

Lafayette County, Mississippi

MEDICAL CANNABIS ORDINANCE

Date

DRAFT

TABLE OF CONTENTS

ARTICLE I:	GENERAL
	SECTION 100 – Title
	SECTION 101 – Intent
	SECTION 102 – Applicability
	SECTION 103 – Regulatory compliance
	SECTION 104 – Definitions
ARTICLE II	UTILITIES
	SECTION 200 – Water supply
	SECTION 201 – Wastewater
ARTICLE III	FACILITIES
	SECTION 300 - Building construction specifications
	SECTION 301 - Fencing
ARTICLE IV	ENVIRONMENTAL
	SECTION 400 – Health and safety
	SECTION 401 – Waste management
ARTICLE V	SECURITY
	SECTION 500 – Site security plan
	SECTION 501 – Lighting
	SECTION 502 – Cameras
	SECTION 503 – Alarm system
	SECTION 504 – Alternate power source
	SECTION 505 – Guards
	SECTION 506 – Transportation

SECTION 507 – Operational requirements

SECTION 508 – Security vestibule

SECTION 509 – Displays

ARTICLE VI SIGNAGE

SECTION 600 – Signs

SECTION 601 – Prohibited content

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 700 – Approval

SECTION 701 – Inspections

SECTION 702 – Enforcement

SECTION 703 - Appeals

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ARTICLE I: GENERAL

SECTION 100 – TITLE

This Ordinance shall be known as the Lafayette County Medical Cannabis Ordinance

SECTION 101 – INTENT

It is the intent of the Board of Supervisors, to safeguard the general public health, safety, and welfare, by establishing minimum standards for the cultivation, transporting, testing, processing and dispensing of medical cannabis in Lafayette County.

SECTION 102 – APPLICABILITY

This Ordinance shall apply to and be enforced within the unincorporated boundaries of Lafayette County, Mississippi

SECTION 103 – REGULATORY COMPLIANCE

All medical cannabis facilities must maintain full compliance with all State of Mississippi and Lafayette County Ordinances and regulations.

SECTION 104 – DEFINITIONS

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.

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.

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.

Cannabis processing facility - means a business entity that is licensed and registered by the Mississippi Department of Health that:

- (i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
- (ii) Possesses cannabis with the intent to manufacture a cannabis product;
- (iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

Cannabis products - 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 Sections 41-29-113 and 41-29-136.

Cannabis research facility or research facility - means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

(i) "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.

(j) "Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

Canopy - means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants.

Cardholder - means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registry identification card

Edible cannabis products - means products that:

(i) Contain or are infused with cannabis or an extract thereof;

(ii) Are intended for human consumption by oral ingestion; and

(iii) Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges and other similar products.

Entity - means a corporation, general partnership, limited partnership or limited liability company that has been registered with the Secretary of State as applicable.

MDOH - means the Mississippi Department of Health.

Medical cannabis - means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

Medical cannabis dispensary or dispensary - means 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.

Medical cannabis establishment - means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

Medical cannabis establishment agent - means an owner, officer, board member, employee, volunteer or agent of a medical cannabis establishment.

Registry identification card - means a document issued by the MDOH that identifies a person as a registered qualifying patient, nonresident registered qualifying patient or registered designated caregiver.

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.

ARTICLE II: UTILITIES

SECTION 200 – WATER SUPPLY

200.1 Minimum supply – The minimum water supply main for all medical cannabis facilities shall be 6.”

200.2 Testing – The applicant shall demonstrate to the satisfaction of the County Engineer that sufficient water supply exists to supply potable water, irrigation, and required fire flows to all medical cannabis facilities.

SECTION 201 – WASTEWATER

201.1 Approval – The applicant shall demonstrate to the satisfaction of the County Engineer that sufficient wastewater capacity exists for the proposed use. To the extent the proposed use will result in agricultural or industrial discharges, the applicant shall provide a plan for meeting all federal, state, and local requirements for such discharges.

