

First Publication Date:
Wednesday,
January 7, 2026
WINONA COUNTY
ORDINANCE
REGISTRATION AND
REGULATION OF CANNABIS
RETAIL BUSINESSES
AND LOWER-POTENCY HEMP
EDIBLE RETAIL BUSINESSES
The Board of Commissioners of the County of Winona, Minnesota, hereby ordains:

SECTION 1 ADMINISTRATION

1.1 Purpose

This Ordinance is adopted for the purposes of:

1.1A. Implementing the provisions of Minnesota Statutes, Chapter 342, which authorizes the County to protect and promote the public health, safety, and general welfare of the citizens and visitors of the County of Winona.

1.1B. Limiting the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement and cannabis microbusiness with a retail operations endorsement to no fewer, but no more than, five (5) registrations for every 12,500 residents of Winona County, with the exception that the County shall make additional registrations available to ensure at least, but no more than, five (5) registrations are available for licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement and cannabis microbusiness with a retail operations endorsement to operate in the geographic areas in which Winona County has authority to authority to issue registrations.

1.1C. Educating the public about conditions that may adversely affect persons utilizing Cannabis Retail Businesses and Lower-Potency Hemp Edible Retail Businesses.

1.1D. Meeting consumer expectations for the quality and safety of Cannabis Retail Businesses and Lower-Potency Hemp Edible Retail Businesses within the County of Winona.

1.1E. Establishing inspection requirements and associated procedures involved with administering and enforcing this Ordinance.

1.1F. Providing for the registration of Lower-Potency Hemp Edible Retail Businesses.

1.1G. Authority and Jurisdiction

2.A. Winona County has the authority to adopt this ordinance pursuant to:

2.A.i. Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

2.A.ii. Minn. Stat. 342.22 allows the County to issue a registration within a city or township which has provided consent/delegated the authority to the County.

2.B. Local Governments within the jurisdiction of Winona County may delegate their authority to Winona County to register and regulate retail cannabis businesses under this ordinance, by the following procedure:

2.B.i. The County shall make available a standard resolution.

2.B.ii. The township or city

adopts the resolution and submits it to Winona County.

2.B.iii. The County acknowledges receipt and acceptance of the resolution.

2.C. This ordinance does not apply to a Cannabis Retail Business operated by a Minnesota Tribal government in Indian country, as defined in United States Code, title 18, section 1151, without the consent of the Tribal government.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

4.A. The Winona County Department of Planning and Environmental Services, in coordination with the Winona County Attorney and Winona County Sheriff, is responsible for administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether a permit is required for a regulated activity listed in this ordinance.

4.B. Any state-licensed Cannabis Retail Business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation per Minn. Stat. 342.22 subd. 5(e).

4.C. In addition to the ordinance, cannabis businesses and events must comply with zoning regulations and all other applicable ordinances and laws.

1.5 Definitions

Words and phrases in this ordinance that are not defined in this Section 1.5 shall have the same meanings as those defined in Minn. Stat. § 342.01 and related administrative rules.

5.A. Cannabis Cultivator: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plants, package and label immature plants, seedlings, and cannabis flowers for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Office of Cannabis Management.

5.B. Cannabis Retail Businesses: The location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding Lower-Potency Hemp Edible Retail Businesses.

5.C. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis products directly to consumers and not for the purpose of resale in any form. Lower-Potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.

5.D. Lower-Potency Hemp Edible Retail Business: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis products directly to consumers and not for the purpose of resale in any form. Lower-Potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.

5.E. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

5.F. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

5.G. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

5.H. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

5.I. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.

5.J. Retail Registration: An approved registration issued by Winona County to a state-licensed Cannabis Retail Business.

5.K. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

5.L. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a Cannabis Retail Business.

corporation, or association, foreign or domestic, selling lower-potency hemp edible products directly to consumers and not for the purpose of resale in any form. The ordinance does not apply to a Cannabis Retail Business operated by a Minnesota Tribal government in Indian country, as defined in United States Code, title 18, section 1151, without the consent of the Tribal government.

5.E. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

5.F. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

5.G. Address, parcel ID, and owner name(s): for the property where the proposed retail cannabis business will be located; and

5.H. Certification: that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13, including zoning regulations; and

5.I. Payment status: of all property taxes and assessments for the property where the cannabis or hemp retail business is located, if applicable.

5.J. Requirements:

5.K. Application Form: An application for a retail cannabis registration shall obtain an application form provided by the Winona County Department of Planning and Environmental Services and submit the form and any required attachments to the Winona County Department of Planning and Environmental Services.

