



June 10, 2024

Members of the Saint Paul Planning Commission:

Re: Recommendations to the Planning Commission regarding cannabis and low dose hemp regulation in Saint Paul

The Association for Nonsmokers-MN, ANSR, is a statewide nonprofit organization located in Saint Paul. We are dedicated to reducing the human and economic costs of commercial tobacco, nicotine and other drug use in Minnesota. While we are best known for our policy work on tobacco-use prevention, for nearly a decade we have coordinated the prevention programming for the Minnesota Department of Human Services for alcohol, tobacco, and other drugs.

ANSR has monitored the progress of hemp and cannabis bills in the legislature and are monitoring the regulatory responses to changes in the state law by cities throughout the metro area. The state legislature pre-empted much local control when they passed the various cannabis laws. There was a significant effort at the legislature to preserve local control so cities would have the tools needed to deal with such a major change in the way a controlled substance is dealt with. Cities, counties, and the League of Cities fought hard to make sure cities have the tools they need. Fortunately, the legislature did carve out areas for local units of government to create restrictions and regulations that will benefit our community. We encourage the city to take full advantage of the small number of local control measures you have been given. There is real opportunity to reduce youth exposure and access to cannabis and to counter industry efforts to glamorize, promote, and profit from these products.

Minnesota cannabis law explicitly sets forth a number of restrictions that local governments may enact, some of which are under consideration. One of those is distance requirements. City staff is recommending restricting cannabis retail businesses from operating within 300 feet of schools, except in downtown. The

state law allows the city to set that restriction at 1,000 feet from a school and 500 feet from a day care facility, residential treatment facility, and playgrounds and athletic fields regularly used by minors. We strongly recommend that the Commission adopt the state law distance requirements. If, after a bit of history, there is a desire to loosen these restrictions, that is relatively easy to do. What is difficult to do is to tighten regulation once businesses are established and investments have been made. There is no compelling reason to set the bar low when the option of starting slowly and then potentially decreasing the distance requirement is readily available.

State law also gives cities the ability to limit the number of cannabis retailers to one registration for every 12,500 residents. We recommend the Commission take that approach. It would mean about 25 dedicated cannabis businesses scattered throughout the city. Together, these two zoning provisions would limit the number and density of cannabis retail businesses, preventing overconcentration of retail outlets.

If you wonder why this matters, consider the impact that tobacco stores have had on communities. The explosion of those types of stores ultimately resulted in the city council dedicating significant time and energy into reducing the numbers of these stores because of their negative impact on the surrounding area. The council imposed a license cap and then revised that cap downward twice. They increased penalties for violations and increased distance requirements. You have the opportunity to prevent a highly predictable problem. A wise person opined that an ounce of prevention is worth a pound of cure. That is certainly true in this case.

A third and fourth area where the city can impose regulations are cannabis retail operating hours and whether to allow on-site events such as sampling parties and entertainment. We recommend the city restrict hours of operation to 10 a.m. to 9 p.m., seven days a week and prohibit or restrict on-site cannabis events.

The staff report to the Commission implied that things were going smoothly among licensed vendors dealing with Lower-Potency Hemp Edibles. Staff testified that there had been only three complaints and two of those were resolved as unfounded. This runs counter to our own experience while visiting numerous Saint Paul retailers. In the last two months, ANSR staff and volunteers have completed

store assessments of 436 retailers in the metro area. While we were primarily assessing store compliance with federal, state, and local tobacco regulations, we also observed what is happening with the sale of various hemp products. Rest assured, there are many violations of state law, and yes, there are violations right here in Saint Paul. Based on our reading of the staff report it appears that they only assessed compliance with age-of-sale laws. Under state law there are many other regulations of these products that do not appear to have been assessed.

The Minnesota Department of Health, which has some enforcement authority over these products, recently announced that during their inspections of more than 1,000 registered businesses 65% of retailers broke the law for selling products with illegal levels of THC.

While the legalization of these products lacked much detail regarding regulations and enforcement, there are several clear provisions pertaining to potency, packaging, and makeup that we have found St. Paul retailers are violating on a regular basis. Those state regulations include:

- Products are prohibited from being sold in packaging with cartoon-like characteristics or be modeled after a brand of products primarily consumed by or marketed to children, such as candy;
- Hemp vapes are prohibited;
- Products may not exceed 5mg of THC per serving and 50mg per container.

It is highly likely that there have been few if any complaints about Saint Paul retailers selling these illegal products. The rules are complicated with few people even knowing what those rules are, and it is unclear to most citizens who is supposed to do enforcement and who they should contact with a complaint about a violation. The city could easily change that through its regulatory control. The city ordinance should incorporate the state standards for these products into its own code and restrict the sale of these products to adult only stores. Currently they are sold in virtually any kind of retail outlet. This makes the job of educating the vendors and enforcing the law nearly impossible.

