

ORDINANCE NO. 2023-010

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CARTHAGE, MISSISSIPPI:

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF CARTHAGE, MISSISSIPPI
REGULATING THE LICENSING CULTIVATION, PROCESSING, SALE, AND
DISTRIBUTION OF MEDICAL CANNABIS
WITHIN THE CITY LIMITS OF CARTHAGE, MISSISSIPPI

WHEREAS, pursuant to Section 21-17-5 M.C.A., the Mayor and Board of Aldermen of the City of Carthage, Mississippi have authority to adopt any orders, resolutions, or ordinances with respect to the municipal affairs of the City of Carthage, Mississippi, which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, pursuant to Section 21-13-1 M.C.A., the governing authorities of municipalities shall have the power to pass all ordinances and enforce same; and

WHEREAS, the State of Mississippi passed Senate Bill 2095 (2022) on February 2, 2022, enacting the Mississippi Medical Cannabis Act to authorize medical cannabis use by certain patients who have debilitating medical conditions, to require a patient to receive a written certification from a qualified practitioner to qualify for a registry identification card for the use of medical cannabis, to provide for the process by which a patient may register as a cardholder for the use of medical cannabis, to provide certain protections to patients, caregivers, medical providers, and medical cannabis establishments for the medical use of cannabis, to provide for the allowable amount of medical cannabis by a qualified patient, to provide that the State Department of Health will issue registry identification cards to qualifying patients and registrations to qualifying facilities, to provide that the Mississippi Department of Health shall have the ultimate authority for oversight of the administration of the medical cannabis program, to require the Department of Health to license cannabis cultivation facilities, cannabis processing facilities, cannabis transportation entities, cannabis disposal entities, cannabis testing facilities, and cannabis research facilities, to require the Department of Revenue to license medical cannabis dispensaries, to require the Department of Health to register qualified practitioners and grant registry identification cards to qualified patients and designated caregivers, to provide for a statewide Seed-To-Sale tracking system, to provide for deadlines for the implantation of the program, to provide for certain limitations of the application of the act, to provide that the act does not authorize any individual to engage in nor prevent the imposition of any civil, criminal, or other penalties for certain acts related to the use of medical cannabis, to provide for the fees for licenses of medical cannabis establishments, to allow municipalities and counties to enact ordinances or regulations not in conflict with the act, to prohibit medical cannabis establishments from being located within 1,000 feet of the nearest boundary line of any school, church, or child care facility unless it has received a waiver, to provide certain requirements, prohibitions, and penalties for medical cannabis establishments, to provide the possession limit of medical cannabis for resident

and nonresident cardholders, to allow for the governing authorities of municipalities and board of supervisors of counties to opt out of allowing the processing, sale, and distribution of medical cannabis within 90 days after the effective date of the act, to provide for the referendum process for a municipality or county to opt into allowing the cultivation, processing, sale, and distribution of medical cannabis in a municipality or county that has opted out; and

WHEREAS, a notice of a public hearing regarding the proposed ordinance was published on the 9th of November, 2023 in *The Carthaginian*, as evidenced by the proof of publication attached hereto and incorporated herein; and

WHEREAS, the Mayor and Board of Aldermen find that it will promote the public health, morals, and safety of our citizens to provide reasonable rules and regulations governing the cultivation, processing, sale, and distribution of medical marijuana as provided within this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CARTHAGE MAYOR AND BOARD OF ALDERMEN AS FOLLOWS:

SECTION 1. State Law Control: Except as otherwise set forth within this chapter, the laws of the State of Mississippi as they now exist or hereafter amended or adopted and, where applicable, the Rules and Regulations of the Mississippi Department of Health and Mississippi Department of Revenue shall apply. Any provision of this chapter that contradicts any such state authority is superseded and preempted by the state authority, all of which state authority is adopted herein by reference.

