

ZONING REGULATIONS

400 Attachment 17

City of Hollister

APPENDIX 2

**Medical Marijuana Dispensary Facility and Medical Marijuana-Infused
Products Manufactured Conditional Uses**

[Added Ord. No. 19-61, 9-19-2019; Ord. No. 23-27, 9-7-2023]

A. In addition to the current requirements of the "I-1" Industrial Zoning District, the following conditions shall apply:

1. Locations allowed: entire "I-1" Industrial Zoning District.

B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

CHURCH — A permanent building primarily and regularly used as a place of religious worship.

COMPREHENSIVE FACILITY - A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY - A facility licensed by the Department and holding a valid City of Hollister business license, where marijuana cultivation operations for medical or adult use occur.

COMPREHENSIVE CULTIVATION LICENSEE – An entity licensed by the Department and holding a valid City of Hollister business license, to engage in the process of cultivating marijuana for medical or adult use at a comprehensive marijuana cultivation facility.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY - A facility licensed by the Department and holding a valid City of Hollister business license, where marijuana product is dispensed for medical or adult use.

COMPREHENSIVE DISPENSARY LICENSEE – An entity licensed by the Department to engage in the process of dispensing marijuana product for medical or adult use at a comprehensive marijuana dispensary facility.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY – A facility licensed by the Department and holding a valid City of Hollister business license, where marijuana-infused products and prerolls are manufactured for medical or adult use.

COMPREHENSIVE MANUFACTURING LICENSEE – An entity licensed by the Department to engage in the process of manufacturing marijuana-infused products and

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prerolls for medical or adult use at a comprehensive marijuana-infused products manufacturing facility.

CONSUMER – A person who is at least twenty-one (21) years of age.

CULTIVATION FACILITY – A medical marijuana cultivation facility, a comprehensive marijuana cultivation facility, or a microbusiness wholesale facility licensed to cultivate marijuana.

DAY CARE — A child-care facility, as defined by Section 210.201, RSMo., or its successor provisions, that is licensed by the State of Missouri.

DELIVERY – The movement of marijuana from a dispensary facility to a consumer, qualifying patient, or primary caregiver.

DEPARTMENT – The Department of Health and Senior Services, or its successor agency.

DISPENSARY FACILITY – A medical marijuana dispensary facility, a comprehensive marijuana dispensary facility, or a microbusiness dispensary facility.

ELEMENTARY OR SECONDARY SCHOOL — Any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

ENTITY – A natural person, corporation, professional corporation, non-profit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

FACILITY – The physical structure(s), including strip malls, and the premises on which the physical structures are located which are used by a licensed or certified entity to perform its licensed or certified functions, whether the entity is licensed or certified as a medical facility or a marijuana facility.

INFUSED PREROLL – A consumable or smokable marijuana product, generally consisting of:

1. Wrap or paper;
2. Dried flower, buds, and/or plant material;
3. A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product;

Infused prerolls may or may not include a filter or crutch at the base of the product.

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LICENSEE – An entity licensed or issued a certificate by the Department to operate a medical or marijuana facility under Article XIV of the Missouri Constitution.

MANUFACTURING FACILITY – A medical marijuana-infused products manufacturing facility, a comprehensive marijuana-infused products manufacturing facility, or a microbusiness wholesale facility licensed to manufacture marijuana.

MARIJUANA OR MARIHUANA — Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant. Marijuana or marihuana does not include industrial hemp, as defined by Missouri Statute, or commodities or products manufactured from industrial hemp.

MARIJUANA FACILITY – A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, comprehensive marijuana-infused products manufacturing facility, marijuana testing facility, transportation facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Department pursuant to Article XIV, Section 2 of the Missouri Constitution, but shall not include a medical facility or marijuana research facility.

MARIJUANA-INFUSED PRODUCTS — Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

MARIJUANA MICROBUSINESS FACILITY – A facility licensed by the Department and holding a valid City of Hollister business license, as a microbusiness dispensary facility or microbusiness wholesale facility.

