



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/13/2022

File ID: 2022-0911

Department: Administration

Subject:

Type of Action: Introduction

Introduction of an Ordinance authorizing the operation of medical cannabis dispensing sites in the city limits.

Ordinance No.

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location:

Address: N/A

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

ORDINANCE NO: 22- _____

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” (Code of Ala. 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.” (Code of Ala. 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” (Code of Ala. 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” (Code of Ala. 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” (Code of Ala. 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 (Code of Ala. 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” (Code of Ala. 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 Huntsville desires to authorize the operation of dispensing sites for state-licensed dispensaries and integrated facilities within the corporate limits of the City of Huntsville, Alabama.

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

1. That, as of December 23, 2022, the City Council of the City of Huntsville authorizes the operation of medical cannabis dispensing sites by dispensary licensees and integrated facility licensees within the corporate limits of the City of Huntsville, 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; and
2. That the City Clerk-Treasurer of the City of Huntsville 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
4. This Ordinance shall become effective December 23, 2022.

ADOPTED this the _____ day of _____, 2022.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2022.

Mayor of the City of
Huntsville, Alabama