

## **CHAPTER 95: PROHIBITION AGAINST PUBLIC USE**

### **Section**

#### ***General Provisions***

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### **SECTION 95.01 FINDINGS OF FACT.**

The Annandale City Council finds the following facts to exist:

(1) Smoke from tobacco and other substances is a major contributor to indoor air pollution, and breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Many of these individuals cannot go into public places with secondhand smoke due to their respiratory or allergenic handicap.

(2) Health hazards induced by breathing secondhand smoke include, but are not limited to, lung cancer, heart disease, respiratory infection and decreased respiratory function.

(3) The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental smoke for which there is no known safe level of exposure.

(4) The National Academies of Science, Engineering, and Medicine note that the growing acceptance, accessibility, and use of cannabis products have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.

(5) The Minnesota Legislature recognized the danger of cannabis use among the public at large by setting potency and serving size requirements.

(6) The Minnesota Legislature recognized the danger of cannabis use among youth by prohibiting the sale of any cannabis product to those under the age of 21, requiring that such products be packaged without appeal to children and in child-resistant packaging or containers.

(7) The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products.

### **SECTION 95.02 DEFINITIONS.**

“Cannabis product” shall mean adult use cannabis products, cannabis flower, cannabis plant and lower-potency hemp edibles and hemp-derived consumer products, as defined in Minn. Stat. Section 342.01.

“Prohibited substances” shall mean any tobacco related product, electronic cigarette, cannabis product and any other substance labeled as not safe for or intended for human consumption.

“Smoke” shall mean the gases, particles or vapors released into the atmosphere as a result of combustion, electrical ignition or vaporization of or by any prohibited substance.

“Smoking” shall mean inhaling or exhaling smoke from any instrumentality, including but not limited to any cigar, cigarette, pipe, hookah pipe or an operating electronic cigarette, or having in possession any such instrumentality producing smoke or engaging in any act that generates smoke.

“Tobacco related products” shall mean any product containing, made or derived from tobacco that is intended for human consumption, or any component, part, or accessory of a tobacco product, including but not limited to tobacco found in cigars and cigarettes, tobacco intended to be used in pipes or cigarettes, chewing tobacco, moist or dry snuff, dissolvable tobacco products and electronic cigarettes and any other product containing, made or derived from tobacco that is intended or expected to be consumed with or without being combusted but does not include any tobacco product that has been approved by the United States food and drug administration for sale as a tobacco cessation product, tobacco dependent product or for other medical purposes and is marketed and sold only for those purposes.

### **SECTION 95.03 PROHIBITION**

No person shall ingest by smoking, drinking, eating or chewing any prohibited substance in public places anywhere in the City. Public places include property owned, managed, or controlled by the City, including but not limited to all public streets, trails, sidewalks, parks, alleys and parking lots, except as authorized by a special event permit.

### **SECTION 95.04 RELATION TO MINNESOTA CLEAN INDOOR AIR ACT.**

This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statute Sec. 144.411 to 144.417, as amended from time to time. Nothing in this ordinance authorizes smoking in any location where smoking is restricted by other applicable laws.

### **SECTION 95.05 SEVERABILITY.**

If any portion of this ordinance, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.

### **SECTION 95.06 PENALTY.**

Any person violating this Section is guilty of a petty misdemeanor or may be penalized under Section 10.99.