MARIJUANA PRODUCT – Marijuana, marijuana-infused products, or other products made using marijuana, including prerolls, as those terms are defined herein, unless otherwise provided for in these rules.

MARIJUANA RESEARCH FACILITY – A facility licensed by the Department and holding a valid City of Hollister business license, where activities intended to facilitate scientific research or education related to marijuana product occur.

MARIJUANA RESEARCH LICENSEE – An entity that is licensed by the Department to engage in activities intended to facilitate scientific research or education related to marijuana product at a marijuana research facility.

MARIJUANA TESTING FACILITY – A facility certified by the Department where testing of marijuana product is authorized to occur.

MARIJUANA TESTING LICENSEE – An entity certified by the Department and holding a valid City of Hollister business license, to engage in the testing of marijuana product at a marijuana product at a marijuana testing facility.

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MEDICAL FACILITY – Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA CULTIVATION FACILITY – A facility licensed by the Department and holding a valid City of Hollister business license, where marijuana cultivation operations occur that is limited to medical use.

MEDICAL CULTIVATION LICENSEE – An entity licensed by the Department to engage in process of cultivating marijuana that is limited to medical use at the medical marijuana cultivation facility.

MEDICAL MARIJUANA DISPENSARY FACILITY — A facility licensed by the Department and holding a valid City of Hollister business license, where marijuana is dispensed only for medical use.

MEDICAL MARIJUANA DISPENSARY LICENSEE – An entity licensed by the Department to engage in the process of dispensing marijuana for only medical use at a medical marijuana dispensary facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY — A facility licensed by the Department and holding a valid City of Hollister business license, where marijuana-infused products and prerolls are manufactured only for medical use.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE – An entity licensed by the Department to engage in the process of manufacturing marijuana-infused products and prerolls only for medical use at a medical marijuana-infused products manufacturing facility.

MEDICAL USE — The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

MICROBUSINESS DISPENSARY FACILITY – A microbusiness facility licensed by the Department and holding a valid City of Hollister business license, where marijuana is dispensed for medical or adult use.

MICROBUSINESS DISPENSARY LICENSEE – An entity licensed by the Department to engage in the process of dispensing marijuana for medical or adult use at a microbusiness dispensary facility.

MICROBUSINESS FACILITY – A microbusiness dispensary facility or a microbusiness wholesale facility.

MICROBUSINESS WHOLESALE FACILITY – A microbusiness facility licensed by the Department and holding a valid City of Hollister business license, where marijuana cultivation operations for medical or adult use occur and/or where marijuana-infused products and prerolls are manufactured for medical or adult use.

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MICROBUSINESS WHOLESALE LICENSEE – An entity licensed by the Department to engage in the process of cultivating marijuana for medical or adult use and/or manufacturing marijuana-infused products and prerolls for medical or adult use at a microbusiness wholesale facility.

PREROLL – A consumable or smokable marijuana product, generally consisting of:

1. A wrap or paper; and
2. Dried flowers, buds, and/ plant material.

Prerolls may or may not include a filter or crutch at the base of the product.

TRANSPORTATION FACILITY – A facility certified by the Department and holding a valid City of Hollister business license, to house operations involving the transport of marijuana product to or from a marijuana facility or medical facility, or to a qualifying patient, primary caregiver, or consumer.

TRANSPORTATION LICENSEE – An entity certified by the Department and holding a valid City of Hollister business license, to engage in the transportation of marijuana product to or from a medical or marijuana facility, or to a qualifying patient, primary caregiver, or consumer.

C. Facility Operation, Policies, and Procedures.

1. No infused product manufacturing or dispensary facility shall be sited, at the time of application for license or for local zoning approval, whichever is earlier, within five hundred (500) feet of any then-existing elementary or secondary school, day care, or church.
 - a. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care, or church to the closest point of the property line of the school, day care, or church. If the school, day care, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility.
 - b. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, day care, or church. If the school, day care, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility.

