

ORDINANCE NO. 2022-327

AN ORDINANCE TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS DISPENSARIES WITHIN THE CORPORATE LIMITS OF THE CITY OF MADISON, PURSUANT TO ALABAMA CODE SECTION 20-2A-51(c).

WHEREAS, The State of Alabama has enacted Alabama Code Section 20-2A-1, *et seq.* (the Act), authorizing the cultivation, processing, and sales of cannabis products for medical use by patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, the Act requires the Alabama Medical Cannabis Commission to adopt rules that ensure safety, security, and integrity of the operation of medical cannabis facilities and protect the health, safety, and security of the public, thus heavily regulating all aspects of the medical cannabis industry, including dispensary operations, (See Alabama Code Section 20-2A-50 – 20-2A-68, Code of Alabama); and

WHEREAS, the Alabama Medical Cannabis Commission published its rules adopted pursuant to Alabama Code Section 20-2A-53 on August 31, 2022, and will accept applications from October 31 through December 30, 2022; and

WHEREAS, the Commission will deem applications complete and submitted on or about April, 13, 2023, and will open a public comment period on or about April 14, 2023 to accept comments from the public on all pending applications and may set a public hearing, at the Commission’s discretion, before the issuance of licenses on or after July 10, 2023; and

WHEREAS, the number of licenses for dispensary facilities to be issued by the Commission for 2023 are limited to thirty-seven (37) statewide as further enumerated as follows:

Integrated Facilities – up to five (5) licenses; each licensee authorized up to five (5) dispensing sites located in separate counties

Dispensary – up to four (4) licenses; each licensee authorized up to three (3) dispensing sites located in separate counties

WHEREAS, a dispensary, including a dispensary under an Integrated Facility License may only operate in a municipality if the municipality has passed an ordinance authorizing the operation of dispensaries within the municipality's corporate limits; and

WHEREAS, the operation of a medical cannabis dispensary will provide new economic and employment opportunities and new revenue through business licensing and other taxes; and

WHEREAS, the operation of a medical cannabis dispensary will provide new options to care for person's with qualifying medical conditions; and

WHEREAS, the Council of the City of Madison finds that it is in the best interest of the public health, safety, and welfare to authorize the operation of medical cannabis dispensing facilities within the City of Madison, subject to the strict regulation and oversight of the Alabama Medical Cannabis Commission.

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

SECTION 1.

- (a) The operation of medical cannabis dispensaries within the corporate limits of the City of Madison is authorized, subject to any applicable zoning restrictions the City may adopt pursuant to Alabama Code Section 20-2A-51(c)(3).
- (b) The operation of any facility, regardless of type, licensed by the Alabama Medical Cannabis Commission within the City of Madison shall comply with the Commission's strict regulation and oversight and shall comply with all laws and ordinances for the operation of a business within the City, including, but not limited to business licensing and other required taxes, and with all applicable ordinances and codes for location, construction, and sanitation of business premises within the City of Madison.
- (c) This ordinance shall be interpreted with respect to Alabama Code Section 20-2A-1, *et seq.* and the rules of the Alabama Medical Cannabis Commission, as either is now or may hereafter be amended.

SECTION 2.

A certified copy of this ordinance shall be submitted within seven (7) days of its adoption to the Alabama Medical Cannabis Commission by the City Clerk, as provided in Alabama Code Section 20-2A-51(c)(2).

SECTION 3. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective when published as required by law.

READ, PASSED AND ADOPTED this _____ day of December 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December 2022.

Paul Finley, Mayor
City of Madison, Alabama