SECTION 2. Definitions: Except as otherwise defined herein, this chapter shall be deemed to apply the definitions to terms that are provided by state law as state law now exists or is hereafter amended or adopted, including, where applicable, the Rules and Regulations of the Mississippi Department of Health and Mississippi Department of Revenue in connection with the subjects of medical cannabis, including but not limited to, those definitions appearing in Senate Bill No. 2095 (2022) as currently defined or as hereafter amended and revised. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Generally.

1. Applicant – means a person who applies for a permit to operate a medical cannabis facility under this ordinance.
2. Cannabis – means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug

- products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.
3. Cannabis cultivation facility – means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.
 4. Cannabis disposal entity – means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.
 5. Cannabis processing facility – means a business entity that is licensed and registered by the Mississippi Department of Health that:
 - (1) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
 - (2) Possess cannabis with the intent to manufacture a cannabis product;
 - (3) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
 - (4) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.
 6. Cannabis product (s) – means cannabis flower, concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Miss. Code Sections 41-29-113 and 41-29-136.
 7. Cannabis testing facility - or "testing facility" means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.
 8. Cardholder – means a registered patient or a registered designated caregiver who has been issued and possesses a valid registry identification card.
 9. Concentrate - means a substance obtained by separating cannabinoids from cannabis by:
 - (1) A mechanical extraction process;
 - (2) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, food-grade ethanol or steam distillation; or
 - (3) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provide that the process does not involve the use of high heat or pressure.
 10. Designated caregiver – means a person who:
 - (1) Has agreed to assist with a registered qualifying patient's medical use of medical cannabis;
 - (2) Assists no more than five (5) registered qualifying patients with their medical use of medical cannabis, unless the designated caregiver's registered qualifying patients each reside in or are admitted to a health care facility or facility providing residential care services or day care services where the designated caregiver is employed;
 - (3) Is at least twenty-one (21) years of age unless the person is the parent or legal guardian of each qualifying patient the person assists; and
 - (4) Has not been convicted of a disqualifying felony offense.

11. Dispensary - means an entity licensed and registered with the Department that acquires, possesses, stores, transfers, sells, supplies, or dispenses cannabis, cannabis products, equipment used for medical cannabis, or related supplies and educational materials to cardholders. An entity or individual cannot have greater than a ten (10%) interest in more than five (5) dispensaries.
12. Edible Cannabis Products - means products that:
 - (1) Contain or are infused with cannabis or an extract thereof;
 - (2) Are intended for human consumption by oral ingestion; and
 - (3) Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges and other similar products.
13. Electronic Tracking System - means the seed-to-sale system administered by the Mississippi Department of Health.
14. Entity - means a corporation, general partnership, limited partnership or limited liability company that has been registered with the Secretary of State as applicable.
15. Licensee - means the entity or individual who has received a license from the Mississippi Department of Revenue to operate a dispensary.
16. MMCEU – means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:
 - (1) Three and one-half (3.5) grams of medical cannabis flower;
 - (2) One (1) gram of medical cannabis concentrate; or
 - (3) One hundred (100) milligrams of THC in an infused product.
17. MDOH – “Department of Health” means the Mississippi Department of Health
18. MDOR – “Department” means the Mississippi Department of Revenue.
19. Main Point of Entry / Main Entrance - means the primary entryway or door through which the majority of cardholders are directed to enter the dispensary to purchase medical cannabis products.
20. Medical cannabis – means cannabis, cannabis products, and edible cannabis that are intended to be used by registered qualifying patients as provided in SB 2095.
21. Medical cannabis dispensary – an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.
22. Medical cannabis establishment- The term “medical cannabis establishments” shall mean a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity, cannabis research facility licensed and registered by MS State Department of Health or Mississippi Department of Revenue. Medical Cannabis Establishments may also be known as licensed entities or licensees.
23. Public place – means a church or any area to which the general public is invited or in which the general public is permitted, regardless of the ownership of the area, and any area owned or controlled by a municipality, county, state or federal government, including, but not limited to, streets, sidewalks or other forms of public transportation. Such term shall not mean a private residential dwelling.
24. Registry Identification Card - means a document issued by the Mississippi Department of Health that identifies a person as a registered qualifying patient, nonresident

- registered qualifying patient or registered designated caregiver.
25. School – means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program.

