

VILLAGE OF McDONALD, OHIO

ORDINANCE NO. 3205-17

AN ORDINANCE PROHIBITING THE CULTIVATION, PROCESSING, AND RETAIL DISPENSING OF MEDICAL MARIJUANA WITHIN THE VILLAGE OF McDONALD, OHIO AND ADDRESSING THE USE OF MEDICAL MARIJUANA IN THE WORKPLACE.

WHEREAS, the recent September 8, 2016 enactment of Chapter 3796 of the Ohio Revised Code authorized the cultivation, processing, and retail dispensing of medical marijuana in the State of Ohio;

WHEREAS, rules and standards for state licensing of medical marijuana cultivation, processing, and retail dispensing are still in development and there remains a federal prohibition on the cultivation, sale and possession of marijuana;

WHEREAS, Ohio Revised Code section 3796.28 expressly provides an employer with rights regarding medical marijuana in the workplace, which rights Council deems it prudent to utilize; and

WHEREAS, given the uncertainty of the practical aspects of medical marijuana cultivation, processing, and retail dispensing including, without limitation, security and the effect on property values adjacent to such establishments, in addition to marijuana's legal status under federal law, Council deems it necessary to protect the public peace, health, welfare, and safety by exercising its powers conferred pursuant to the Ohio Constitution and those expressly granted by Ohio Revised Code section 3796.29 permitting the Village to prohibit the cultivation, processing, and or/retail dispensing of medical marijuana.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE VILLAGE OF McDONALD, OHIO, COUNTY OF TRUMBULL, STATE OF OHIO, that:

SECTION 1: In accordance with Ohio Revised Code section 3796.28, the Village does not permit and will not accommodate an employee's use, possession, or distribution of medical marijuana and the Village will continue to enforce its drug testing and drug-free workplace policies in effect. Further, the Village expressly intends to avail itself of all other rights and remedies set forth in Ohio Revised Code section 3796.28 including, without limitation, those set forth in Ohio Revised Code section 3796.28(A)(2), which permits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana.

ORDINANCE NO. 3205-17

Page Two

SECTION 2: In accordance with Ohio Revised Code Section 3796.26, the cultivation, processing, and/or retail dispensing of medical marijuana within the Village of McDonald, Ohio is and shall be prohibited.

SECTION 3: The passage of this Ordinance and all deliberations relating of the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22

SECTION 4: This Ordinance shall be in full legal force and effect from and after the earliest period allowed by law.

Passed in Council this 5th day of April, 2017.

Glen M. Puckett

Mayor

Attest to:

Robin DeBow

Fiscal Officer

Posted: 4/7/17