
Agenda

Cannabis and Marijuana

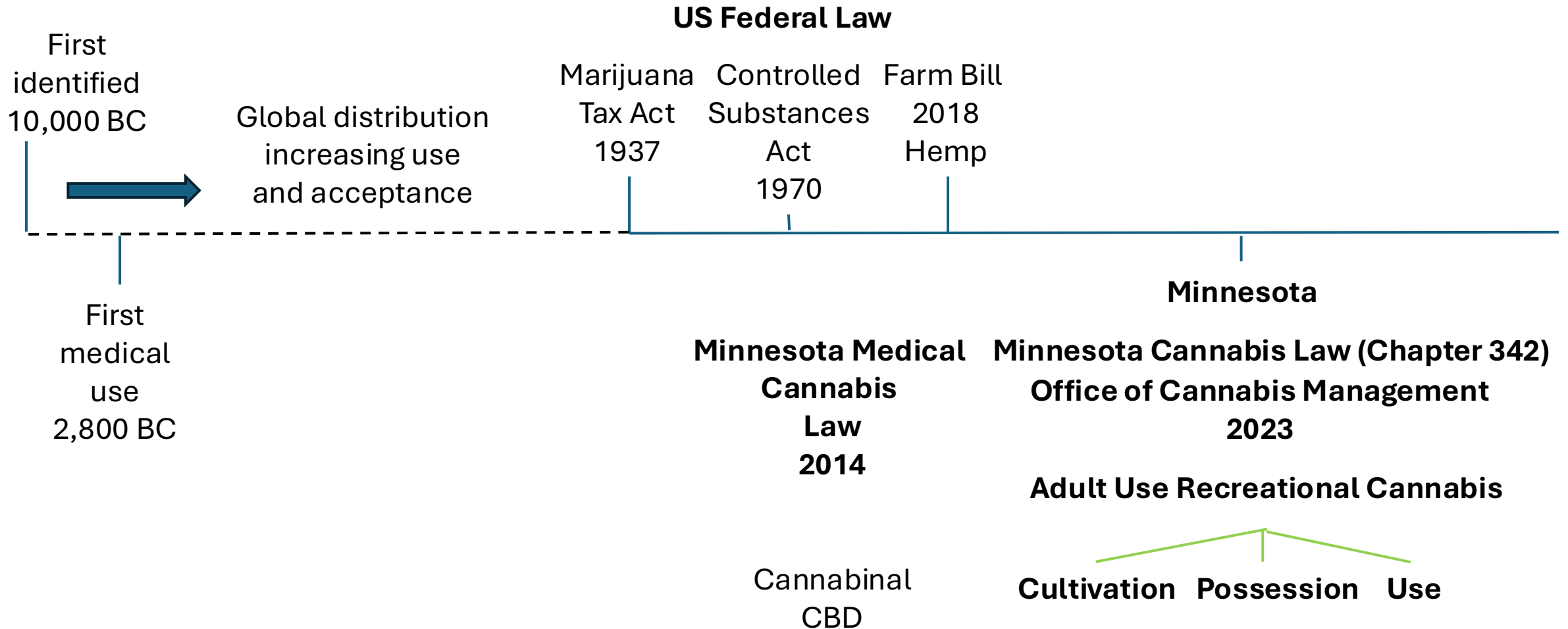
Federal and MN legislation

Growing, possession, and use in HOAs

HOA board considerations



Cannabis Timeline



Minnesota Cannabis Law (Chapter 342)

Main actions:

1. **Regulate** cultivation, possession, sales, and use of cannabis
2. **Decriminalize simple possession** to reduce jail sentences
3. **Generate tax income**

Prohibits:

- Possession, transport, and use if under 21 years of age
- Use in motor vehicle
- Use where smoking is prohibited MN Clean Indoor Act
- Use on public or charter school, correctional facility
- Use where possibly inhaled by a minor
- Sale without a license

Cultivation of Recreational Marijuana in HOAs

Home cultivation is permitted if:

- In and surrounding private primary residence including yard
- Up to 8 total cannabis plants with up to 4 mature, flowering plants
- 21 years old
- Enclosed and locked space not open to public view

In HOAs

- Smoking or vaping of cannabis inside CLC and HOA housing units is subject to interpretation. Please contact your attorney for clarification.
- HOA may prohibit in common areas and limited common areas

Possession of Recreational Marijuana in HOAs

Possession is permitted if:

- 2 ounces or less in public place
- 2 pounds or less in private residence
- 8 grams or less of cannabis concentrate

In HOAs

- Permitted inside housing unit
- Permitted in common areas and limited common areas

Use of Recreational Marijuana in HOAs

Smoking or vaping permitted if:

- 21 years of age or older
- On private property unless prohibited
- Not expose to minor
- Subject to Minnesota Clean Indoor Air Act prohibitions

In HOAs

- Permitted inside housing unit
- HOA may prohibit in common areas and limited common areas

Board Response to Cannabis Nuisance

Section 74 of Cannabis Act defines nuisance as:

- Any use of adult-use cannabis flower (smoking and cultivation) injurious to health
- Indecent or offensive to the senses
- An obstruction to the free use and enjoyment of life or property

Smoking or vaping in HOA may be a nuisance

- Governing documents prohibit nuisance
- Nuisance reported and documented
- Board adopt and follow enforcement policy

Cannabis Use and HOA Smoking Ban

Smoking or vaping in HOA may violate HOA smoking ban

- Board adopts smoke-free policy
- Common and limited common areas
- Focus on odor and health effects of second-hand smoke

Board Considerations

- Board has authority and duty to enforce cannabis prohibitions
- Any nuisance provision in governing documents includes cannabis
- Board adopt and follow cannabis policy
- Board must consider request for reasonable accommodation for medical use under Fair Housing Act

Resources

- [Minnesota Cannabis law – Personal Adult Use](https://www.revisor.mn.gov/statutes/cite/342.09)
<https://www.revisor.mn.gov/statutes/cite/342.09>
- [Minnesota Office of Cannabis Management – Multi-family Housing](https://mn.gov/ocm/consumers/multifamily-housing/)
<https://mn.gov/ocm/consumers/multifamily-housing/>
- [Minnesota Clean Indoor Air Act \(Minnesota Department of Health\)](https://www.health.state.mn.us/communities/environment/air/mciaa/index.html)
<https://www.health.state.mn.us/communities/environment/air/mciaa/index.html>
- [Live Smoke Free – Common Interest Communities Fact Sheet](https://www.publichealthlawcenter.org/sites/default/files/resources/phlc-condolegalsurvey-summer2010.pdf)
<https://www.publichealthlawcenter.org/sites/default/files/resources/phlc-condolegalsurvey-summer2010.pdf>
- [SJJ Law Attorney Aaron Brooksby](https://sjjlawfirm.com/): <https://sjjlawfirm.com/>