a license issued under this section.

O. By any other means, to any other person, on any other manner or form prohibited by federal, state or other local law, ordinance, provision or other regulation.

2-5E-9: OBVIOUSLY INTOXICATED OR IMPAIRED PERSONS:

No person shall sell, give, furnish, dispense, distribute, or in any way procure for another person any licensed products for use by an obviously intoxicated person or a person who is obviously impaired by or under the influence of licensed products or any controlled or intoxicating substance.

2-5E-10: SELF-SERVICE SALES:

No person shall allow the sale of edible cannabinoid products by self-service displays where the customer may have access to those items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the edible cannabinoid products between the licensee or the licensee's employee and the customer. All edible cannabinoid products 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. Any retailer selling edible cannabinoid products at the time this chapter is adopted shall comply with this section within ninety (90) calendar days following the effective date of this section.

2-5E-11: RESPONSIBILITY:

All licensees under this section shall be responsible for the actions of their employees in regard to the sale of edible cannabinoid products on the licensed premises, and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this section, state or federal law, or other applicable law or regulation.

2-5E-12: COMPLIANCE CHECKS:

All licensed premises must be open to inspection by law enforcement or other authorized city officials during regular business hours. From time to time, the city may conduct compliance checks. The city may conduct a compliance check that involves the participation of a person at least seventeen (17) years of age, but under the age of twenty-one (21) to enter the licensed premises to attempt to purchase edible cannabinoid products. Prior written consent from a parent or guardian is required for any person under the age of eighteen (18) to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel.

2-5E-13: OTHER PROHIBITED ACTS:

Prohibited Furnishing or Procurement: It is a violation of this ordinance for any person twenty-one (21) years of age or older to purchase or otherwise obtain any edible cannabinoid products on behalf of a person under the age of twenty-one (21). It is a violation for any person twenty-one (21) years of age and older to coerce or attempt to coerce a person under the age of twenty-one (21) to purchase or attempt to purchase any edible cannabinoid products.

2-5E-14: MEDICAL CANNABIS MANUFACTURE, DISPENSING, AND USE:

Nothing herein shall be construed to prohibit, prevent, impede, or otherwise change any person's right to lawfully manufacture, obtain, dispense, distribute, possess, prescribe, or use medical

cannabis in compliance with state law. Provided, however, that nothing herein shall be construed to grant or expand those rights.

2-5E-15: EXCEPTIONS AND DEFENSES:

Nothing in this section shall prevent the providing of any edible cannabinoid products to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this section for a person to have reasonably relied on proof of age as described by state law.

2-5E-16: SEVERABILITY:

If any section or provision of this article is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without the invalidated section or provision.

SECTION 2. Title 10, Chapter 18, Section 1 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the table have been omitted from the text below):

Use Category (General)	Use Type (Detailed)	Mixed Use Districts			Commercial Districts			Industrial Districts	
		MU-1	MU-2	MU-3	NC	CC	RC	LI	HI
Retail sales and services									
	...								
	Cannabinoid Sales	P	P	P	P	P	P	P	P
	Edible Cannabinoid Product Manufacturing	P		P		P	P	P	P
	Cannabinoid Distillate Product Manufacturing							P	P
	...								

SECTION 3. Title 10, Chapter 18, Section 2 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows:

H. Home occupations:

1. No home occupation shall produce light glare, noise, fumes, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

2. No equipment shall be used in the home occupation, which will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interferences in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises.

3. Any home occupation shall be clearly incidental and secondary to the residential use of the premises. Not more than twenty five percent (25%) of the main floor of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation. It should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

4. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

5. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site and materials which occupy less than three hundred (300) square feet and produce no light glare, noise, fumes, odor or vibration and which are completely screened from adjoining property and public right of way are permitted.

6. The home occupation shall meet all applicable fire and building codes.

7. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of directional and identification/business signs to the extent authorized by the provisions of chapter 22 of this title relating to signs.

8. No home occupation shall be conducted between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. unless said occupation is contained entirely within the principal building and will not require any on street parking facilities.

9. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.

10. Not more than one person other than those who customarily reside on the premises shall be employed.

11. All permitted home occupations must be conducted entirely within a building unless otherwise noted in this section.

12. The home occupation shall not involve any of the following: small engine, auto repair or reconditioning, manufacturing, or cannabinoid sales, cannabinoid production, or cannabinoid manufacturing.

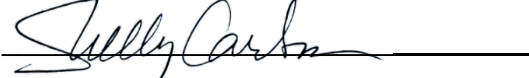
13. Garage sales, yard sales and/or onetime seasonal sales shall be conducted no more than four (4) days total in any one hundred eighty (180) day period.

SECTION 4. The Annual Fee Schedule of the Appendix of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the table have been omitted from the text below):

	2021	2022
BUSINESS AND LICENSE PERMITS		
...		
Cannabinoid Product License		\$750.00

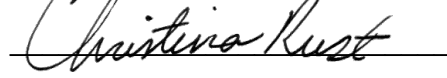
SECTION 5. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

APPROVED BY:



MICHELLE (SHELLY) A. CARLSON, Mayor

ATTEST:



CHRISTINA RUST, City Clerk

First Reading: 10/24/2022

E-Post: 10/28/2022

Second Reading: 11/14/2022

Date of Publication: 11/17/2022

151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(c) "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

(d) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(e) "Label" has the meaning given in section 151.01, subdivision 18.

(f) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) affixed to the immediate container in which a product regulated under this section is sold;

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

(g) "Matrix barcode" means a code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

(h) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

(c) The board must have no authority over food products, as defined in section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from hemp.

Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; or

(2) to affect the structure or any function of the bodies of humans or other animals.

(c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.

(d) Products that meet the requirements of this section are not controlled substances under section 152.02.

Subd. 4. Testing requirements. (a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

(1) contains the amount or percentage of cannabinoids that is stated on the label of the product;

(2) does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals; and

(3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

(c) Testing of the hemp from which the nonintoxicating cannabinoid was derived, or possession of a certificate of analysis for such hemp, does not meet the testing requirements of this section.

Subd. 5. Labeling requirements. (a) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and

(3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed.

(b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information.

(c) The information required in paragraph (a) may be provided through the use of a scannable barcode or matrix barcode that links to a page on the manufacturer's website if that page contains all of the information required by this subdivision.

(d) The label must also include a statement stating that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously placed on the label or displayed on the website in terms that can be easily read and understood by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.

Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

(b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;

(4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

(d) If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.

(e) A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:

(1) the serving size;

(2) the cannabinoid profile per serving and in total;

(3) a list of ingredients, including identification of any major food allergens declared by name; and

(4) the following statement: "Keep this product out of reach of children."

(f) An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

Subd. 6. **Enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered an adulterated drug if:

(1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;

(3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(4) it contains any food additives, color additives, or excipients that have been found by the FDA to be unsafe for human or animal consumption;

(5) it contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount or percentage stated on the label;

(6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or

(7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

History: *1Sp2019 c 9 art 11 s 76; 2021 c 30 art 3 s 27; 2022 c 98 art 13 s 3-9*