

COMMONWEALTH OF KENTUCKY
BOYD COUNTY FISCAL COURT
BOYD COUNTY, KENTUCKY
ORDINANCE NO. 2024-04

AN ORDINANCE PERMITTING THE SALE OF MEDICAL CANNABIS AND THE OPERATION OF MEDICAL CANNABIS BUSINESSES WITHIN THE COUNTY OF BOYD, PURSUANT TO THE AUTHORITY GRANTED IN KRS 218B.090 AND 218B.130; AND OTHER RELATED MATTERS

WHEREAS, on April 15, 2024, the Kentucky General Assembly adopted House Bill 829, which was signed into law by the Governor on April 17, 2024, amending KRS 218B, the Kentucky law permitting medical cannabis; and

WHEREAS, KRS 218B.130(2)(b) (2) within whose territory cannabis business operations are permitted, may enact ordinances to establish and assess reasonable fees to compensate for any additional costs caused by operation of medical cannabis businesses within its territory; and

WHEREAS, the County of Boyd has decided to utilize the authority of KRS 218B.090 and 218B.130 to allow the sale of medical cannabis and operation of medical cannabis businesses within the jurisdictional boundaries of the County of Boyd.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOYD, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION 1
MEDICAL CANNABIS

The definitions within KRS 218B.010 are hereby adopted and incorporated by reference as if fully rewritten herein.

SECTION 2
SALE OF MEDICAL CANNABIS AND OPERATION OF
ALL MEDICAL CANNABIS BUSINESSES PERMITTED.

The sale of medical cannabis to a registered qualified patient and the operation of all medical cannabis businesses permitted by Kentucky law are permitted within the jurisdictional boundaries of the County of Boyd, Kentucky. Pursuant to KRS 218B.010(3), the types of medical cannabis operations are listed as follows:

- The operation of a dispensary offering for sale of medical cannabis directly to registered qualified patients.

- The operation of a medical cannabis cultivator.
- The operation of a medical cannabis processor.
- The operation of a medical cannabis safety compliance facility.
- The operation of a medical cannabis producer.

SECTION 3 LICENSE REQUIREMENTS

A. No person or entity will operate a cannabis business within the County of Boyd without a valid business license and cannabis business license issued by the County pursuant to the provisions of this Ordinance.

B. Every applicant for a cannabis business license to operate a cannabis business must file an application with the Boyd County Fiscal Court.

C. Every applicant for a business license to operate a cannabis business will submit with the application a photocopy of the applicant's valid and current license issued by the Commonwealth of Kentucky in accordance with the Kentucky Medical Cannabis Program.

D. Maintaining a valid cannabis business license issued by the Commonwealth of Kentucky is a condition for the issuance and maintenance of a cannabis business license under this Ordinance and continued operation of any cannabis business.

E. A business license to operate a cannabis business issued under this Ordinance is not transferable.

SECTION 4 CANNABIS LICENSE FEE

A. Any cannabis business operating within the County of Boyd must pay an annual nonrefundable cannabis license fee to help defray administrative and enforcement costs.

1. Fee:

- o Cultivator I: \$500.00
- o Cultivator II: \$500.00
- o Cultivator III: \$500.00
- o Cultivator IV: \$500.00
- o Processor: \$500.00
- o Cultivator/Producer: \$500.00

- o Dispensary: \$500.00
- o Safety Compliance Facility: \$500.00

B. Licensed cannabis businesses will collect a four percent (4%) regulatory fee on the sale of cannabis products, remitted to the Boyd County Fiscal Court by the twentieth (20th) day of the month for the preceding month. Failure to timely report and pay such fee will result in a 5% late penalty applied to the amount owed to the Boyd County Fiscal Court.

C. The County of Boyd will review these fees at least once every year in June to determine if a new fee schedule should be enacted.

SECTION 5 LICENSE RENEWAL

A. A business license within the County of Boyd will be valid for one year from January 1st until December 31, unless revoked as provided by law.

1. Business licenses obtained after January 1st will be valid until December 31 of the current year. The fee for this business license will be prorated for initial applications.
2. See Ordinance 2023-06 for all business license requirements.

B. A valid cannabis business license to operate a cannabis business may be renewed on an annual basis by submitting a renewal application upon a form provided by the Fiscal Court and payment of all business and annual license fees.

1. This license will be valid from July 1st of each year to June 30th of the following year.

C. Application to renew a cannabis business license to operate a cannabis business must be filed at least thirty (30) days prior to the date of its expiration.

D. Licensees are required to notify the County of any changes in address, the cessation of business, or any other changes which renders the information supplied to the County in the license application inaccurate.

SECTION 6 RESTRICTED LOCATIONS

Such licensed cannabis business shall not be located within one thousand (1,000) feet of an existing elementary or secondary school or a daycare center, and all other restrictions in accordance with State Law.

SECTION 7


All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8

This Ordinance may be published in summary pursuant to KRS 183A.060(9).

SECTION 9

This Ordinance shall be in full force and effect from and after its adoption and publication of a summary thereof as provided by law.



ERIC CHANEY
BOYD COUNTY JUDGE EXECUTIVE

Voting:

Voting:

First Reading: SEPTEMBER 24, 2024 Second Reading: OCTOBER 29, 2024

YES Eric Chaney
YES Jeremy Holbrook
YES David Salisbury
YES Randy Stapleton

YES Eric Chaney
YES Jeremy Holbrook
YES David Salisbury
YES Randy Stapleton

Attest:



Boyd County Fiscal Court Clerk

Published