

Ordinance 21-027

An Ordinance Establishing the Number of Medical Cannabis Establishments in the City of Brookings, South Dakota

Be It Ordained by the Governing Body of the City of Brookings, South Dakota, as follows:

I.

Section 1. Definitions. The following words and phrases, when used in this ordinance, shall have the meanings provided in this ordinance:

Medical cannabis establishment shall mean a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary as those terms are defined in SDCL § 34-20G-1.

Medical cannabis dispensary or dispensary shall mean the entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G and licensed by the City pursuant to this ordinance that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders. Medical cannabis dispensary does not include a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a recreational cannabis dispensary.

Cannabis product manufacturing facility shall mean an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary.

Cannabis testing facility or testing facility shall mean an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis.

Cultivation facility shall mean an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells cannabis and related supplies to a medical cannabis establishment.

Section 2. Limitation of the number of medical cannabis dispensaries. Under the authority granted by SDCL 34-20G-56, there shall be no more than _____ (____) active medical cannabis dispensaries that may be registered by the State of South Dakota to operate within the jurisdictional limits of the City of Brookings at any time. The City of Brookings will provide the Department of Health with its preference for registration based on applicants that have received a medical cannabis dispensary license issued by the City of Brookings pursuant to this ordinance.

Section 3. Prohibition of medical cannabis product manufacturing facilities, medical cannabis testing facilities and medical cultivation facilities. Under the authority granted by SDCL 34-20G-56, there shall be no more than _____ (____) active medical cannabis product manufacturing facilities, medical cannabis testing facilities and medical cultivation facilities that may be registered by the State of South Dakota to operate within the jurisdictional limits of the City of Brookings at any time. The City of Brookings will provide the Department of Health with its preference for registration based on applicants that have received medical cannabis product manufacturing facilities license, medical cannabis testing facilities license and medical cultivation facilities license issued by the City of Brookings pursuant to this ordinance

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading: July 27, 2021
Second Reading: August 10, 2021
Published: August 13, 2021

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk