

**From:** [Kate O'Connell and Gary Olson](#)  
**To:** [\\*CI-StPaul>Contact-Council](#); [Mitra Jalali](#)  
**Subject:** I oppose cannabis ban  
**Date:** Wednesday, September 13, 2023 1:17:52 PM

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Thank you for taking public comments on the proposal to ban smoking cannabis in virtually all public places.

I oppose such a ban, as it is in opposition to the important changes the Minnesota Legislature passed this year, and would cause confusion and increase costs of enforcement, as most people would reasonably assume that they could smoke cannabis in St. Paul since the Legislature passed this law.

Such a proposal would harm people with the fewest resources (e.g. people who are unhoused or have few indoor places where they could smoke) and perpetuate the racial disparities we already experience regarding enforcement - again imposing higher costs on people already facing costs of historical and current racial disparities.

While I could support having the same restrictions on cannabis smoking as on tobacco smoking, such as not allowing smoking of cannabis or tobacco at any youth activity area, playground, athletics field or spectator viewing area, I strongly oppose any restrictions on cannabis smoking that does not already apply to tobacco smoking.

Again, I appreciate the opportunity to comment on this important issue.

Kate O'Connell  
1506 Simpson Street  
St. Paul, MN 55108

**From:** [Kim Hunter](#)  
**To:** [Marvalyne Tripp](#); [Adam Yust](#); [\\*CI-StPaul Contact-Council](#)  
**Subject:** Legal citations regarding immigration for my opposition to proposed smoking ordinance  
**Date:** Wednesday, September 13, 2023 1:06:08 PM  
**Attachments:** [smoking ordinance oppo.pdf](#)

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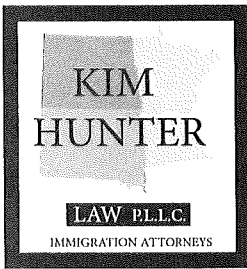
Good afternoon,

While I realize this is a bit last minute, I hope this letter can make it into the record for today's public hearing.

Thank you,

*Kim Hunter*  
Kim Hunter Law, PLLC  
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September 13, 2023

St. Paul City Council  
*Via email*

**Re: Opposing proposed smoking ordinance**

Dear Council Members,

I write to offer citations to the Immigration & Nationality Act (INA), referenced in my public testimony from last week. I cannot emphasize enough that a petty misdemeanor, while considered a non-criminal offense by the State of Minnesota, DOES meet the standard for a conviction set forth in the INA. Further, a conviction is not always necessary in order for CONDUCT to have serious immigration consequences.

The following is from a practice advisory on marijuana from the Immigrant Legal Resource Center (May 2021) (emphasis my own)<sup>1</sup>:

A conviction relating to marijuana (as it is federally defined) can have serious immigration consequences.

- A conviction relating to marijuana can cause deportability under the controlled substance ground. There is one exception: one or more convictions that arise from a single incident involving possession of 30 grams or less for personal use, or certain closely related offenses, does not cause deportability.
- The conviction can cause inadmissibility under the controlled substance ground. There is no 30-grams exception. Therefore, a lawful permanent resident who is convicted of possessing 30 grams or less of marijuana is not deportable, but is inadmissible.<sup>2</sup> They are safe if they remain in the United States, but if they travel abroad, upon their return they can be found to be seeking a new admission at the border under INA § 101(a)(13)(C)(v) and found inadmissible under INA § 212(a)(2). They can be excluded unless they qualify for and are granted some waiver or relief. If instead they are mistakenly allowed to reenter the United States without this procedure, they can be charged with being deportable for having been inadmissible at last entry under INA § 237(a)(1). See ILRC advisory, pages 5-6.