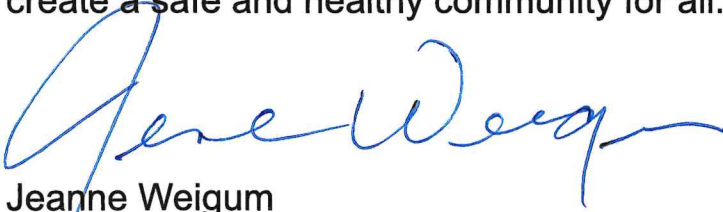
Because the Planning Commission had such a full agenda the commissioners did not have a significant opportunity to ask questions. These are questions that I

have and which I believe the commissioners would benefit from having the answers to:

- Did the staff who compiled the report seek information on the complaints registered with MDH which were made about Saint Paul businesses. If staff gathered that information, what were the results?
- The staff report indicated there were only three violations and there was follow up on those violations. Were those age-of-sale complaints or complaints about the numerous other regulations including type of packaging, cartoon characters, foods containing hemp based cannabinoids, number of servings per package, or amount of THC per serving or per package?
- There are significant public health concerns related to cannabis use. The Saint Paul Ramsey County Department of Public Health is the health department which serves Saint Paul. They have a full time staff person dedicated to addressing cannabis issues. Did staff consult with your health department on the language and recommendations during preparation of the report? If yes, what were those recommendations?

Attached are photos of illegal products that are being sold throughout the community. Most of these products were purchased in Saint Paul although a few came from other Ramsey County cities. Please note that all of these products are illegal for sale in Saint Paul and throughout Minnesota.

We thank you for your consideration and look forward to continuing our work to create a safe and healthy community for all.



Jeanne Weigum
President

Cannabis vapor products are not legal for sale in MN.



Photo credit: Association for Nonsmokers-Minnesota

Photo credit: Association for Nonsmokers-Minnesota



Cannabis vapor products are not legal for sale in MN.

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Photo credit: Association for Nonsmokers-Minnesota

Cannabis vapor products are not legal for sale in MN. Contains HHC, a synthetic cannabis that is not legal for sale in MN.



Photo credit: Association for Nonsmokers-Minnesota

Cannabis vapor products are not legal for sale in MN. This product contains HHC, a synthetic cannabinoid, that is not legal for sale in MN.



Photo credit: Association for Nonsmokers-Minnesota

This product is substantively similar to a food product.



Photo credit: Association for Nonsmokers-Minnesota

Photo credit: Association for Nonsmokers-Minnesota



This container is not opaque, and the product may exceed 50mg total cannabinoids.

Photo credit: Association for Nonsmokers-Minnesota



This container is not opaque, and the product exceeds 50mg total cannabinoids.

These products are modeled after a brand of products primarily consumed by or marketed to children, have cartoon-like characteristics of a real or fictional fruit that appeals to children, and are packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of commercially available food products. Both exceed 50mg per package.



Photo credit: Association for Nonsmokers-Minnesota

From: Brian Alton

Sent: Monday, June 10, 2024 6:10 PM

To: cannabis@ci.stpaul.mn.us; Tony.Johnson@ci.stpaul.mn.us

Subject: FW: Written testimony re: cannabis proposal

Please enter into the record my support of the statement of Jeanne Weigum. There are compelling reasons for making the licensing, location, hours and other ordinance provisions as stringent as the statute allows. Then, if circumstances allow, there is an opportunity to be more permissive. We often do not realize the unintended consequences. Like adult entertainment, billboards and tobacco shops – once they are established it is very expensive and difficult, if not impossible, to get rid of them. If cannabis use becomes a public health crisis, the city should retain all power it has to address it.

Regards,

Brian

Brian D. Alton

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Dear St. Paul Planning Commission, Members of the City Council, and Mayor Carter,

An unprecedented new industry is currently being built in Minnesota. The Union Park community and neighborhoods deserve the opportunity to enter into this new world of cannabis business establishment with careful consideration and on a scale that protects communities. Union Park District Council would like to take a phased-in approach to introducing cannabis businesses into the community that allows an opportunity to learn what the impacts these new, never before seen businesses, will have on our neighborhoods, including environmental, youth access and exposure, air quality, traffic patterns, public safety, and other impacts. Coining a phrase from the cannabis industry, “starting low and slow” also applies to the introduction and establishment of these new businesses in Union Park.

Specifically, we urge the City to adopt policies that reflect the state legislative authority to:

1. **Restrict location of retailers and other cannabis businesses to the maximum distance as allowed under state law;**
2. **Restrict hours of operation to the maximum allowed by state law; and,**
3. **Limit the density of cannabis retailers as allowed under state law.**

Additionally, the City should study and adopt public-health oriented time, place, and manner restrictions allowed under the Minnesota law and a robust registration and inspection system for cannabis and lower-potency hemp edible retail as required under state law.

