

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 13-108, IN ARTICLE I OF CHAPTER 13 (LICENSES AND OCCUPATIONS); AMENDING ARTICLE XXXIV, SECTION 13-3401, IN CHAPTER 13 (LICENSES AND OCCUPATIONS); AMENDING SECTION 424.1 (C-2, GENERAL COMMERCIAL DISTRICT), AND SECTION 426.1 (I-1, LIGHT INDUSTRIAL DISTRICT), BOTH IN ARTICLE XI OF CHAPTER 22 (ZONING ORDINANCE); AND AMENDING SECTION 450 (DEFINITIONS), IN ARTICLE XIV OF CHAPTER 22 (ZONING ORDINANCE); IN ORDER TO ADD PERMITTED AND SPECIAL USES FOR MEDICAL MARIJUANA WASTE FACILITIES, AND TO IMPLEMENT CHANGES AND RESOLVE INCONSISTENCIES RESULTING FROM 2021 STATE LAW UPDATES REGARDING MEDICAL MARIJUANA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 13-108 of Chapter 13 shall be amended to read as follows:

SEC. 13-108 – Fee schedules for licenses and permits and occupational taxes.

* * *

- (s) Manufactured fertilizer 25.00
- (t) Marijuana Establishment
 - (1) Medical Marijuana Dispensary 600.00 initial/450.00 renewal
 - (2) Medical Marijuana Processor (a Tier I or II medical marijuana processor that also obtains a medical marijuana dispensary license for the location shall be issued a separate processor license, but shall not be required to pay duplicative initial or renewal fees) ...
 - a. Tier I (through November 1, 2021) and/or II medical marijuana processor ... 600.00 initial/450.00 renewal
 - b. Tier III Medical Marijuana Processor
 - i. Hazardous State Classification ... 900.00 (initial and renewal); or
 - ii. All Other Medical Marijuana Processors ... 900.00 (initial and renewal)
 - (3) Medical Marijuana Commercial Grower 900.00 (initial and renewal)
 - (4) Medical Marijuana Testing Laboratory 900.00 (initial and renewal)
 - (5) Medical Marijuana Research Facility 500.00 (initial and renewal)

- (6) Medical Marijuana Education Facility 500.00 (initial and renewal)
- (7) Medical Marijuana Storage Facility (only required for locations where no other Marijuana Establishment license is obtained)600.00 initial/450.00 renewal
- (8) Medical Marijuana Waste Facility 900.00 (initial and renewal)

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§2. That Section 13-3401 of Chapter 13 shall be amended to read as follows:

Sec. 13-3401 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Marijuana dispensary means an entity that has been licensed by the State of Oklahoma, ~~which allows the entity to purchase medical marijuana from a processor licensee or grower licensee and sell medical marijuana only to qualified patients, or their parents or legal guardian(s) if applicable, and caregivers~~ and as defined by applicable state law and regulation.

Marijuana establishment means those establishments listed in [Section 13-108\(t\)](#) herein, and including medical marijuana businesses, as defined by applicable state law and regulation.

Marijuana grower means an entity that has been licensed by the State of Oklahoma pursuant to Title 63 O.S. § 422, ~~which allows the entity to grow, harvest, and package medical marijuana according to OAC 310:681 for the purpose of selling medical marijuana to a dispensary, processor, or researcher~~, and as defined by applicable state law and regulation.

Marijuana processor means an entity that has been licensed by the State of Oklahoma pursuant to Title 63 O.S. § 423, ~~which allows the entity to: purchase marijuana from a commercial grower; prepare, manufacture, process, package, sell to, and deliver medical marijuana products to a dispensary licensee or other processor licensee; and may manufacture marijuana received from a qualified patient into a medical marijuana concentrate, for a fee, and~~ as defined by applicable state law and regulation.

Marijuana researcher facility means an entity issued a license by the State of Oklahoma pursuant to ~~Subchapter 4 of OAC 310:681~~, and as defined by applicable state law and regulation.

Medical marijuana means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose, as allowed by applicable state law and regulation.

Medical marijuana product means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a qualified patient, including but not limited to oils, tinctures, edibles, pills, topical forms, gels, creams, forms medically appropriate for administration by vaporization or a nebulizer, patches, tinctures, and liquids excluding live plant forms.

Medical marijuana storage facility means a facility where medical marijuana is being stored only, as permitted by applicable state law and regulation, and which facility is at a location for which any other marijuana establishment license has not already been obtained, and is not open to the general public. Those applicants with a state Transporter license that seek to maintain stand-alone licensed facilities for the storage of medical marijuana products transported shall be required to obtain a Medical Marijuana Storage Facility license.

