

CODE ORDINANCE

Application for Petition Filed: 05/22/15

Petition Issued: 06/09/15

Petition Certified: 09/25/15

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-088**

AN INITIATIVE ORDINANCE OF THE VOTERS OF THE MATANUSKA-SUSITNA BOROUGH AMENDING TITLE 8, BY ADOPTING A NEW CHAPTER, 8.22 MARIJUANA LICENSE REFERRALS, PROHIBITING MARIJUANA BUSINESSES EXCEPT THOSE INVOLVING INDUSTRIAL HEMP.

WHEREAS, the residents of Alaska passed Ballot Measure No. 2 - 13PSUM An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, codified as Alaska Statute Chapter 17.38; and

WHEREAS, the Ballot Measure creates classes of registrations, licenses, or permits to enable the lawful conduct of certain types of marijuana commerce and business; and

WHEREAS, the conduct of these commercial and business activities is unlawful without the appropriate registration, license, or permit; and

WHEREAS, AS 17.38.100 Local Control, enacted by Ballot Measure 2, empowers municipalities to prohibit the operation of these businesses by enactment of an ordinance or voter initiative; and

WHEREAS, prohibiting the operation of commercial marijuana businesses does not infringe upon the personal use rights guaranteed by Ballot Measure 2; and

WHEREAS, the voters do not seek to inhibit the development of industrial hemp.

THEREFORE, BY VOTER INITIATIVE, BE IT ENACTED:

Section 1. This ordinance is of a general and permanent nature and shall become a part of the Matanuska-Susitna Borough code.

Section 2. Adoption of chapter. MSB 8.22 is hereby adopted as follows:

8.22 Marijuana License Referrals

8.22.010 Definitions

8.22.020 Marijuana businesses prohibited

8.22.010 Definitions

(A) As used in this chapter, the words shall have meanings as follows:

- "Industrial hemp" means the plant *Cannabis sativa* and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and shall also include any definition of "industrial hemp," or similar term serving the same purpose, adopted by laws or regulations by the State of Alaska.

- "Marijuana business" means any and all business, acts, or commerce subject to registration or licensure pursuant to Alaska Statute Chapter 17.38.

8.22.020 Marijuana businesses prohibited

(A) Marijuana businesses are prohibited in the borough in the areas outside of cities.

(B) The prohibition contained in section (A) shall not apply to or restrict any business, act, or commerce relating to the growing or processing of industrial hemp otherwise authorized by state or federal law, whether authorized by Chapter 17.38 or any other provision of state or federal law; nor shall the prohibition contained in section (A) preclude issuance of a license or registration required for industrial hemp-related business or commerce to a qualified person or entity.

Section 3. Effective date. If a majority vote favors this ordinance, it shall become effective upon certification of the election.