SECTION 3. INCORPORATION OF STATE LAWS: Incorporation of State of Mississippi Laws including sale to minors and possession by minors: All State of Mississippi statutes, rules and regulations, including the Rules and Regulations of the Mississippi Department of Health and Mississippi Department of Revenue in their present form or as hereinafter amended, modified, repealed or created are incorporated herein by reference as the governing law of the City of Carthage.

SECTION 4. PRIVILEGE LICENSE REQUIRED: No medical cannabis establishment shall operate within the municipal boundaries of the City of Carthage, Mississippi unless the seller has first obtained the appropriate permits from the State of Mississippi. Any violation of this article shall be considered a misdemeanor offense and upon conviction of the violation of such section the offender shall be subject to a fine up to but not to exceed \$1,000 or imprisoned for no more than 90 days or both such fine and imprisonment.

- A. Application – Each applicant for a medical cannabis establishment shall complete and file an application on the form provided by the City Clerk together with the applicable nonrefundable license fee, as well as the following materials:
- a. A copy of the applicant's state registration and all supporting documentation and plans as submitted to the State of Mississippi MDOR and MDOH; and
 - b. Evidence of all state approvals or conditional approvals required to operate a medical cannabis establishment, including but not limited to, a state registry identification card or registration certificate; and
 - c. If not included with the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical cannabis establishment; and
 - d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application; and
 - e. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers; and
 - f. A description of the premises for which the license is sought, including a map or sketch of the premises proposed for licensure, including the defined boundaries of the premises and a scaled floorplan of the premises showing all

- enclosed areas with clear identification of the main entrance, walls, all areas of ingress and egress, and limited access areas, and a list of all equipment, parts, and inventory used in the operation of the medical cannabis establishment. The map must provide accurate measurements that allow the City to, at minimum, determine the precise main entrance location in reference to the rest of the premises; and
- g. Evidence of an interest in the premises in which the medical marijuana establishment will be located along with the written consent of the owner of the premises for such use if the applicant is not the owner.
 - h. Operating plan that must state the business hours for interaction with patients, including sales and consultation, and hours for business-related activities, including accepting delivery of product and employee training. A copy of the operating plan provided to the State of Mississippi must accompany this application.
- B. Status of license- No license issued by the City of Carthage may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferrable to another location. The license shall be displayed in a conspicuous place in the medical cannabis establishment for which the license is issued.
- C. Duty to update information- Any licensee issued a license under this article shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten days of any change of status. Any change in information must be reported to the State of Mississippi MDOR and MSOH. Copies of proof of receipt by the State of Mississippi must be provided to the City of Carthage City Clerk's office.
- D. Renewal – Licenses renew annually (12 months). It is the responsibility of the applicant to renew the license each year. Reminders will be sent to the mailing address on file as represented on the application. Any changes not reported to the City of Carthage City Clerk's office may result in loss of notification of renewal. A copy of the updated State of Mississippi issued license is required to renew each year.
- E. Display – Each Medical Cannabis facility is required to place the City of Carthage license in a conspicuous location within the point-of-sale area in a manner that may be clearly viewed by customers.
- F. Restrictions – Medical Cannabis establishments are prohibited from selling items outside the scope of categories on the licensed premises. This prohibition includes, but is not limited to, clothing, food that does not contain cannabis, beverages that do not contain cannabis, propane or butane, and vaping products that do not contain cannabis. Allowable items are those as listed by the State of Mississippi such as medical cannabis, equipment used for medical cannabis, or related supplies and educational materials. These items may only be sold to cardholders.

