

ORDINANCE RELATING TO THE PROHIBITION OF CANNABIS BUSINESS
OPERATIONS IN THE CITY OF WAYLAND, KENTUCKY

WHEREAS, on April 15, 2024, the Kentucky General Assembly passed *2024 House Bill 829*, signed into law by Governor Andy Beshear on April 17, 2024, that amends *KRS Chapter 218B*, which codifies the statutes governing the Kentucky Medical Cannabis Program;

WHEREAS, *KRS 218B.090* and *218B.130* authorize local governments to prohibit cannabis operations within their territory through the passage of an ordinance;

WHEREAS, the City of Wayland wishes to utilize the authority granted to it by *KRS 218B.090* and *218B.130* to prohibit cannabis business operations within its territory through the passage of an ordinance;

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

Section I:

Definitions

The definitions within *KRS 218B.010* are hereby adopted as if set out herein and as relevant to this ordinance, which shall include but not be limited to the following:

"Cabinet" means the Cabinet for Health and Family Services;

"Cannabis business" means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility;

"Cultivator" means an entity licensed as such under *KRS 218B.080*, *218B.085*, and *218B.090*;

"Dispensary" means an entity licensed as such under *KRS 218B.080*, *218B.085*, and *218B.090*;

"Medicinal cannabis": (a) Means 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*;

"Processor" means an entity licensed as such under *KRS 218B.080*, *218B.085*, and *218B.090*;

"Producer" means an entity licensed as such under *KRS 218B.080*, *218B.085*, and *218B.090*;

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

Section II:
Cannabis Businesses Prohibited

All cannabis businesses are hereby prohibited from operating in the corporate city limits of Wayland, Kentucky.

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:


Effective Date

This ordinance shall be effective upon adoption, execution, and publication.

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


PASSED AND APPROVED ON FIRST READING, THIS 11 DAY OF July, 2024.

PASSED AND APPROVED ON SECOND READING, THIS 8 DAY OF August, 2024.




JERRY A. FULTZ
MAYOR, CITY OF WAYLAND
Date: July 11, 2024

ATTEST:



SHARON ANDERSON
CLERK, CITY OF WAYLAND

APPROVED AS TO FORM AND LEGALITY THIS 8 DAY OF August, 2024.

By: 

LISA STUMBO
CITY ATTORNEY