

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2024-10

**AN ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE
CITY OF UNION, KENTUCKY**

WHEREAS, on March 31, 2023, the governor signed into law Senate Bill 47 which establishes the licensing and regulation of the cultivation, processing, sale, distribution, and use of marijuana and related activities for medicinal purposes; and

WHEREAS, the Act authorizes the Cabinet for Health and Family Services to issue licenses to the following businesses:

- (a) Tier I cannabis cultivator;
- (b) Tier II cannabis cultivator;
- (c) Tier III cannabis cultivator;
- (d) Tier IV cannabis cultivator;
- (e) Cannabis dispensary;
- (f) Cannabis processor;
- (g) Cannabis producer; or
- (h) Cannabis safety compliance facility; and

WHEREAS, KRS 218B.130(2)(b) authorizes a local government to prohibit all cannabis business operations within its territory through the passage of an ordinance; and

WHEREAS, smoking cannabis, even for medical purposes, can have adverse health effects, particularly on the respirator system; and the long-term effects of cannabis use, especially on developing brains, are not yet fully understood; and

WHEREAS, legalizing cannabis for medical use could lead to increased recreational use and abuse, especially among young people; and

WHEREAS, the psychoactive effects of cannabis, particularly THC, impair cognitive function and could potentially pose risks, such as impaired driving or operating heavy machinery; and

WHEREAS, the operation of even-legal medical cannabis facilities creates complex legal and regulatory challenges for law enforcement, healthcare providers, and policymakers, leading to difficulties in enforcement and compliance; and

WHEREAS, medical cannabis goes against our City's societal norms or cultural values as cannabis use is still stigmatized; and

WHEREAS, due to the present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on Kentucky municipalities in general, and on the City of Union in particular, it is necessary and appropriate, and in the best interest of the health, safety, and welfare of the City of Union's residents and members of the public who visit, travel, or conduct business in the City of Union to prohibit all cannabis business within the geographic boundaries of the City of Union; and

WHEREAS, the Cabinet for Health and Family Services has recently promulgated many regulations regarding medical cannabis businesses and, further, there are expected to be other

regulations regarding cannabis business operations which have not been yet been vetted or reviewed, and the legislature of the Commonwealth of Kentucky on the last day of the 2024 legislative session passed HB 829 which was signed by the Governor on April 17, 2024, which, among other changes, allows the Cabinet for Health and Family Services to begin issuing licenses to certain of these business operations as of July 1, 2024 instead of the original date of January 1, 2025 and, due to the lack of time for the City of Union to study the effect of these business operations and to adopt regulatory ordinances to regulate the time, place, and manner of cannabis business operations, the City Commissioners of the City of Union have determined that it is in the best interest of the citizens and residents of the City to prohibit these business operations at this time in order for the appropriate City departments to study the impact of the siting, zoning, and regulatory measures that may be required with regard to cannabis business operations in the corporate limits of the City if they are allowed to operate; and

WHEREAS, if the City Commissioners do not opt out of these businesses at this time by ordinance, the Commonwealth may issue licenses to businesses without the City's ability to regulate if and when they can operate and where they may be located; and,

WHEREAS, the City of Union wishes to utilize the authority granted to it by KRS 218B.130(2)(b).

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Union, Kentucky as follows:

SECTION I

DEFINITIONS

- (1) "Cabinet" means the Cabinet for Health and Family Services;
- (2) "Cannabis business" means an entity licensed under this chapter 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](#);
- (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 this chapter;
 - (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](#); and,

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

SECTION II

CANNABIS BUSINESSES PROHIBITED

- (1) All cannabis businesses are hereby prohibited from operating in the corporate city limits of Union, Kentucky.
- (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.

SECTION III

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION IV

This Ordinance shall take effect upon its passage and approval.

SECTION V

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

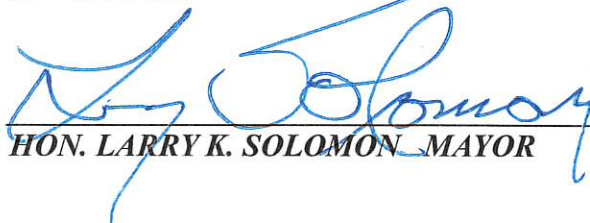
FIRST READING:

June 3, 2024

SECOND READING:

June 17, 2024

APPROVED:


HON. LARRY K. SOLOMON, MAYOR

ATTEST:


TAMMY WILHOITE, CITY CLERK

AYES: 4

NAYES: 1

ABSTAIN: 0

PUBLISHED: _____