SECTION 5. SALE, POSSESSION OF MEDICAL CANNABIS:

- It is unlawful to sell, offer for sale, or otherwise dispense medical cannabis or to possess medical cannabis in the City of Carthage in violation of any state law or any rule or regulation of the Mississippi Department of Revenue and/or Mississippi Department of Health, including the sale of medical cannabis to minors, possession of medical cannabis by minors and sale of medical cannabis within prohibited distances from churches, schools, kindergartens and child care facilities.
- State Law, particularly those laws cited in Senate Bill 2095 (2022) does not authorize any individual to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in, the following conduct:
 - Acting with negligence, gross negligence, recklessness, in breach of any applicable professional or occupational standard of care, or to affect an intentional wrong, as a result, in whole or in part, of that individual's medical use of medical cannabis;
 - Possessing medical cannabis or otherwise engaging in the medical use of medical cannabis in any correctional facility, unless the correctional facility has elected to allow the cardholder to engage in the use of medical cannabis;
 - Smoking medical cannabis in a public place or in a motor vehicle – the term smoking includes vaping and any other method of inhalation of medical cannabis;
 - Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, motorboat, or other conveyance in a manner that would violate M.C.A. Section 59-23-7, Section 63-11-30, or federal law as a result, in whole or in part, of that individual's medical use of medical cannabis;
 - Possessing medical cannabis in excess of the allowable amount of medical cannabis; or
 - Consumption, by a registered designated caregiver, of cannabis provided for use to a registered qualifying patient.

SECTION 6. RESTRICTIONS ON THE CULTIVATION, PROCESSING, SALE, AND DISTRIBUTION OF MEDICAL CANNABIS:

A. Drive-Thru, Delivery, and Curbside Sales Prohibited.

- It shall be unlawful to sell medical cannabis through a drive-thru window sales facility, similar facility, curbside service, and/or delivery service within the municipal boundaries of the City of Carthage, Mississippi.
- A medical cannabis dispensary shall only make sales to cardholders inside the licensed dispensary location. A medical cannabis dispensary shall not sell or otherwise convey medical cannabis to a cardholder through the means of a drive-through, curbside delivery, or other delivery outside the premises of the dispensary.

B. Fixed Location.

- All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate medical cannabis establishments in other than the licensed premises, such as farmer's markets, farm stands, or kiosks.

C. Security.

- All locations shall comply with and abide by the most current rules and regulations as set forth by the State of Mississippi and their respective departments. See MDOR requirements for Security Plans, Securing Cannabis and Cannabis Products, Alarm System, Video Surveillance, etc.
- Information provided to the State of Mississippi and respective departments shall be provided to the City of Carthage such as information related to surveillance, systems, camera placement, door security, alarm systems, and measures taken to secure manners of egress and ingress onto the premises. Any changes as reported to the State of Mississippi must be sent to the City of Carthage City Clerk's office.
- All dispensaries must provide an area of verification such as an entrance lobby for the verification of medical cannabis prescription cards and age identification.
- An employee must be stationed at the entry door during all hours of public operation to check for valid identification and control entry or the entrance must remain locked at all times allowing for a door buzzer to alert employees to customer presence. An employee shall check for valid identification before allowing entry.
- A medical cannabis establishment shall not allow an individual who is younger than twenty-one (21) years old to enter the premises of the establishment unless the individual possesses a registry identification card and is accompanied by his or her legal guardian.
- All medical cannabis establishments shall implement appropriate security measures designed to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis as set forth by the State of Mississippi
- All cultivation, harvesting, processing, and packaging of medical cannabis must take place in an enclosed, locked, and secure facility with a physical address provided to the MDOH during the licensing and registration process. The facility shall be equipped with locks or other security devices that permit access only by agents of the medical cannabis establishment, emergency personnel, or adults who are twenty-one (21) years of age or older and who are accompanied by medical cannabis establishment agents.

D. Loitering.

- The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot and/or other outdoor areas of a license premises is ordered to leave.

E. Compliance with requirements of state and local law.

- All locations must comply with and abide by the most current rules and

regulations as set forth by the State of Mississippi and their respective departments.

