



Medical Marijuana

- Petition requires at least 20% of the qualified electors of the municipality or 1500, whichever is lesser
- Election ordered by the Governing Authorities of the Municipality
- Date of election to be no more than sixty (60) days from the receipt of the Petition and no earlier than fifteen (15) days from date of first publication of the notice of election
- Publication Notice three (3) consecutive weeks in newspaper published in municipality or if no newspaper published in municipality, in a newspaper having general circulation in the municipality involved
- No election may be held more than once every two (2) years
- Requires a majority vote

S.B. No. 2095 (2022 Regular Session) Municipal local option elections.

Section 30 (4)(a). Upon presentation and filing of a proper petition requesting that the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, be legal in the municipality signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the municipality, it shall be the duty of the governing authorities of the municipality to call an election at which there shall be submitted to the qualified electors of the municipality the question of whether or not the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, shall be legal in the municipality as provided in this chapter. Such election shall be held and conducted on a date fixed by the order of the governing authorities of the municipality, which date shall not be more than sixty (60) days from the date of the filing of the petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in the municipality or if no newspaper be published therein, by such publication in a newspaper having a general circulation in the municipality involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(b) The election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of municipal elections. The ballots used at the election shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in _____ [Name of Municipality] ()" or "I vote AGAINST allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in _____ [Name of Municipality] ()" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (✓) mark opposite the words of their choice.

(c) The election commissioners shall canvass and determine the results of the election and shall certify the same to the governing authorities which shall adopt and spread upon their minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein vote in favor of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, this chapter shall be applicable and operative in such municipality and the cultivation, processing, sale, and/or distribution of medical cannabis and cannabis products, as applicable, therein shall be lawful to the extent and in the manner permitted in this chapter. If, on the other hand, a majority of the qualified electors participating in the election vote against allowing the cultivation, processing, sale and/or distribution of

medical cannabis and cannabis products, as applicable, then it shall be illegal to cultivate, process, sell and/or distribute medical cannabis and cannabis products, as applicable, in the municipality. In either case, no further election shall be held in the municipality under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the municipality as provided in this section.