



Focus on New Laws: Cannabis Possession Legal Beginning Aug. 1

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Cities will want to consider updating their ordinances related to smoking in public places to include cannabis.

During the 2023 legislative session, a new law was passed that legalized adult-use cannabis in Minnesota beginning Aug. 1, 2023. Cities should understand what products are legal and what regulatory actions can be taken at this time.

[Read the League's FAQs on the new law to learn more about enforcement and public safety, employment, and other regulatory considerations of adult-use cannabis.](#)

Cannabis legal to possess, use, and grow beginning Aug. 1

This law allows a person 21 years of age or older to:

- Use, possess, or transport cannabis paraphernalia.
- Possess 2 ounces or less of cannabis flower in a public place.
- Possess 2 pounds or less of cannabis flower in a person's residence.
- Possess or transport 8 grams or less of adult-use cannabis concentrate.
- Possess or transport edible products infused with a total of 800 milligrams or less of tetrahydrocannabinol.
- Give away cannabis flower and products in an amount that is legal for a person to possess in public.

Home growth of cannabis will also be authorized beginning Aug. 1, allowing an individual to cultivate up to eight cannabis plants, of which, up to four may be mature, flowering plants. Home growth of cannabis must be in an enclosed, locked space that is not open to public view.

Where cannabis and cannabis products can and cannot be consumed

The law explicitly authorizes individuals to use adult-use cannabis flower and adult-use cannabis products:

- In a private residence, including the individual's curtilage or yard.

- On private property, not generally accessible by the public, unless the owner of the property prohibits the use of the products.
- On the premises of an establishment or event licensed to permit onsite consumption.

A person may not use cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor at any location where smoking is prohibited under the Minnesota Clean Indoor Air Act (MCIAA).

The law is silent on whether cannabis can be smoked in public places other than public places governed by the MCIAA. While the law does not specifically authorize the use of cannabis in public places, it does not create any penalty for use in a public place other than those governed by the MCIAA. If a city would want an enforcement mechanism to prevent the use of cannabis in public places, it would need to adopt an ordinance prohibiting such use and make it a petty misdemeanor.

The new law does not clearly define the types of locations that are considered not generally accessible by the public. Therefore, any city ordinance should clearly define such locations. Existing ordinances related to smoking in public places may cover cities for these products, cities should review their ordinances and determine if any changes are necessary.

In addition, the MCIAA authorizes cities to adopt more stringent regulations to protect individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic smoking devices.

Cannabis sales still illegal

It is unlawful to sell cannabis and cannabis products without a license received from the Office of Cannabis Management. State agencies have indicated that retail licenses will not be issued until January 2025 at the earliest, any sales attempted until licenses are issued are illegal. This does not apply to edible cannabinoid products regulated under [Minnesota Statutes, section 151.72](#).

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