- A medical cannabis establishment may not employ any person who:
 - Was convicted of a disqualifying felony offense; or
 - Is under twenty-one (21) years of age.
- No medical cannabis establishment other than a cannabis processing facility or cannabis research facility may produce cannabis concentrates, cannabis extractions, or other cannabis products.
- Medical cannabis establishments are subject to inspection by the MDOR and MDOH during business hours.
- A medical cannabis establishment shall not sell more than the allowable amount of medical cannabis to a cardholder. A resident cardholder shall not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary or a combination of dispensaries. A resident cardholder shall not obtain more than a total of twenty-four (24) MMCEUs of allowable medical cannabis in thirty (30) days from a dispensary or a combination of dispensaries.
- A dispensary may not dispense more than the allowable amount of cannabis to a registered qualifying patient or a nonresident cardholder, directly or via a registered designated caregiver. Dispensaries shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much medical cannabis is being dispensed to the registered qualifying patient or nonresident cardholder and whether it was dispensed directly to a registered qualifying patient, nonresident cardholder, or to the registered designated caregiver.
- A nonresident cardholder shall not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary or a combination of dispensaries. A nonresident cardholder shall not obtain more than a total of twelve (12) MMCEUs of allowable cannabis from a dispensary or a combination of dispensaries in a fifteen (15) day period.
- There are rules set forth by the State of Mississippi for nonresident registry identification cards. Please refer to said laws.
- There are rules set forth by the State of Mississippi for required certification hours for medical cannabis dispensary agents and/or employees.
- There are rules and regulations set forth by the State of Mississippi for work permits through the State of Mississippi.
- The possession limit for resident cardholders of the allowable amount of medical cannabis shall be a total of twenty-eight (28) MMCEUs. There shall not be a possession limit on non-consumable medical cannabis, including, but not limited to suppositories, ointments, soaps, and lotions or other topical agents.
- A medical cannabis establishment shall only purchase, grow, cultivate, and use cannabis that is grown and cultivated in this state. Any medical cannabis that is grown and cultivated in this state shall not be transported outside of this

state.

- All requirements issued by the State of Mississippi regarding odor control shall be obeyed including all efforts made to control the reduction of smell of products including but not limited to the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for the production, processing, testing, selling, research, and warehousing. Negative air pressure shall be maintained within the rooms.
- Alternative odor control systems may be approved by the City of Carthage Building Inspector based on a report by a licensed mechanical engineer demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system and that it is in compliance with all State of Mississippi requirements.

F. Advertising:

- There shall be no advertising for medical cannabis outside of the interior of the building where it is sold and/or consumed except for the name of the business on the sign.
- Each dispensary is required to place a sign on its exterior in a conspicuous location that may be clearly viewed by the public that identifies the name of the entity that owns the dispensary and lists the license number issued by the State of Mississippi.
- There shall be no advertising or storage of medical cannabis within the interior of the store which allows it to be visible from the street or highway side of store or establishment excluding the name of the store.
- Items sold within the store may not be sold or indicated for sale for non-medical use.
- Advertising may not be deemed enticing of youth. No cartoon depictions or characters, candy, children, toys, animals, or similar images or any other likeness, images, characters, phrases, or items typically marketed towards children may be used in advertising. Signs and advertising shall not contain a depiction of characters or use slang terms for medical cannabis which may be used for the enticement of children and youth whether in advertisement or name of facility.
- It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to or target minors, pregnant women, breastfeeding women, promotes non-medical use of cannabis, or is in violation of City of Carthage or State of Mississippi regulations.
- It shall be prohibited to use the symbol or image of a marijuana leaf or bud in any exterior building signage.
- No advertisement may make safety claims of any type.
- No advertising may be used that would encourage the transportation of cannabis product across state lines.
- No advertising shall be utilized that displays consumption or promotes and encourages the consumption of any cannabis product in any form.