201.2 Solids separator required – A solids separator shall be installed on all wastewater systems.

ARTICLE III: FACILITIES

SECTION 300 – BUILDING CONSTRUCTION SPECIFICATIONS

300.1 Enclosed facility – All medical cannabis facilities shall have a complete roof enclosure supported by connecting walls, extending from the ground to the roof. All material shall be of Type I as defined by the 2018 International Building Code.

300.2 Glazing in cultivation and processing facilities – No glazing is permitted below 12' above grade in areas where cultivation or processing occurs.

300.3 Impact resistant glazed opening assemblies - All glazing in medical cannabis facilities shall meet the requirements of ASTM F3038 FE15 and UL 752 Level 3.

300.4 Glazing in dispensaries, testing, and research facilities – All glazing where medical cannabis products or paraphernalia may be visible from the outside shall have one way mirror film applied to the interior surface.

300.4.1 Screening required - Glazing in dispensaries, testing, and research facilities where medical cannabis products or paraphernalia may be visible from the outside shall be screened from dusk till dawn and at all times when low exterior lighting permits viewing into the facility.

Exception: When exterior lighting of greater lumens than interior lighting is provided.

300.5 Exterior door assemblies – All exterior door assemblies shall meet the requirements of ASTM F3038 FE15 and UL 752 Level 3 where applicable.

300.5.1 Locks required – All external doors shall be equipped with locks.

300.5.1.1 Locks – All locks shall be commercial grade and must prohibit entry by anyone other than agents of the medical cannabis establishment.

300.5.1.2 – Controlled access required – All locks on all medical cannabis facilities shall be equipped with biometric access controls with two factor authentication in use at all times.

Exception: The medical cannabis dispensary customer entrance.

SECTION 301 – FENCING

301.1 Perimeter fencing required for cultivation and processing facilities – All medical cannabis cultivation and processing facilities must be completely enclosed by a perimeter fence.

301.2 Minimum distance from structures containing cannabis products – Required fencing must be a minimum 30' distance from all points of a structure containing cannabis products.

301.3 Anti-cutting material required – Required fencing shall be of sufficient gauge and spacing to prevent cutting. A minimum of 6-gauge material is required.

301.3.1 Post spacing – Posts shall be spaced no more than 10' on center.

301.3.2 Post foundation – Posts shall be set in concrete a minimum of 12" in diameter and 36" deep.

301.4 Anti-climb construction required – Fencing shall be constructed of a material that prevents climbing and or be provided with barbed wire and or razor wire to prevent climbing.

301.4.1 Razor wire – Where razor wire is used, the minimum diameter shall be 18."

301.5 Height – Required fencing shall be a minimum of 8' tall.

301.6 Openings – All openings in the required fence shall be gated and secured with a locking system that prohibits entry by anyone other than agents of the medical cannabis establishment.

301.7 Screening – The required fencing shall be screened with a polyethylene material or equivalent to adequately screen all parts of the facility from view.

ARTICLE IV: ENVIRONMENTAL

SECTION 400 – HEALTH AND SAFETY

400.1 Adverse effects on health and safety – Medical cannabis uses shall not create a public nuisance or adversely affect the health or safety of Lafayette County residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions, or other impacts, or be hazardous due to the use or storage of materials, processes, products, run off or wastes.

400.1.1 Odor control and ventilation – No medical cannabis use may operate in a manner whereby cannabis odors are detectable from adjacent and nearby properties. All cannabis uses must install a ventilation system that adequately controls odor, humidity, and mold.

SECTION 401 – WASTE MANAGEMENT

401.1 Waste management plan – A waste management plan addressing the storing, handling, and disposing of all waste by-products of the cultivation and processing activities shall be submitted for review and approval by Lafayette County. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose or reuse the wastes in compliance with all regulatory agencies.