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2. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 3. Licensees shall not distribute free marijuana products to consumers for promotional purposes.
 4. No on-site consumption of marijuana, marijuana-infused products or smoking on the licensed premises.
 5. Dispensary facility shall not operate other than between the hours of 8:00 A.M. to 10:00 P.M.
- D. Construction or remodel at a sited location requires a building permit with the following:
1. The facility granted a license and shall be included with the following:
 - a. Descriptions, schematics, or blueprints for the building;
 - b. An attestation that the proposed location for the building or warehouse complies with the facility location requirements of 19 CSR 100 and any location requirements of the City of Hollister that would apply to the facility for which the building is being constructed;
 - c. The City of Hollister enacted zoning restrictions applicable to the facility for which the building or warehouse is being constructed, the text of the restrictions and a description of how the building will comply with those restrictions;
 - d. An attestation that the building or warehouse will comply with all other rules applicable to the facility for which the building is being constructed; and
 - e. Drive-through lanes, pickup windows and/or delivery shall comply with all rules applicable to 19 CSR 100-1.180 by the Department and City of Hollister Code, if any.
 - f. Any excess or unusable marijuana or marijuana byproduct of a manufacturing or dispensary shall be disposed of in the following manner, as applicable:
 - (1) Solid and liquid wastes generated during marijuana production, processing and/or dispensing must be stored, managed, and disposed of in accordance with applicable State, tribal, local, and municipal laws and regulations. Licensees must keep records of the final disposal of all such wastes for at least five (5) years or longer if required by Federal, State, tribal, or local law;
 - (2) Wastewater generated during marijuana production and processing must be disposed of in compliance with applicable applicable State, tribal, local, and municipal laws and regulations;

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- (3) Wastes from the production, processing and/or dispensing of marijuana plants must be evaluated against State hazardous waste regulations to determine if those wastes qualify as hazardous waste. It is the responsibility of each waste licensee to properly evaluate their waste to determine if it is a hazardous waste per 40 CFR 262.11. If a licensee's waste does qualify as a hazardous waste, then that waste is subject to the applicable hazardous waste management standards.
2. Licensees must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices, including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources; this to be included with building plans.
3. Manufacturing licensees that produce ingestible marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20, and any relevant Statutes controlling food safety standards. Such licensees are prohibited from producing frozen desserts or acidified foods, as defined by 19 CSR 20.
4. Manufacturing licensees shall store all marijuana:
 - a. At the approved location of the facility; or
 - b. In off-site buildings or warehouses that comply with the security requirements of 19 CSR 100, the location requirements of 19 CSR 100, and that have been approved pursuant to 19 CSR 100.
5. Manufacturing licensees that use volatile solvents shall install air-handling systems and other controls designed to minimize the risks of explosions and fires. These controls should include systems to prevent ignition; volatile solvent stand operating procedures; plans for safe storage, use, and disposal of solvents; and policies for continuous staff monitoring of all processes involving volatile solvents. This is to be included in the building plans.
6. Licensees that sell or manufacture ingestible marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20.
7. Licensees shall store all marijuana at an approved zoning location and shall meet all requirements set forth in 19 CSR 100.
8. All facility waste of any type must be stored securely before final disposition, which can be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.
9. All dispensary licensees shall establish and follow procedures to ensure marijuana remains free from contaminants. The procedures must address, at a minimum:

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- a. The flow through a facility of any equipment or supplies that will come in contact with marijuana, including receipt and storage.
- b. Employee health and sanitation.
- c. Environmental factors, such as:
 - (1) Floors, walls and ceilings made of smooth, hard surfaces that are easily cleaned.
 - (2) Temperature and humidity controls.
 - (3) A system for monitoring environmental conditions.
 - (4) A system for cleaning and sanitizing rooms and equipment.
 - (5) A system for maintaining any equipment used to control sanitary conditions.
 - (6) For infused manufacturing facilities, an air supply filtered through high-efficiency particulate air filters under positive pressure.
- E. Parking requirements. See Section 400.160.
- F. Sign requirements. See Section 525.060.