

ORDINANCE NO. 2022-12-05-01

AN ORDINANCE TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS DISPENSARIES WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND, PURSUANT TO ALA. CODE 1975, § 20-2A-51(c).

WHEREAS, during the 2021 Regular Session of the Alabama Legislature, Act 2021-450, known as the Darren Wesley 'Ato' Hall Compassion Act, (the "Act"), was enacted and codified in Title 20, Chapter 2A, Code of Alabama 1975, "to create within Alabama a wholly intrastate system for the cultivation, processing, and distribution of medical cannabis in the interest of protecting its own residents from the danger that recreational cannabis poses" Ala. Code 1975, § 20-2A-2; and

WHEREAS, the Act legalizes and establishes a comprehensive regulatory framework for medical cannabis, including the licensing and strict regulation of the cultivation, processing, transporting, testing, and dispensing of medical cannabis; and

WHEREAS, the Act specifically finds as follows: "Establishing a program providing for the administration of cannabis derivatives for medical use in this state will not only benefit patients by providing relief for pain and other debilitating symptoms, but also provide opportunities for patients with these debilitating conditions to function and have a better quality of life and provide employment and business opportunities for farmers and other residents of this state and revenue to state and local governments." Ala. Code 1975, § 20-2A-2; and

WHEREAS, the Act defines a "dispensary" as an entity licensed by the Alabama Medical Cannabis Commission that is "authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers" Ala. Code 1975, § 20-2A-3; and

WHEREAS, the Act defines an "integrated facility" as an entity licensed "to perform the functions of a cultivator, processor, secure transporter, and dispensary" Ala. Code 1975, § 20-2A-2; and

WHEREAS, the Act defines a "dispensing site" as a site that is "operated by a dispensary licensee or an integrated facility licensee" Ala. Code 1975, § 20-2A-2; and

WHEREAS, the Act prohibits a dispensary and an integrated facility from operating a dispensing site within a municipality unless the governing body of that municipality has adopted an ordinance authorizing the operation of dispensing sites within its boundaries Ala. Code 1975, §§ 20-2A-51, 20-2A-64, and 20-2A-67; and

WHEREAS, the Act "does not prohibit a municipality from adopting zoning ordinances restricting the operation of dispensing sites within its corporate limits" Ala. Code 1975, § 20-2A-51; and

WHEREAS, in accordance with the authority conferred on municipalities under the Act and in order to protect and promote the public health, safety and general welfare, the City Council of the City of Ashland desires to authorize the operation of dispensing sites for state-licensed dispensaries and integrated facilities within the corporate limits of the City of Ashland, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ashland, Alabama as follows:

1. That the City Council of the City of Ashland authorizes the operation of medical cannabis dispensing sites by dispensary licensees and integrated facility licensees within the corporate limits of the City of Ashland, subject to the provisions of Act 21-450, the rules and regulations promulgated thereunder, and applicable city laws, resolutions, and ordinances, as such may be amended at any time and from time to time;
2. That the City Clerk-Treasurer of the City of Ashland or his designee is hereby directed to forward a copy of this Ordinance to the Alabama Medical Cannabis Commission not more than seven calendar days after its adoption; and
3. That each and every provision of this Ordinance is hereby declared to be severable so that, if any provision is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other provision, for the City Council declares that it is its intent that it would have enacted this Ordinance without such invalid or unconstitutional provision(s); and

This Ordinance will be published in compliance with Ala. Code 1975, § 11-45-3.

The Ordinance shall become effective upon publication.

ADOPTED AND APPROVED, this _____ day of _____ 2022.

Ordinance No. _____

ATTEST:

City Clerk, City of Ashland

Mayor, City of Ashland

Ashland City Council President

CERTIFICATION OF CITY CLERK

The undersigned, as City Clerk of the City of Ashland, Alabama, hereby certifies that the foregoing is a true, correct, and complete copy of Ordinance No. _____, which was adopted by the City Council on this day.

City Clerk, City of Ashland