ARTICLE V: SECURITY

SECTION 500 – SITE SECURITY PLAN

500.1 Site security plan required – A site security plan shall be required for all medical cannabis facilities at the time of permit application and shall be subject to review and approval by the Lafayette County Sheriff's Department.

SECTION 501 – LIGHTING

501.1 Lighting required – All areas of required perimeter fence, yards and exterior of buildings containing medical cannabis shall be well lit.

501.2 Approval required – Lighting plans must be approved during site plan and permit approval.

501.2.1 Authority to require additional lighting – Lafayette County reserves the right to require additional lighting as required.

501.1.1 Maintenance required – All components of the required lighting system shall be properly maintained.

SECTION 502 - CAMERAS

502.1 Security cameras required – Cameras shall be required and shall be motion-censored. Security cameras shall record 24 hours a day, 7 days a week.

502.2 Location – Cameras shall be installed with capability to record all activity on the property, including all entry and exit points, within all buildings and structures, all perimeter windows and all areas where employees may have access.

Exceptions: Restrooms

502.3 Video storage – Surveillance video shall be kept for a minimum of 90 days in a format that can be easily accessed for viewing. Video must use standard industry format to support criminal investigations. Permit holders shall be required to cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request. All surveillance equipment, records, and recordings must be stored in a secured area that is only accessible to management staff. Operators must keep a current list of all authorized employees who have access to the surveillance system.

502.4 Monitoring required – All video surveillance systems shall be monitored 24 hours a day, 7 days a week at a central monitoring station.

502.5 Surveillance systems shall be equipped with a failure notification system that provides prompt notification to the operator of any prolonged surveillance interruption and or failure of the system.

SECTION 503 – ALARM SYSTEM

503.1 Entry detection system required – A system to detect door and window entry and glass breakage required.

503.1.1 Audible alarm required – An audible alarm is required when unauthorized entry or glass breakage is detected.

503.3 Panic alarms – Panic buttons shall be installed in all medical cannabis facilities with easy access by employees and all employees shall be properly trained on its use.

503.4 Monitoring required – All alarm systems shall be monitored at a central monitoring station in the facility and by an outside monitoring company. Monitoring systems shall notify the Lafayette County E911 call center of alarms.

503.5 Surveillance systems shall be equipped with a failure notification system that provides prompt notification to the operator of any prolonged surveillance interruption and or failure of the system.

503.6 Maintenance required – All alarm components must be maintained at the highest level to prevent failure and false alarms. Excessive alarm notifications to the Lafayette County E911 call center due to lack of maintenance shall be a violation of this Ordinance.

SECTION 504 – ALTERNATE POWER SOURCE

504.1 Power outage – All security measures installed on site shall have the capability to remain fully operational during an extended power outage.

SECTION 505 - GUARDS

505.1 Guards required – All medical cannabis cultivation and processing facilities shall have 24 hour, 7 days per week security guards.

505.2 Required number – There shall be a minimum of 2 security guards on duty at all times for all medical cannabis cultivation and processing facilities.

505.2.1 Security plan review – The Lafayette County Department of Development Services and the Lafayette County Sheriffs Department shall review all applications for site plan review and permits to determine the required number of guards. Lafayette County reserves the right to require additional guards as deemed necessary.

505.3 Minimum standards – Must meet all state requirements for personnel in medical cannabis industry.

505.3.1 Security contractors – All security contractors shall be a reputable organization.

505.5 Grounds check – Security guards shall perform physical grounds checks a minimum of twice per hour.

SECTION 506 – TRANSPORTATION

506.1 Safe and secure transport – Security measures shall include a transportation plan that details the procedures established for the safe and secure transport of cannabis, cannabis products, and currency to and from the business.

506.2 Permitted hours – The transporting and delivery of medical cannabis products to medical cannabis dispensaries shall be performed between 7 am and 7 pm Monday through Friday.