**Federal immigration law has its own standard for evaluating when a criminal court disposition is a “conviction.”** For example, the term conviction does not include juvenile

<sup>1</sup> [https://www.ilrc.org/sites/default/files/resources/immigrants\\_marijuana\\_may\\_2021\\_final.pdf](https://www.ilrc.org/sites/default/files/resources/immigrants_marijuana_may_2021_final.pdf)

<sup>2</sup> Colloquially, inadmissible conduct means reasons one can be denied entry to the U.S., as well as denied a green card.

delinquency adjudications or, according to the BIA, a conviction that is on direct appeal of right, **but it does include most diversion programs that require a guilty plea, even if no conviction is found to exist under state law.** See INA § 101(a)(48)(A) and ILRC resources. See ILRC advisory, pages 6-7.

Unlike the deportation ground, the controlled substance inadmissibility ground is triggered by a conviction, **or an admission of conduct without a conviction.** INA § 212(a)(2)(A)(i)(II). The admission also is a conditional bar to establishing good moral character (GMC) under INA § 101(f)(3). The GMC period stops as of the date of the latest conduct to which the person admitted. (See further description of good moral character in Part A, above). See ILRC advisory, page 7.

While I acknowledge and appreciate the efforts of those who support the ordinance, I believe the severity of the risks to non-citizens does not justify its passage. Further, I remain perplexed by the perceived urgency of the ordinance. The council will have five new members less than two months from now. If the new council wishes to consider a smoking ordinance, they should be free to do so without being bound by the decisions of their immediate predecessors.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kim Hunter", with a stylized flourish extending to the right.

Kimberly Hunter  
Attorney at Law

**From:** [Yoseph Geleta](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#)  
**Subject:** Park smoking  
**Date:** Wednesday, September 13, 2023 12:16:44 PM

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My wife and I have three young children, ages 4,7,8. We came to this country from Ethiopia and are so happy with the parks and safe places to raise our children. We use the parks at least 3-4 times a week when the weather permits. Since my children are very young, I want to make sure they are in a safe environment. When I enter an area, we leave if it doesn't seem right. I know it is now legal in Minnesota to smoke marijuana, but that is not something I want my children exposed to. They are already asking me questions. I am concerned about having my children around positive role models, and I don't consider smoking or vaping cigarettes or marijuana to be what I want modeled for them. Raising children is not an easy job. If the city condones using these products in our city parks, it will make my job as a dad harder.

My children and I are the future of this community. Help me have safe and positive places where I can take my family so they can become the kinds of citizens that make a positive impact in years to come.

Yoseph Geleta

**From:** [Laura](#)  
**To:** [\\*CI-StPaul>Contact-Council](#)  
**Subject:** Smoking ordinance  
**Date:** Wednesday, September 13, 2023 11:58:16 AM

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Dear St. Paul City Council,

I am writing to support a ban on smoking in city-controlled spaces.

Much has been made of the rights of renters who smoke. What about the right of non-smoking renters to freedom from smoke?

Consider that many of St. Paul's apartment buildings are old enough to rely on open windows for ventilation and cooling. Consider that many of them are situated less than 25 feet from a city sidewalk, and that air currents do not respect social boundaries. Consider that cannabis smoke does not dissipate as quickly or as completely as tobacco smoke, and clings more to fabric and surfaces. Already this summer I have had to shut my windows because someone in the next building, more than 25 feet away, was enjoying a joint. Even though I shut my windows as quickly as I could, the odor of skunk was still present 90 minutes later.

Consider also that many renters rely on city parks for their green space. Not everyone has the means to drive an hour or more to a state park to enjoy time in a green space. Clean(er) air should not be solely the privilege of people who can afford to buy private property in a neighborhood where people prefer to ingest their cannabis rather than smoke it.

Thank you for your consideration.

Sincerely,

Laura Berglund  
Non-smoker and renter  
Resident of Ward 5

**From:** [Ed Davis](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#)  
**Subject:** Smoking Ban  
**Date:** Wednesday, September 13, 2023 10:29:54 AM

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I agree with the smoking ban ordinance as it promotes healthy living. I also do not like to smell tobacco or weed smoke for personal and health (second hand smoke) reasons. Our city should support healthy living policies. There is private property available for individuals to legally smoke with this ban in place.

It also promotes the livable city label.

Ward 6  
Ed Davis  
1169 Lane Pl

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