Medical marijuana waste facility means an entity issued a license by the State of Oklahoma, and as defined by applicable state law and regulation ~~unused, surplus, returned or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots; and any wastewater generated during growing and processing.~~

~~*Retailer* means a marijuana dispensary.~~

Tier I medical marijuana processor, prior to November 1, 2021, means ~~referred to~~ a facility located in the City of Norman defined and regulated by Oklahoma state law as a medical marijuana processor, and which engages in only the following activity(ies): the preparation (from medical marijuana grown off-site), including necessary grinding, of "pre-rolled" marijuana cigarettes, "joints" or "blunts" for sale on-site. On or after November 1, 2021, Tier I licenses will no longer be issued in order to implement new State of Oklahoma law and regulations concerning the preparation and packaging of pre-rolls. ~~Nothing in this Code affects state law license categories for medical marijuana establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law.~~

Tier II medical marijuana processor means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which engages in Tier I medical marijuana processor activities and/or the following activities: the use of marijuana concentrate(s) (created off-site in compliance with state law and regulation), to make derivative infused products for sale on-site. Tier II medical marijuana processing does not include extraction processes of any kind. Examples of Tier II medical marijuana processing are the cooking, baking or preparation of medical marijuana edible products, or the addition of marijuana concentrate to products pre-manufactured off-site, such as lotions or soaps. Nothing in this Code affects state law license categories for medical marijuana establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law. Medical Marijuana Processors classified as a "hazardous medical marijuana processor" according to state law shall not be allowed as Tier II Medical Marijuana Processors.

Tier III medical marijuana processor means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which engages in any type(s) of medical marijuana

processing, including all allowed extraction processes, except that on-site sales are not permitted. Nothing in this Code affects state law license categories for medical marijuana establishments. Medical Marijuana Processors classified as “nonhazardous medical marijuana processor” or “hazardous medical marijuana processor” according to state law are allowed as Tier III Medical Marijuana Processors.

(Ord. No. 0-1819-17, § 2; Ord. No. 0-1920-4, § 2; Ord. No. 0-1920-39, § 2)

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§ 3. That Section 424.1 of Chapter 22 shall be amended to read as follows:

SEC. 424.1 – C-2, GENERAL COMMERCIAL DISTRICT

* * *

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

* * *

- (q) Tier III Medical Marijuana Processor, as allowed by state law.
- (r) Medical Marijuana Waste Facility (incineration only), as allowed by state law.

* * *

§ 4. That Section 426.1 of Chapter 22 shall be amended to read as follows:

SEC. 426.1 – I-1, LIGHT INDUSTRIAL DISTRICT

* * *

1. Uses Permitted. Property and buildings in an I-1, Light Industrial District, shall be used only for the following purposes:

* * *

(b) The Following uses when conducted within a complete enclosed building:

* * *

- (18) Medical Marijuana Storage Facility.
- (19) Medical Marijuana Waste Facility (incineration and/or composting only), as allowed by state law.

* * *

§ 5. That Section 450 of Chapter 22 shall be amended to read as follows:

Sec. 450 – DEFINITIONS

* * *

(80.5) MARIJUANA DEFINITIONS. Those definitions set forth in ~~the applicable Oklahoma Medical Marijuana and Patient Protection Act, and found at 63 Okla. Stat. § 420 et seq.~~ law and regulation concerning medical marijuana, shall be incorporated and applicable within the Zoning Ordinance. Further, zoning uses shall be compatible with those licenses issued in Chapter 13 of the Norman Municipal Code. ~~Additionally,~~ The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Medical Marijuana Storage Facility: means a facility where medical marijuana is being stored only, as permitted by applicable state law and regulation, and which facility is at a location for which any other Marijuana Establishment license has not already been obtained, and is not open to the general public. Those with a state Transporter license that seek to maintain stand-alone facilities for the storage of medical marijuana products transported shall be considered a Medical Marijuana Storage Facility for the purposes of this Ordinance.

Tier I Medical Marijuana Processor: prior to November 1, 2021, means referred to a facility located in the City of Norman defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engageds in only the following activity(ies): the preparation (from medical marijuana grown off-site), including necessary grinding, of “prerolled” marijuana cigarettes, “joints” or “blunts” for sale on-site. On or after November 1, 2021, any applicant proposing a use that meets the definition of “Tier I Medical Marijuana Processor” including on-site sales shall be considered and treated as a Medical Marijuana Dispensary use, and Tier I Medical Marijuana Processor licenses shall cease being issued pursuant to Chapter 13 of this Code on November 1, 2021. Nothing in this code affects state law license categories for Medical Marijuana Establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law.

Tier II Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in Tier I Medical Marijuana Processor activities and/or the following activities: the use of Marijuana Concentrate(s) (created off-site in compliance with state law and regulation), to make derivative infused products for sale on-site. Tier II Medical Marijuana Processing does not include extraction processes of any kind. Examples of Tier II Medical Marijuana Processing are the cooking, baking or preparation of Medical Marijuana edible products, or the addition of Marijuana Concentrate to products pre-manufactured off-site, such as lotions or soaps. Nothing in this code affects state law license categories for Medical Marijuana Establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law. Medical Marijuana Processors classified as a “hazardous medical marijuana processor” according to state law shall not be allowed as Tier II Medical Marijuana Processors.

Tier III Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in any type(s) of Medical Marijuana Processing, including all allowed extraction processes, except that on-site sales are not permitted. Nothing in this code affects state law license categories for Medical Marijuana Establishments. Medical Marijuana Processors classified as “nonhazardous medical marijuana processor” or

“hazardous medical marijuana processor” according to state law are allowed as Tier III Medical Marijuana Processors. (O-1920-39)

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§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

NOT ADOPTED this _____ day

of _____, 2021.

of _____, 2021.

Mayor

Mayor

ATTEST:

Brenda Hall, City Clerk