5.L. Payment: Information to be used for the registration fee or renewal fee as adopted by the County; and

5.M. Copy of valid license or evidence of preliminary license approval: issued by the Office of Cannabis Management (OCM); and

5.N. Completed Certificate of Compliance: Minnesota Worker's Compensation Law (obtained from the Minnesota Department of Labor); and

5.O. Proof of business liability insurance: and

5.P. Any other information: Winona County determines is reasonably necessary for the application to be processed by the County and a registration to be issued.

5.Q. Application: Upon determining an application is complete, the Winona County Department of Planning and Environmental Services shall inform the applicant that the County has received all required information and considers the application for registration complete and ready for review. The Winona County Department of Planning and Environmental Services shall then process the registration fee and forward the application to the Winona County Attorney for review.

5.R. Application Fee: A registration fee, as established in Winona County's Fee Schedule, (reviewed and accepted annually by the Winona County Board of Commissioners) shall be charged to applicants depending on the type of retail business license applied for. All fees collected by Winona County will be retained by Winona County.

5.S. Application Form Content: The Winona County Department of Planning and Environmental Services shall determine, in accordance with applicable Winona County

ordinances; and

5.T. Delinquent: There no delinquent property taxes or assessments owed for the property where the retail business will be located.

5.U. Application: If the applicant is a Cannabis Retail Business, it would not exceed the maximum number of registered Cannabis Retail Businesses permitted by this ordinance under Section 2.9

5.V. Renewal: After completing its review, the Winona County Attorney shall notify the Winona County Department of Planning and Environmental Services whether the applicant has met all requirements for registration.

5.W. Annual Renewal: All state-licensed Cannabis Retail Businesses registered by Winona County shall apply annually to renew their County retail cannabis registration on a form established by Winona County.

5.X. Preliminary Compliance Checks: The Winona County Sheriff, in consultation with the Winona County Attorney and the Winona County Department of Planning and Environmental Services, may conduct a preliminary compliance check to ensure compliance with any applicable ordinances.

5.Y. Application Approval:

5.Z. Issuance of Registration or Renewal: Upon notification from the Winona County Attorney that the applicant has met all requirements under Section 2.3 of this ordinance, the Winona County Department of Planning and Environmental Services shall issue the registration or renewal.

5.A. Reasonable Diligence Required: The recipient of a retail cannabis registration must use reasonable diligence to obtain other required approvals, prepare the proposed retail location, and begin retail operation at the location. If, upon a registration recipient's first annual renewal date, retail cannabis business operations have not begun or the recipient has failed to obtain or meet the conditions of any conditional use (or other) permit, the County may require the registration recipient to show evidence of a reasonable, attainable, projected date when the registration recipient anticipates retail operations will begin. If the registration recipient fails to establish, to the satisfaction of the County, the existence of a viable plan and reasonable timetable for commencing retail operations, the County Board shall require the registration recipient to show evidence of a reasonable, attainable, projected date when the registration recipient anticipates retail operations will begin. If the registration recipient fails to establish, to the satisfaction of the County, the existence of a viable plan and reasonable timetable for commencing retail operations, the County Board shall require the registration recipient to show evidence of a reasonable, attainable, projected date when the registration recipient anticipates retail operations will begin.

5.B. Suspension: A suspension of a Cannabis Retail Business registration if it violates the ordinance of Winona County or poses an immediate threat to the health or safety of the public. Winona County shall immediately notify the Cannabis Retail Business in writing the grounds for the suspension.

5.C. Change of Location: A state-licensed Cannabis Retail Business shall be required to submit a new application for registration under Section 2.3 if it seeks to move to a new location still within the legal boundaries of Winona County.

5.D. Suspension of Registration:

5.E. Renewal: Winona County shall charge a renewal fee for the registration starting at the second renewal, as established in Winona County Fee Schedule.

5.F. Renewal Application: The application for renewal of a retail registration shall include, but is not limited to, items required under Chapter 2.3 of this Ordinance.

5.G. Prohibition on Transfer: A cannabis retail registration issued under this ordinance shall not be transferred.

5.H. Renewal Fees: Winona County shall charge a renewal fee for the registration starting at the second renewal, as established in Winona County Fee Schedule.

5.I. Renewal Application: The application for renewal of a retail registration shall include, but is not limited to, items required under Chapter 2.3 of this Ordinance.

5.J. Change of Location: A state-licensed Cannabis Retail Business shall be required to submit a new application for registration under Section 2.3 if it seeks to move to a new location still within the legal boundaries of Winona County.

5.K. Suspension: Winona County may suspend a Cannabis Retail Business's registration if it violates the ordinance of Winona County or poses an immediate threat to the health or safety of the public. Winona County shall immediately notify the Cannabis Retail Business in writing the grounds for the suspension.

