

MEDICINAL CANNABIS LEGISLATION

March 19, 2024

Work Session



LEXINGTON



- Legal Framework
- Local Government Authority
- Timeline
- Zoning Ordinance Text
Amendment



Legal Framework—Generally

- 2023 SB47 legalizes medicinal cannabis effective January 1, 2025. Pending legislation amends the effective date.
- Excludes medicinal cannabis from the definition of “marijuana” for criminal law.
- Outlines requirements for operation of cannabis businesses, qualifying medical conditions, process and procedures for dispensing and possessing medicinal cannabis.
- Broad regulatory authority granted to the Cabinet for Health and Family Services and the Kentucky Medical Cannabis Program.
- 5 categories of “cannabis business entities,” which will require licensing by the state and subject to limited local regulation.



Cannabis Business Entities

- Cultivator
 - 4 tiers based on size of growing area
 - Processor
 - Producer
 - Safety Compliance Facility
 - Dispensary
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- May not be located within 1,000 feet of existing elementary or secondary school or daycare center.
 - Very detailed security and operational requirements overseen by the Cabinet.



Local Government Authority – KRS 218B.130

- “Enact ordinances not in conflict with this chapter or with the cabinet’s administrative regulations, regulating the **time, place, and manner** of cannabis business operations, except that a local government shall not enact ordinances that impose an undue burden or make cannabis business operations unreasonable or impractical.”
 - Zoning
 - May also impose fees consistent with ordinary and reasonable local fees. Currently being drafted.
- Enact an ordinance prohibiting all cannabis business operations.
 - Public question initiated by petition may be submitted to voters.
- Enact a resolution putting the question to voters.



Pending Amendments and Timeline

- “Medicinal cannabis businesses cannot ensure an adequate supply of medicinal cannabis in 2025 without becoming licensed and operational in 2024.”
- Accelerates effective date.
 - Senate Bill 337--licensing process can start immediately upon passage.
 - House Bill 829—licensing process can start August 1st.
 - Licensing decision within 45 days of receipt of completed application.
- Local governments under a short timeline to enact any desired regulations.



Zoning Ordinance Text Amendment

- Planning Commission initiated ZOTA on March 14.
- Draft ZOTA includes recommended zones for all Cannabis Business Entities.
- Public Input on Draft ZOTA:
 - April 8: Mailed notice to Neighborhood Associations
 - May 2: Planning Commission Zoning Committee
 - **May 9: Planning Commission Public Hearing**
 - June 11: Council Work Session docket
 - **June 13: Council First Reading**

QUESTIONS?



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