SECTION 507 – OPERATIONAL REQUIREMENTS

507.1 Duty – All medical cannabis establishments have a duty to prevent unauthorized removal of cannabis from facilities.

507.1.1 Employee standards – Medical cannabis facilities shall at a minimum, set standards for clothing, footwear, dressing rooms and etc. to deter theft. Lafayette County reserves the right to review employee standards and require additional measures as deemed necessary.

507.2 Hours of operation for dispensaries – Dispensaries may only operate between the hours of 7 am and 7 pm.

SECTION 508 – SECURITY VESTIBULE

508.1 Security vestibule required – A security vestibule is required at the cardholder entrance to all medical cannabis dispensaries.

508.1.1 Unlawful entry prohibited – Only those individuals, in accordance with the State of Mississippi Medical Cannabis regulations, shall be permitted to enter the dispensary from the security vestibule.

SECTION 509 - DISPLAYS

504.1 Customer displays – All medical cannabis product displays shall be in immovable locked containers at all times. Containers shall be behind a counter out of reach from customers.

ARTICLE VI: SIGNAGE

SECTION 600 – SIZE

600.1 Maximum size – Signs for all medical cannabis facilities shall not exceed 36 square feet.

600.2 Number of signs – One sign is permitted per medical cannabis facility.

600.3 Location – Signs shall be located on the front, the side facing the public right of way, of the facility. Signs shall be securely attached to the building.

SECTION 601 – PROHIBITED CONTENT

601.1 – Depictions of cannabis prohibited – Depictions of any part of the cannabis plant are prohibited.

601.2 - Depictions of associated uses or paraphernalia prohibited – Depictions of edible, vaping, smoking or any cannabis products or derivatives, cannabis paraphernalia and cannabis slang or jargon are prohibited.

601.3 – Terminology associated with the cannabis prohibited – Terminology related to edible, vaping, smoking or any cannabis products or derivatives, cannabis paraphernalia and cannabis slang or jargon is prohibited.

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

SECTION 700 – APPROVAL

700.1 Zoning verification required – All applicants for a medical cannabis use and or facility shall apply for a zoning verification letter through the Lafayette County Department of Development Services.

700.2 Site plan approval required - All applicants for a medical cannabis use and or facility shall apply for site plan approval in accordance with the Lafayette County Land Development Standards and Regulations.

SECTION 701 - INSPECTIONS

701.1 Agreement required – All permittees for a medical cannabis establishment shall sign an agreement to permit unannounced inspections by the Lafayette County Sheriff's Department and Lafayette County Code Enforcement.

701.2 Annual inspection fee required – All permittees must pay an annual compliance inspection fee. Fees to be set by Board of Supervisors.

SECTION 702 – ENFORCEMENT

702.1 Enforcement officers – The Lafayette County Department of Development Services and the Lafayette County Sheriff's Department shall have primary enforcement responsibilities.

702.2 Unlawful acts – It shall be unlawful for any person, firm, or corporation to operate a medical cannabis cultivation, dispensing, processing, research, testing, or transport facility in Lafayette County except as authorized by this Ordinance.

702.3 Notice of violation – The enforcement officer is authorized to serve a notice of violation or order on the person responsible for a violation of any provision of this Ordinance. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

702.4 Prosecution of violation – If the notice of violation is not complied with promptly, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain correct or abate such violation.

702.5 Violation penalties - Persons or entities who shall violate a provision of this ordinance or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than 1,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 703 – APPEALS

703.1 Right to an appeal – Any party aggrieved with administrative interpretation of the Lafayette County Medical Cannabis Ordinance or any notice or order, shall have the right to appeal. Such appeals may be made directly to the Board of Supervisors. If an appeal is made to the Board of Supervisors, the party aggrieved shall submit a written request to the Lafayette County Department of Development Services no more than ten business days after the adverse decision. The request shall clearly explain the reason for the appeal and provide sufficient documentation to allow the Board of Supervisors to fully consider the merit of the appeal.