5.L. Renewal: Winona County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Winona County and the cannabis business retailer a response within seven calendar days and perform any necessary inspections within 30 calendar days.

5.M. Length of Suspension: The suspension of a Cannabis Retail Business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

5.N. Application: Upon determining an application is complete, the Winona County Department of Planning and Environmental Services shall complete a minimum of one unannounced compliance check per calendar year of every cannabis business with a retail registration to assess whether the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b), Minn. Stat. 342.24.

5.O. Minimum Required Compliance Checks: The Winona County Sheriff's Office shall complete a minimum of one unannounced compliance check per calendar year of every cannabis business with a retail registration to assess whether the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b), Minn. Stat. 342.24.

5.P. Annual Compliance Checks: The Winona County Sheriff's Office shall complete a minimum of one unannounced compliance check per calendar year of every cannabis business with a retail registration to assess whether the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b), Minn. Stat. 342.24.

5.Q. Civil Penalties: Subject to Minn. Stat. 342.22, subd. 5(e) Winona County shall impose a civil penalty, as specified in the Winona County Fee Schedule, for registration violations, not to exceed \$2,000.

5.R. Limiting of Registrations: The Winona County Sheriff's Office shall complete a minimum of one unannounced compliance check per calendar year of every cannabis business with a retail registration to assess whether the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b), Minn. Stat. 342.24.

parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult use cannabis products, Lower-Potency Hemp Retail Businesses, to no fewer than one registration per 12,500 residents within Winona County, as determined by the most recent annual report of the Minnesota State Demographer, with the exception that the County may make additional registrations available to ensure at least five (5) registrations, but no more than five (5) registrations are available for licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement and cannabis microbusiness with a retail operations endorsement to operate in the geographic areas in which Winona County has authority to issue registrations.

5.S. Number of Registrations: Winona County shall limit the number of Cannabis Retail Businesses registrations, excluding Lower-Potency Hemp Retail Businesses, to no fewer than one registration per 12,500 residents within Winona County, as determined by the most recent annual report of the Minnesota State Demographer, with the exception that the County may make additional registrations available to ensure at least five (5) registrations, but no more than five (5) registrations are available for licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement and cannabis microbusiness with a retail operations endorsement to operate in the geographic areas in which Winona County has authority to issue registrations.

5.T. Temporary Event Registration Fee: A registration fee, as approved by the Winona County Board and established in the Winona County fee schedule, shall be charged to register a Temporary Cannabis Event.

5.U. Compliance With Other Laws: The sponsor(s) of a Temporary Cannabis Event must obtain all permits and approvals applicable to events and must comply with all applicable local ordinances and state laws governing temporary

5.V. Temporary Event Registration: A registration fee, as approved by the Winona County Board and established in the Winona County fee schedule, shall be charged to register a Temporary Cannabis Event.

5.W. Application Submittal and Review: An application to register a Temporary Cannabis Event shall be provided by the Winona County Department of Planning and Environmental Services.

5.X. Application: The completed application shall be submitted to the Winona County Department of Planning and Environmental Services for review.

5.Y. Completed Application: The completed application shall include a copy of the cannabis event license application it submitted to the Office of Cannabis Management pursuant to Minn. Stat. § 342.39, subd. 2.

5.Z. Determination: Upon determining that the event has met all applicable requirements under state law and local ordinances, the Winona County Department of Planning and Environmental Services shall register the Temporary Cannabis Event and notify the applicant.

5.A. Periodic Review: The County Board shall periodically review the impact cannabis-related businesses are having on health, safety, and welfare within the County and consider whether changes are needed in the number of registrations made available, the applicable zoning and land use ordinances, or to any time, place, and manner restrictions.

5.B. Registration Selection Process: Whenever one or more cannabis licenses become available under the conditions within this Section and the applicable provisions of this ordinance governing Cannabis Retail Businesses generally.

5.C. Registration: Lower-Potency Hemp Edibles may only be sold and purchased at Lower-Potency Hemp Edible Retailers that have an active license issued by the Office of Cannabis Management, are registered with Winona County, are located in a zoning district authorized for retail Lower-Potency hemp edible sales, and have obtained an appropriate zoning permit issued by Winona County or the authorized zoning authority.

5.D. Hours of Operation: Lower-Potency Hemp Edible Retailers are limited to retail sales of Lower-Potency Hemp Edibles during times authorized under Minn. Stat. 342.27, Subd. 7 (as may be amended), any other applicable statutes or rules, and as authorized by the applicable zoning authority.

5.E. Dated: December 23, 2023.

5.F. WINONA COUNTY BOARD OF COMMISSIONERS

5.G. Marcia L. Ward, Board Chair

5.H. ATTEST:

5.I. Maureen L. Holte, County Administrator