Background:

In 2023, the Minnesota Legislature and Governor Walz took a bold step to decriminalize and legalize adult use cannabis in Minnesota. In 2022, the legislature had already legalized the sale of so-called lower-potency hemp-derived edible and beverage THC products, albeit with very little oversight. The decriminalization of cannabis possession, use, growing, and sales is a significant step in righting the wrongs of decades of the failed war on drugs, which unfairly targeted communities of color and resulted in irreparable harms to individuals, families, and communities that bore the brunt of such damaging policies.

With legalization and the commercialization of cannabis and lower-potency hemp edibles sales, the Minnesota Legislature has provided local communities with several levers to regulate the location, hours of operation, and other aspects of commercial sales of these products. There is very persuasive evidence to support a measured approach to introducing and expanding this commercial industry into our St. Paul communities.

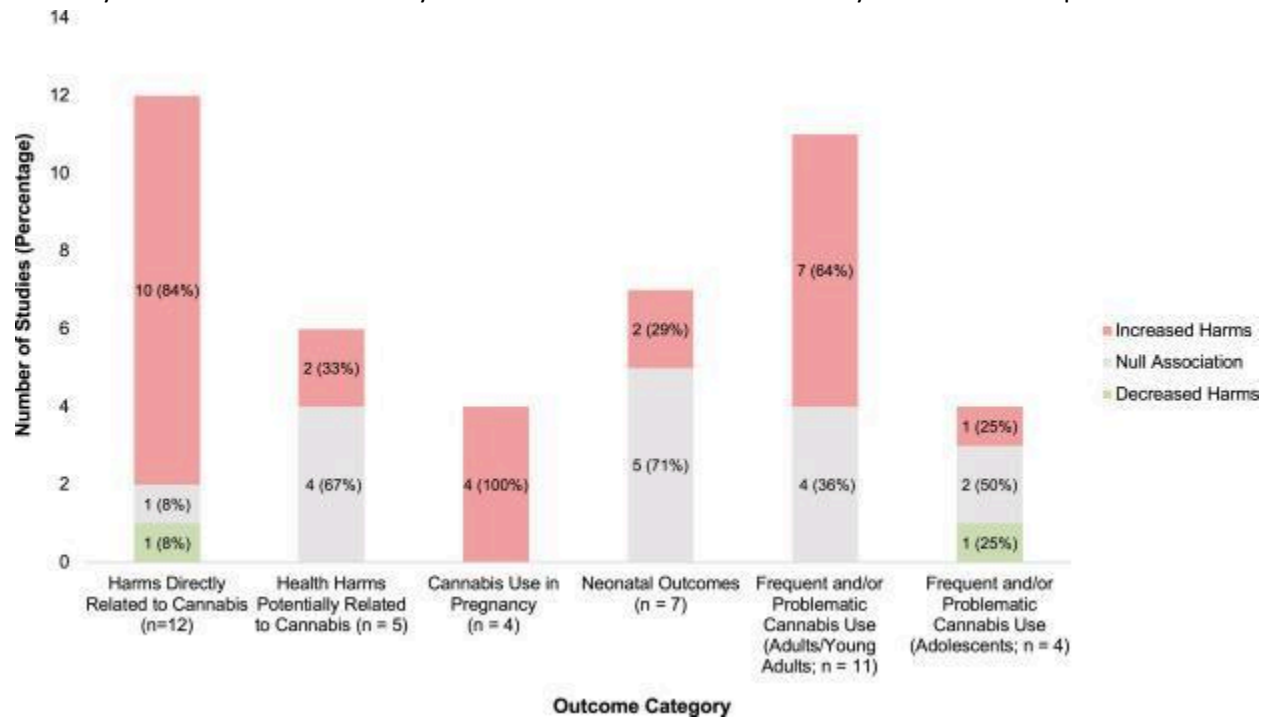
Communities with a higher concentration of cannabis and lower-potency hemp edible retailers within their jurisdiction expose more youth and young adults to commercial cannabis and lower-potency hemp edible marketing, making the products more attractive or enticing and making it easier for them to obtain the products. Additionally, proximity to cannabis retailers is associated with increased harms of cannabis use including, increases in poison control calls, increased cannabis use during pregnancy,

cannabis related hospitalization during pregnancy, and an increase of cannabis use frequency in adults and young adults. (Cantor, N., et. al. The association between physical availability of cannabis retail outlets and frequent cannabis use and related health harms: a systematic review. The Lancet Regional Health – Americas 2024;32: 100708 Published Online <https://doi.org/10.1016/j.lana.2024.100708>.)