- No advertising may be used that contains material that encourages or promotes cannabis product for use as an intoxicant.
- No advertising may contain material that encourages excessive or rapid use or consumption.
- No advertising may be used that makes any health, medicinal, or therapeutic claims about cannabis or cannabis-infused products.
- All signs must be in compliance with City of Carthage Planning and Zoning Ordinances.
- It shall be prohibited to display signs that are inconsistent with the State of Mississippi laws and regulations.
- Dispensaries may utilize those inducements permitted by the Mississippi Department of Revenue to assist qualified patients that do not persuade or influence the use of medical cannabis outside of practitioner recommendations and/or limitations or the amounts allowed by the Mississippi Medical Cannabis Act.

G. Sunday Sales: It shall be unlawful to sell medical cannabis on Sunday in the City of Carthage, Mississippi. Sunday shall be from 12:00 a.m. till 11:59 p.m.

H. Hours of Sale on Days Excepting Sunday:

- (i) Holders of a dispensary license as issued by the State of MS and City of Carthage may open between the hours of 8 a.m. until 6:00 p.m. Monday through Friday, 9:00 a.m. until 1:00 p.m. on Saturday, except that no sales may be made on Sundays or on Christmas Day; or Election Day; and
- (ii) These prohibited hours and days, all of which conform with present state law, shall be subject to any amendment of state law, rules or regulations, and shall conform with any amendments thereto without amendment to this ordinance. They are further subject to specific amendment by order of the Department of Revenue and/or MS Department of Health in response to a petition by the City requested approval of alternate hours and/or Sunday sales, which order shall survive any subsequent amendment to state law, rules or regulations not specifically intended to supersede prior orders by the Department of Revenue and/or MS Department of Health approving hours and days during which alcoholic beverages may be sold.
- (iii) Any other limits, prohibitions or exceptions granted by state laws, rules and/or regulations, in their present form and as hereinafter amended are hereby adopted by reference.

I. Territories Where Cultivation, Processing, Sale, and Distribution are Prohibited:

- i. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility.
 - o The distance shall be measured from the nearest point of the property boundary line housing the church, school, or childcare facility to the nearest point of the premises which consists of the floor planned area to be licensed by the commission. Said distance shall be measured in a straight-line point-to-point method, such as airline distance, rather than the usual route of pedestrian travel. When a main point of entry constitutes an end point, measurement shall begin at the mid-point of the door if a single door and the point where the doors meet for dual door entrances.
 - o The property boundary line to be considered is the parcel of land on which a school, church, or childcare facility is located. It does not include parcels of land owned by a school, church, or childcare facility but on which such a facility is not located.
 - o A survey must be completed in the last year by a professional surveyor holding a current license in the State of Mississippi sufficient to show that there is no property boundary line of any church, school, or childcare center within 1,000-foot radius of the main entry way of the proposed location. If the survey shows that the nearest property boundary line is within 1,000 feet but over 500 feet away, the applicant must include approval of a waiver from the church, school, or childcare center.

Boundary Line Measurements:

- o The applicable property boundary line for a church facility shall be the parcel of land on which a structure exists or is in the process of being constructed at the time of application where worship services are held on a regularly occurring basis to include religious ceremonies, religious counseling and/or religious studies. The applicable property boundary line does not include parking lots, fields on which no church facilities are located, or other parcels owned by churches unless the parcel also includes a church facility.
- o The applicable property boundary line for a childcare facility shall be the parcel of land on which a structure exists or is in the process of being constructed at the time of application and for which the Mississippi Department of Health has issued a childcare facility license or would have issued a childcare facility license but for an applicable exemption under Miss. Code Ann. Section 43-20-5. The applicable property boundary line does not include parking lots, fields on which no childcare facilities are located, or other parcels owned by a child care center unless the parcel also includes a child care facility.
- o The applicable property boundary line for a school shall be the

parcel of land on which a facility exists or is in the process of being constructed at the time of application used for the teaching of children, whether owned or leased by the school, including instructional staff members and students, and which is in session each school year. This includes, but is not limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. The applicable property boundary line does not include parking lots, fields on which no school facility is located, or other parcels owned by a school unless the parcel also includes a school facility.

