

ORDINANCE NUMBER 2022 - 2245

**AN ORDINANCE AUTHORIZING THE OPERATION OF
MEDICAL CANNABIS DISPENSING SITES**

WHEREAS, there are residents in Alabama, and in this City, that suffer from a number of medical conditions whose symptoms could be alleviated by the administration of medical cannabis products if used in a controlled setting under the recommendation and guidance of their physician;

WHEREAS, in 2021, the Alabama Legislature adopted Alabama Act 2021-450 (codified at Ala. Code § 20-2A-1, *et seq.* (1975)) (“Act 2021-450”), which created a heavily-regulated system for the controlled distribution of medical cannabis by authorized licensees within the State of Alabama;

WHEREAS, such system does not provide for the recreational use of marijuana, but instead allows the use of medical cannabis upon the prescription of a physician to a patient undergoing medical care (such as a cancer patient in need of relief from debilitating pain);

WHEREAS, § 20-2A-51 of the *Code of Alabama* provides that dispensaries of medical cannabis may not be operated within a city, unless that city has authorized the operation of such dispensing sites; and

WHEREAS, in order to support its residents who suffer from medical conditions that may require the use of these products, the City Council of the City of Athens wishes to adopt this ordinance in order to permit the operation of such licensed dispensaries within the corporate limits.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on November 28, 2022, at 4:30 p.m., as follows:

Section 1. In accordance with § 20-2A-51 of the *Code of Alabama*, the operation of dispensing sites within the corporate limits of the City of Athens, Alabama is hereby authorized,

subject to the provisions of Act 2021-450 and any relevant ordinances of the City of Athens, Alabama. “Dispensing sites” shall mean sites operated for dispensing and selling medical cannabis by a dispensary licensee or an integrated facility licensee in accordance with Alabama Act 2021-450, as adopted and as amended.

Section 2. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 3. The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances of the City of Athens* as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED this the 28th day of November, 2022.

CHRIS SEIBERT, CITY COUNCIL PRESIDENT

WILLIAM R. MARKS, MAYOR

ATTEST:

ANNETTE BARNES-THREET, CITY CLERK

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes-Threet, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 28th day of November, 2022.

Witness my hand and seal of office this the ____ day of _____, 2022.

Annette Barnes-Threet, City Clerk