

## **ORDINANCE 14-2024**

### **AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY APPROVING THE OPERATION OF MEDICINAL CANNABIS FACILITIES IN THE CITY OF ELIZABETHTOWN AS AUTHORIZED BY KRS 218B.130**

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**WHEREAS**, the Commonwealth of Kentucky has adopted KRS Chapter 218B providing for the legalization of the use of medicinal cannabis and the operation of medicinal cannabis facilities in the Commonwealth which allows local governments like the City of Elizabethtown to allow medicinal cannabis business operations within its territories through passage of an ordinance; and

**WHEREAS**, KRS Chapter 218B provides that no local government, including the City of Elizabethtown, can prohibit the lawful use of medicinal cannabis by cardholders in the Commonwealth of Kentucky; and

**WHEREAS**, the Elizabethtown City Council, in fairness to its citizens to consider the petition process authorized by KRS 218B.130, should timely declare the intention to allow medicinal cannabis business operations within the City of Elizabethtown; and

**WHEREAS**, it is in the best interest of the health, safety, and welfare of the City of Elizabethtown's residents who have a qualifying medical diagnosis as indicated by an official medical cannabis card issued by the Commonwealth of Kentucky to have reasonable access to such medical treatment to allow medicinal cannabis business within the geographic boundaries of the City of Elizabethtown.

**NOW THEREFORE BE IT ORDAINED BY THE ELIZABETHTOWN CITY COUNCIL AS FOLLOWS:**

#### **A. Definitions**

(1) "Cabinet" means the Cabinet for Health and Family Services, Commonwealth of Kentucky.

(2) "Cannabis business" means an entity licensed under KRS 218B.010, et. seq. as a cultivator, dispensary, processor, producer, or safety compliance facility.

(3) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

(4) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

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(5) "Medicinal cannabis" means:

(a) marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B.010, et. seq.;

(b) includes medicinal cannabis products and raw plant material; and

(c) does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

(6) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

(7) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

(8) "Safety compliance facility" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

### **B. Cannabis Businesses Allowed**

(1) All cannabis businesses are hereby allowed in the corporate city limits of Elizabethtown, Kentucky, subject to all state and local laws, statutes, regulations, ordinances, codes and policies, to include local regulatory ordinances and local land use ordinances relating to medicinal cannabis to be hereinafter adopted.

(2) "Cannabis business" means any entity licensed under Chapter 218B of the Kentucky Revised Statutes as a cultivator, dispensary, processor, producer, or safety compliance facility.

### **C. Miscellaneous**

(1) The facts and recitations set out in the recitals of this Ordinance are adopted and incorporated as a part hereof, and the terms defined in the recitals shall have the same meanings when used herein.

(2) All Ordinances, Orders, Resolutions and Policies, or portions thereof, in conflict with this Ordinance are hereby repealed.

(3) If any part of this Ordinance be held unconstitutional or unenforceable, the remaining parts shall remain in force.

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BE IT FURTHER ORDAINED the Mayor of the City of Elizabethtown and/or his designee is authorized and directed to take all steps necessary to perfect this Ordinance.

BE IT FURHTER ORDAINED this Ordinance be published in summary form.


READ the first time this 17th day of June, 2024.

READ, ADOPTED & APPROVED, this 8th day of July, 2024.

PUBLISHED July 12, 2024.

  
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MAYOR JEFFREY H. GREGORY

ATTESTED TO:

  
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JESSICA J. GRAHAM, CITY CLERK