

Early Cannabis Cultivation May Require City Action

May 28, 2024

As a result of recent legislative changes, cities should review their zoning ordinances and determine if changes need to be made to properly regulate cannabis cultivation.

The Minnesota Legislature has adopted the [Conference Committee Report on HF 4757](#) related to cannabis regulations within the state. The legislation requires the Office of Cannabis Management (OCM) to begin accepting applications for social equity applicants on July 24, 2024, with applications closing on Aug. 12, 2024. A successful social equity applicant will gain preapproval to operate a cannabis business.

The [legislation's language regarding early cultivation](#) allows businesses that have received preapproval to immediately begin cultivating cannabis if the business:

- Complies with local zoning ordinances.
- Complies with state fire and building codes.
- Complies with [Minnesota rules related to medical cannabis](#).

No other cannabis-related operations may commence until OCM had adopted final rules, which are expected early next year.

Impact on cities

This new exception for early cultivation is a change from the original legislation, which prohibited all cannabis operations, including cultivation, until rules were adopted.

As a result of this legislation, cities should review their zoning ordinances and determine if changes need to be made to properly regulate cannabis cultivation. In the alternative, [cities still have the ability to adopt a moratorium](#) on cannabis businesses. A moratorium may be a proper action if a city cannot effectively amend their zoning ordinances in time to deal with early cultivation.

Many cities have already adopted moratoriums related to cannabis businesses. In those cities, an approved social equity applicant would be prohibited from operating under the early cultivation exception because they would not meet local zoning ordinances.

OCM is currently working on model zoning ordinances as required by statute. It is unclear, however, whether the model ordinances and guidelines will be available in time for cities to adopt prior to early cultivation.

The League encourages cities to work with their city attorney to determine the proper course to deal with early cultivation of cannabis.