

BOARD OF TOWNSHIP TRUSTEES
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO

The Board of Township Trustees met in a regular meeting at 2:00 p.m. this 15th day of July, 2024, with the following members present:

R. Dee Stone
Joshua S. Gerth
Lexi Lausten

Mrs. Stone introduced the following resolution and moved its passage:

RESOLUTION NO. 24 - 0715 - 01
**RESOLUTION LIMITING THE NUMBER OF ADULT USE CANNABIS OPERATORS
PERMITTED WITHIN THE UNINCORPORATED TERRITORY OF ANDERSON
TOWNSHIP**

WHEREAS, pursuant to initiative petition, at the general election held on November 7, 2023, the majority of electors of the State of Ohio and of Anderson Township, Ohio voted in favor of Issue 2, pursuant to which Chapter 3780 of the Ohio Revised Code (the "Statute") regarding adult use cannabis control to authorize and regulate the cultivation, processing, sale, purchase, possession, home grow, and use of adult use cannabis by adults at least twenty-one years of age ("Adult Use Consumers"), has been enacted;

WHEREAS, the Statute deals with adult use cannabis and is distinguished from Chapter 3796 of the Ohio Revised Code which contains a set of rules and regulations for medical marihuana in Ohio;

WHEREAS, "adult use cannabis", "cannabis" and "marihuana" are all defined under the Statute to mean "marihuana" as defined Section 3719.01 of the Ohio Revised Code, which deals with controlled substances, which definition states that, "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin; that, "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; and that "Marihuana" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code";

WHEREAS, under the Statute, among other things, a Division of Cannabis Control (the "Division") within the Department of Commerce, has been established, authorized to license, regulate, investigate and penalize adult use cannabis operators, adult use testing laboratories, and

individuals required to be licensed, and authorized to adopt rules necessary for the administration, implementation and enforcement of the Statute;

WHEREAS, the Statute prohibits an adult use cannabis operator or adult use testing laboratory from operating without a license issued by the Division pursuant to the Statute (“License”);

WHEREAS, the Statute defines “Adult Use Dispensary” as a person licensed pursuant to Section 3780.15 of the Statute, the Statute and any rules promulgated thereunder to sell adult use cannabis as authorized;

WHEREAS, applicants for Licenses must demonstrate that the operations will not be located within five hundred feet of a prohibited facility consistent with the Statute *unless the prohibited facility was located within five hundred feet after the applicant filed the application with the Division, or after the applicant, or the applicant owners, was operating under Chapter 3796 of the Ohio Revised Code at the same location, or unless otherwise authorized by the Statute;*

WHEREAS, “prohibited facility” is defined in the Statute to mean “any church, public library, public playground, public park, or school, as defined in Section 3796.30 of the Ohio Revised Code”; wherein “school” includes a child care center, a preschool, or a public or nonpublic primary or secondary school;

WHEREAS, *Section 3780.25 of the Statute sets forth the local authority regarding adult use cannabis operators, and, with stated exceptions, enables a board of township trustees to adopt a resolution, by majority vote to prohibit or limit the number of adult use cannabis operators permitted under the Statute within the unincorporated territory of the township; exceptions to such a prohibition including, among others, (i) existing cultivators, processors, or dispensaries who have a certificate of operation that has not been revoked, (ii) adult use cultivators, adult use processors, and adult use dispensaries that are co-located on the same or contiguous parcels, and (iii) dispensaries, or their owners, who have a certificate of operation and who are not co-located with a licensed operator, unless a majority of township trustees pass a resolution after the license is issued and within one hundred twenty days from license issuance, prohibiting the operation of the adult use dispensary within the unincorporated territory of the township; provided that with respect to dispensaries noted in clause (iii), the adult use dispensary license holder may pursue a referendum;*

WHEREAS, Section 3780.25 of the Statute prohibits a board of township trustees from, among others, limiting research related to marihuana, levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the township; prohibiting or limiting home grow otherwise authorized under the Statute;

WHEREAS, Section 3780.22 of the Statute provides for an adult use tax at the rate of ten percent (10%) on the sale of adult use cannabis by adult use dispensaries to Adult Use Consumers in accordance with the Statute, which adult use tax is in addition to the tax levied or collected

under Chapter 5739 of the Ohio Revised Code on adult use cannabis sales by adult use dispensaries to Adult Use Consumers;

WHEREAS, the Statute creates (for the purpose of receiving and distributing, and accounting for, revenue received from the adult use cannabis sales tax) the following funds in the state treasury: (1) the adult use tax fund; (2) the cannabis social equity and jobs fund; (3) the host community cannabis fund; (4) the substance abuse and addiction fund; and (5) the division of cannabis control and tax commissioner fund;

WHEREAS, all monies collected from the aforesaid tax levied under the Statute are required to be deposited into the adult use tax fund which shall be quarterly distributed as follows: thirty-six per cent to the cannabis social equity and jobs fund; *thirty-six per cent to the host community cannabis facilities fund*; twenty-five per cent to the substance abuse and addiction fund; and three per cent to the division of cannabis control and tax commissioner fund; and the director of the Office of Budget and Management shall transfer amounts of the funds as required in the Statute under Section 3780.23 thereof;

WHEREAS, since the effectiveness of the Statute, bills have been proposed in the General Assembly which could impact the share of the adult use cannabis sales tax credited to the host community cannabis facilities fund and, thus distributed to a township where adult use cannabis dispensaries lawfully operate;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees (the "Board") of Anderson Township, Hamilton County, State of Ohio (the "Township");

SECTION 1. That pursuant to Section 3780.25 of the Statute, this Board hereby determines that the number of adult use cannabis operators dispensing adult use cannabis permitted within the unincorporated territory of the Township under the Statute shall be limited to two.

SECTION 2. That the preambles to this Resolution are hereby deemed for all purposes to be integral parts of this Resolution.

SECTION 3. That this Resolution supersedes Resolution No. 24-0502-05 duly passed by this Board on May 2, 2024, which prior Resolution is hereby repealed as of this date.

SECTION 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.


Mrs. Lausten seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mr. Gerth yes Mrs. Lausten yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 15th day of July, 2024, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 15th day of July, 2024.



Brian M. Johnson
Fiscal Officer