

2025 OA-016

AMENDING CHAPTERS 2 & 34 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING THE PROHIBITION ON THE SALE OF
CANNABINOID PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 2.03(2)(r) is created to read as follows:

2.03 PERSONS AUTHORIZED TO ISSUE CITATIONS.

(2) The following county officials with respect to the enforcement of only those chapters or sections of the ordinances specified:

(r) Section 34.236, Director of Public Health Madison and Dane County.

ARTICLE 3. Sections 2.06(79), (80) and (81) are created to read as follows:

2.06 SCHEDULE OF DEPOSITS.

(79) 34.236(a) Possession of a cannabinoid product by 100.00
a person under 21.

(80) 34.236(b) Sale of a cannabinoid product to a person 400.00
under 21.

(81) 34.236(2)(d)1. Failure to post signs in areas 400.00
cannabinoid products are sold.

ARTICLE 4. Section 34.236 is created to read as follows:

**34.236 PROHIBITING THE SALE OF CANNABINOIDS TO PERSONS
UNDER THE AGE OF TWENTY-ONE (21) YEARS-OLD.**

(1) DEFINITIONS. As used in this section, the following words have the meanings indicated:

(a) Cannabinoid means:

1. Any tetrahydrocannabinol or synthetic cannabinoid, including those derived from hemp.

(b) Cannabinoid Products means:

1. Any product containing cannabinoids that is intended to produce an intoxicating or psychoactive effect.

(2) RESTRICTIONS.

(a) It shall be illegal for any person under twenty-one years of age to possess any Cannabinoid Product.

- 47 (b) It shall be illegal for any person, business, retailer, or entity sell or
48 deliver a cannabinoid product to any person under twenty-one years of
49 age.
50 (c) It shall be illegal to sell or deliver any cannabinoid product to a person
51 without having first verified their age by having the purchaser present a
52 valid federal, state or municipal issued photo identification. This age
53 verification must be done by a person and may not be automated.
54 (d) Signs and notices.
55 1. A person, business, retailer, or entity engaged in the sale of
56 cannabinoid products must post a sign in areas within their
57 premises where any cannabinoid product is sold to consumers
58 stating that the sale of any such to any person under the age of
59 twenty-one (21) is unlawful under this section.
60

61 **(3) PENALTIES.**

- 62 (a) Any person who violates 34.236(2)(a) shall, upon conviction, be
63 subject to a forfeiture of not less than \$50, nor more than \$200,
64 exclusive of costs.
65 (b) Any person, business, retailer, or entity who violates any provision
66 34.236(2)(b) or 34.236(2)(d)1. shall, upon conviction, be subject to a
67 forfeiture of not less than \$400, nor more than \$1000, exclusive of
68 costs, and upon failure to pay the same may be confined in the
69 county jail for not more than thirty days.
70 (c) Each day a violation of section 34.236(2)(d)1. exists constitutes a
71 separate violation of this ordinance.
72 (d) Repeated violations of this section constitute a public nuisance.
73 Corporation Counsel is authorized to seek any injunction required to
74 abate the nuisance.
75 (e) This ordinance will supersede any ordinance in conflict therewith and
76 must take effect upon passage and publication, as required by law.
77

78 *[EXPLANATION: This amendment updates Chapter 34 to restrict the sale of*
79 *cannabinoid products to persons of at least 21 years of age. It prohibits*
80 *possession of cannabinoid products by persons under 21 years of age. It*
81 *requires retailers to take certain steps to verify that their customers have*
82 *reached 21 years of age before selling any cannabinoid products. This*
83 *amendment updates Chapter 2 to provide the director of Public Health Madison*
84 *and Dane County with the authority to issue citations for violations of the new*
85 *provisions.]*