

ORDINANCE #2022-12

An ordinance amending and replacing Clay County Ordinance 2021-05 in its entirety, providing for the regulation and licensing of Medical Marijuana establishments.

WHEREAS, the State of South Dakota permits the sale and consumption of medical cannabis pursuant to South Dakota Codified Law (SDCL) Chapter 34-20G; and,

WHEREAS, pursuant to SDCL 34-20G -55, county government may require a local registration, license, or permit for a medical cannabis establishment to operate within that County; and,

WHEREAS, pursuant to SDCL 34-20G-58, county government may enact ordinances or regulations governing the time, place, manner, and number of licensees operating within its jurisdiction; and

WHEREAS, also pursuant to SDCL 34-20G -58, county government may establish civil penalties for violation of an ordinance governing the time, place, and manner of medical cannabis establishments that operate locally; and

WHEREAS, under the provisions of SDCL 34-20G-60, county government may require a medical cannabis establishment to obtain a county license, permit, or registration prior to operating, and may charge a reasonable fee for that license, permit, or registration; and

WHEREAS, the County believes that regulation of medical cannabis is necessary for the health and safety of this community SDCL 7-18A-8; and

WHEREAS, the State of South Dakota permits the sale and consumption of cannabis pursuant to South Dakota Codified Law, medical cannabis establishments licensed under this ordinance may sell cannabis for qualifying patient's use so long as they comply with the provisions of South Dakota Codified Law and the South Dakota Department of Health.

BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA AS FOLLOWS:

Section 1. Intent

The Board of Commissioners of Clay County hereby enacts the following licensing ordinances to ensure that medical cannabis establishments within the jurisdiction of Clay County operate in a manner that complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes particular safety and security considerations, and minimize s the risk of unauthorized use or access of medical cannabis by the general public.

Section 2. Definitions

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for medical cannabis-related terms which are defined by SDCL 34-20G-1.

APPLICANT: a person or entity seeking or renewing a cannabis establishment license.