A systematic study that looked at studies from countries where cannabis has been legalized, including United States, Canada, Netherlands and Uruguay, concluded that:

“Overall, this systematic review finds evidence of significantly increased associations between greater physical cannabis retail access and increased cannabis use and harms, including healthcare utilization related to cannabis and harmful patterns of cannabis use in a variety of populations (adults, young adults, pregnant individuals). These findings caution that allowing greater retail availability following legalisation may increase cannabis-related harms.”

One way to address retailer density issues is to limit where retailers may be located or cap on the



number of registered cannabis retailers and lower-potency hemp edible retailers that may be issued by the city.

The chart below from this study depicts the specific and significance of the harms associated with physical proximity to cannabis retail stores.

Fig. 2 Direction of association between increased cannabis retail access and adverse cannabis health outcomes by population and outcome.

Minnesota is currently undergoing a grand experiment with unprecedented access to intoxicating so-called “lower-potency hemp edibles” available at gas stations, co-ops, bars, restaurants, grocery stores, liquor stores, and more. While some would like people to believe that these are innocuous products akin to 3.2 beer, these products are in fact intoxicating and psychoactive. A recent news article about enforcement actions against lower-potency hemp edible retailers quoted Minnesota Department of Health, stating that:

“According to [the Minnesota Department of Health] MDH, more than 1,000 compliance checks have been conducted, with 65% of retailers breaking the law for selling products with illegal

levels of THC.” (WCCO News, Jason Rantala, May 24, 2024, [St. Cloud raid seizes THC products more than 100 times legal limit, police say - CBS Minnesota \(cbsnews.com\)](#))

Union Park District Council Recommendations:

Union Park District Council recommends that the City of St. Paul take the phased in approach to allowing the establishment of a commercial retail industry in Union Park and other communities in St. Paul. **The overarching goal of the City’s regulations should be to allow access and availability of the products without encouraging use. City policies may make the products available for sale to discourage an illicit market, but the City should not have a role in promoting the sale, purchase, and use of cannabis.**

1. The City should adopt policies that maximize the limitations in location and hours of operation that the Minnesota Legislature explicitly put into the legalization law. The Minnesota Legislature recognizes that communities should be able to control these key aspects of commercialization and provided explicit authority for local jurisdictions.
 - a. **Restrict location of retailers and other cannabis businesses.** The City should prohibit the location of retailers and other cannabis businesses to within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field as state law allows. ([Minn. Stat. § 342.13 \(c\)](#) (2023))
 - b. **Restrict hours of operation.** State law allows local jurisdictions to limit hours of operation of cannabis businesses between 10 a.m. and 9 p.m., seven days a week. ([Minn. Stat. § 342.27, subd. 7\(b\)](#) (2023)) The City should adopt a requirement that limits hours of operation accordingly.
 - c. **Restrict density of cannabis retailers.** The City should adopt an ordinance to limit density of cannabis retailers based on population. State law allows a local unit of government to adopt an ordinance limiting the number of licensed cannabis retailers to no fewer than one registration for every 12,500 residents. The City may also coordinate with other jurisdictions and the county to limit the number countywide to 1 per 12,500 residents. ([Minn. Stat. § 342.13 \(j\)](#) (2023))
2. The City should adopt public-health oriented time, place, and manner restrictions allowed under the Minnesota law. ([Minn. Stat. § 342.13 \(c\)](#) (2023))
3. The City should adopt a robust registration system as mandated by state law, with robust inspection requirements to ensure this nascent industry is following the requirements of state and local law. ([Minn. Stat. § 342.22](#) (2023))

Thank you for your consideration.

Sincerely,

Union Park District Council

From: Rob Clapp <rob@cancanwonderland.com>

Sent: Wednesday, May 15, 2024 1:00 PM

To: *Cannabis <cannabis@stpaul.gov>

Cc: Tony Johnson <Tony.Johnson@ci.stpaul.mn.us>; Nellie Jerome <Nellie.Jerome@ci.stpaul.mn.us>

Subject: Cannabis Zoning Support

Dear Chair Grill and Commissioners

In advance of the June 7, 2024 Public Hearing, I wish to extend support for the proposed city zoning rules to accommodate and regulate new cannabis business operations licensed under the Office of Cannabis Management.

It appears that staff has very thoughtfully drafted these new zoning rules for cannabis businesses in the city of Saint Paul. They have taken other markets into consideration, they have observed how regulation has impacted the market launch in other states, and they have adjusted accordingly.

The proposed rules are clean and simple. This will help make equitable opportunities for small cannabis businesses more accessible and will help expedite more cannabis jobs to Saint Paul.

Bottom line, I appreciate efforts to help simplify regulations so cannabis businesses may thrive in Saint Paul, and I wish to go on record in support of the proposed zoning rules as they are drafted.

Thank you,

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Rob Clapp (*he/him/they*)
CEO/CFO/Co-Founder
ph: 612-508-6350

