

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-65**

**AN ORDINANCE AUTHORIZING THE OPERATION OF MEDICAL CANNABIS
DISPENSING SITES WITHIN THE CITY OF DAPHNE**

WHEREAS, on May 17, 2021, Alabama Governor Kay Ivey signed the Darren Wesley “Ato” Hall Compassion Act (the “Act”) into law, legalizing and creating a regulatory framework for medical cannabis, and such Act has been codified as Code of Alabama, §§ 20-2A-1, *et seq.*; and

WHEREAS, the Act provides for the medical use of medical grade products that contain a derivative of cannabis by patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, the Act authorizes and requires the Medical Cannabis Commission to heavily regulate dispensary operations, thus addressing any health, safety, or welfare concerns of the citizens of the City of Daphne; and

WHEREAS, the location of a dispensary within the corporate limits of Daphne will bring the potential of new employment opportunities for Daphne’s citizens; and

WHEREAS, a dispensary would be required to obtain a business license and remit sales taxes to the City of Daphne, thus creating new revenue; and

WHEREAS, the City Council of the City of Daphne previously adopted Resolution 2022-49 on September 19, 2022, to authorize medical cannabis dispensaries within the City of Daphne, but upon further review it has been determined that the Act requires that the governing body of a municipality must adopt an ordinance authorizing the operation of such dispensaries before any such business can operate in the municipality; and

WHEREAS, the City of Daphne wishes to ratify its prior action by adopting this Ordinance authorizing the operation of medical cannabis dispensing sites within the corporate limits of the City of Daphne, subject to zoning, business license, and other revenue and police power requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that, in accordance with the Act, a holder of a license granted by the State of Alabama pursuant to the Act is hereby authorized to operate a medical cannabis dispensing site within the corporate limits of the City of Daphne, subject to the provisions of the Act and other applicable state law, and further subject to any applicable ordinance of the City of Daphne, including, without limitation, applicable zoning regulations and business license requirements as the same are applied to other businesses operating as a pharmacy.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5th DAY OF December, 2022.



Robin L. LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk