

2018-03
ORDINANCE NO. 2017-__

**TO ENACT CHAPTER 1183 OF THE CODIFIED ORDINANCES TO
PROHIBIT THE CULTIVATION, PROCESSING, AND RETAIL SALE
OF MEDICAL MARIJUANA**

WHEREAS, the Ohio General Assembly authorized the use of marijuana for medical purposes and established the medical marijuana control program through Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which became effective September 8, 2016 (the "Act"); and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio, municipalities have the inherent power to enact planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting, prohibiting, and/or regulating certain business uses; and

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.29, which authorized the legislative body of a municipal corporation to adopt an Ordinance to prohibit or limit the number of cultivators, processors or retail dispensaries within said municipal corporations; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and possession of marijuana with intention to manufacture, distribute, or dispense a crime under federal law; and

WHEREAS, financial services providers, such as banks and credit card companies, are unable to do business with medical marijuana enterprises because the transmission of funds related to the production or sale of a Scheduled I controlled substance remains prohibited by Federal law, and thus medical marijuana businesses result in employees and customers with excessive amounts of cash;

WHEREAS, this Council has determined it to be in the best interest of the Village's health, safety and welfare to prohibit the cultivation, processing and retail dispensing of medical marijuana within the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF CENTERBURG, KNOX COUNTY, STATE OF OHIO, THAT:**

SECTION 1: That Chapter 1183 entitled "MEDICAL MARIJUANA ACTIVITIES" is hereby enacted to read as follows:

**“CHAPTER 1183
MEDICAL MARIJUANA ACTIVITIES**

1183.01 PURPOSE AND INTENT

- (a) The purpose and intent of this Chapter is to provide for the regulation of medical marijuana land uses within the Village pursuant to Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.
- (b) Nothing herein is intended to regulate or prohibit a physician from recommending medical marijuana for a qualifying medical condition, or a registered patient from possessing or using medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.
- (c) The provisions of this Chapter are severable, and if any one or more should be found unenforceable for any reason, the remaining provisions shall remain in full force and effect.

1183.01 DEFINITIONS

As used in this chapter, the following words and phrases shall have the meanings herein:

- (d) “Academic medical center” has the same meaning as in section 4731.297 of the Ohio Revised Code.
- (e) “Cultivation” means to grow, harvest, package, and transport medical marijuana pursuant to a certificate of operation issued by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.
- (f) “Medical marijuana” means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose, including the leaves, stems, buds, and flowers of the medical marijuana plant, or as otherwise defined in Ohio Revised Code Section 3796.01(A)(2).
- (g) “Medical marijuana product” means a product that contains cannabinoids that have been extracted from medical marijuana for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches, and other forms approved under division (A)(6) of Section 3796.06 of the Ohio Revised Code.
- (h) “Processing” means converting harvested Medical Marijuana into Medical Marijuana Product and packaging, selling, and delivering Medical Marijuana Product for Retail Dispensing in accordance with a certificate of operation by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.
- (i) “Retail Dispensing” means to distribute, sell, or otherwise provide a Medical Marijuana Product to qualifying patients and caregivers pursuant to a certificate of operation issued by the

Stat of Ohio Board of Pharmacy as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

(j) "State university" has the same meaning as in section 3345.011 of the Ohio Revised Code.

1183.03 PROHIBITION OF MEDICAL MARIJUANA ACTIVITIES.

(a) The Cultivation of Medical Marijuana, or the Processing or Retail Dispensing of Medical Marijuana Product within the Village is hereby prohibited.

(b) This section does not prohibit research related to marijuana conducted at a state university academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity, if otherwise permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder."

SECTION 2: That this Ordinance shall take effect and be in force upon the earliest date allowed by law.

DATE PASSED

2/5/18

Signature on file

PRESIDENT OF COUNCIL

ATTEST

Signature on file

CLERK OF COUNCIL

Signature on file

MAYOR

APPROVED AS TO FORM:

DATE APPROVED:

2/5/18

Signature on file

LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on _____, 2017 and _____, 2017 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

CLERK-TREASURER