- ii. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or child care facility and by applying for a waiver with the MS Department of Health or MS Department of Revenue and City of Carthage provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility. Regardless of a waiver, a dispensary may not be located within 500 feet of any school, church, or childcare facility property boundary line. The boundary line to be considered is the parcel of land on which a school, church, or childcare facility is located not land owned by a school, church, or childcare facility where such a facility is not located.
- iii. A medical cannabis establishment may not share office space with or refer patients to a practitioner.
- iv. No medical cannabis dispensary may be located within a one thousand five hundred feet (1,500) radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary. Said distance shall be measured in a straight-line point-to-point method, such as airline distance, rather than the usual route of pedestrian travel. When a main point of entry constitutes an end point, measurement shall begin at the mid-point of the door if a single door and the point where the doors meet for dual door entrances.
- v. When two completed applications are received and the main points of entry for each are within 1,500 feet of the other, the first applicant to be issued a license will be controlling. The second applicant will not be eligible to receive a license for its applied location with the listed main point of entry.
- vi. A dispensary may not be located in an area not zoned as highway commercial C-3 or for which commercial use is otherwise authorized or not prohibited.
- vii. A cannabis cultivation facility and/or cannabis processing facility may not

be located in any area that is not zoned as heavy industrial I-2 or for which industrial use is otherwise authorized or not prohibited.

- viii. In any location where marijuana plants are visible from the public right of way or publicly traveled privately maintained road.

J. Zoning:

All Zoning regulations are adopted in the City of Carthage Zoning Ordinance currently defined as Highway Commercial. All regulations and zoning shall be based on the most current adaptation or alteration of the City of Carthage ordinance titled Zoning Ordinance. Such ordinance shall have defined within the zones in which certain types of businesses are allowed or permitted, allowed or permitted with a site plan, and/or allowed or permitted conditionally or with a variance.

C-3	=	Highway Commercial District Laboratories Dispensary
I-2	=	Heavy Industrial Cultivation Facility

A state authorized and licensed medical cannabis dispensary may be located in any area of a municipality that is zoned as highway commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions within this ordinance or state law.

A state authorized and licensed medical cannabis research facility may be located in any area of a municipality that is zoned as highway commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions within this ordinance or state law.

A state authorized and licensed medical cannabis testing facility may be located in any area of a municipality that is zoned as highway commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions within this ordinance or state law.

A state authorized and licensed medical cannabis cultivation facility and/or cannabis processing facility may be located in any area of a municipality that is zoned as heavy industrial or for which industrial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions within this ordinance or state law.

A state authorized and licensed medical cannabis cultivation facility and/or cannabis processing facility may be located in any area of a municipality that is zoned as heavy industrial or for which industrial use is otherwise authorized or not prohibited, provided

that it being located there does not violate any other provisions within this ordinance or state law and if a variance is approved through the current process as adopted by the City of Carthage for variance issuance.

A site plan must be presented to the City of Carthage Planning Commission for approval. The City of Carthage Planning Commission must then submit all approved site plans to the City of Carthage Board of Aldermen and Mayor for consideration and final approval. These site plans must indicate location of all doors and requirements as indicated by State of Mississippi law and rules and regulations as they are obtained from the MS Department of Health and MS Department of Revenue.

SECTION 8. PROHIBITED ACTS UPON LICENSED PREMISES: The following described acts shall be deemed unlawful for any permittee for on-premises or off-premises sale or consumption of Alcoholic Beverages:

A. Indecent Exposure. A person who willfully and lewdly exposes his/her person, or private parts thereof, in or upon any duly licensed premises, or procures another to so expose him or herself, is guilty of a misdemeanor and shall upon conviction be fined not more than but up to \$1,000.00 or incarcerated for up to 90 days or both.

1. A person shall be deemed indecent, or will be considered "lewdly exposed" if:

- (a) engages in sexual intercourse upon such premises;
- (b) engages in deviant sexual conduct upon such premises;
- (c) appears in a state of nudity upon such premises;
- (d) fondles the genitals of oneself or another person upon such premise; or
- (e) simulation of any of a through d listed above.

2. "Nudity" shall mean the showing of the male or female genitals, area, or buttocks with less than a fully opaque covering, or any part of the human female breast, directly or laterally below a point immediately above the top of the areola, or the showing of the covered male genitals in a discernibly turgid state.

3. No permittee, employee or agent thereof shall allow or permit any person to willfully and lewdly expose his or her person, or private parts, thereof in or upon any licensed premises, or procure another to expose him or herself upon said premises. Allowance of such could result in revocation of permittees permit and/or license and could result in misdemeanor charges lodged against permittee, employee or agent thereof.

B. Noise. No person(s), including but not limited to permittee, shall cause or permit loud, boisterous, or disorderly conduct of any kind in or upon a licensed premises.

C. Gambling. No person shall gamble illegally or operate an illegal game or games of chance as defined by Mississippi Code Annotated Section 97-33-1 et seq. in or upon a licensed premises. Further, no permittee, employee or agent thereof shall permit, allow or

suffer illegal gambling or the operation of illegal games of chance as defined by Mississippi Code Annotated Section 97-33-1 et seq. in or upon a licensed premises.

D. Licensees or Employees Actions. Except as otherwise provided by law, licensees or employees may not:

1. Use or be under the influence of alcoholic beverages, cannabis, or controlled substances on the licensed premises;
2. Permit any disorderly or visibly intoxicated person to remain on the licensed premises;
3. Engage in or allow behavior on the licensed premises that provokes conduct which presents a threat to public safety;
4. Engage in, or permit any employee or other person to engage in, conduct on the licensed premises that is prohibited by law; or
5. Engage in or permit any employee or other person to engage in the consumption of any type of cannabis product on the premises.

SECTION 9. DISCONTINUING OPERATIONS DURING AN EMERGENCY: In the event of any disturbance, uprising or riot or any other emergency of life, property or public safety, the mayor and board of aldermen, or chief of police may promptly order any and all places in the city where medical cannabis is consumed, sold or otherwise dispensed, to discontinue such for the period of such emergency.

SECTION 10. COMPLIANCE WITH STATE LAW REQUIREMENTS: No permit of license required by this article shall issue to any person unless satisfactory evidence is furnished to the tax collector that such person has complied with the requirements of state law, and if the permit required by state law is at any time revoked, said revocation shall operate as a cancellation and forfeiture of the rights of the person holding a permit or license from the municipality.

SECTION 11. PENALTY FOR VIOLATION OF ORDINANCE; MISDEMEANOR; STATE PENAL LAWS:

Any violation of this ORDINANCE shall constitute a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1000.00) or imprisonment for not more than ninety (90) days, or both, as authorized by Section 21-3-1 M.C.A., unless otherwise specified herein. Misdemeanor violations of the penal laws of this State, including but not limited to those referenced in this ordinance, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, as authorized by Section 21-13-19 M.C.A.

SECTION 12. FAILURE TO ENFORCE CHAPTER: Failure to enforce any article or provision of this ordinance shall not constitute a waiver nor imply that the action is legal.

SECTION 13. TITLE: The sections and articles of this ordinance may be referred to collectively as the "Carthage Medical Cannabis Ordinance".

This Ordinance shall take effect and be enforced as required by law.

This Ordinance having been first reduced to writing, was read, considered and adopted, first section by section and then as a whole.

Thereupon, motion duly made by Alderman Britt Barnes, seconded by Alderman Marcus Williams to adopt the foregoing Ordinance, and questions being put to roll call vote, the result was as follows:

Alderman, Britt Barnes	voted: "Yea"
Alderwoman, Robin Burgess	voted: "Yea"
Alderman, Josh Stokes	voted: "Yea"
Alderman, Marcus Williams	voted: "Yea"

Thereupon, the Mayor declared said Ordinance approved, passed and adopted by unanimous vote on this the 6th day of November, 2023.



Penny Spears

 PENNY SPEARS, CITY CLERK

Laurie Henderson

 LAURIE HENDERSON, MAYOR