

**ORDINANCE NO.02-2026-03**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO INCLUDE LICENSING APPROVAL FOR CONSUMABLE HEMP PRODUCTS**

**WHEREAS**, Act 2025-385, effective January 1, 2026, provides that consumable hemp products may be sold in Alabama by consumable hemp retailers licensed by the Alabama Alcoholic Beverage Control Board (hereinafter referred to as the "ABC Board"); and

**WHEREAS**, pursuant to ( [Code of Ala. § 28-12-40](#). b), Code of Alabama 1975, the ABC Board cannot issue a consumable hemp product license unless the local governing body of the county or municipality in which the licensee's facility is located first approves the application for licensure; and

**WHEREAS**, the municipality has the authority under , [Code of Ala. § 11-45-1](#). Code of Alabama 1975, to adopt ordinances to promote the safety, health, and welfare of its inhabitants, including the regulation of businesses operating within its jurisdiction ; [Code of Ala. § 11-45-1](#), [Smith v. Huntsville, 515 So. 2d 72](#). and

**WHEREAS**, the municipality desires to establish a method for approving applications for consumable hemp product licenses consistent with the method used for liquor license approvals under , [Code of Ala. § 28-3A-11](#). Code of Alabama 1975 ; [Code of Ala. § 28-3A-11](#), [Ott v. Everett, 420 So. 2d 258](#). and

**WHEREAS**, the municipality finds that such regulation is necessary to ensure the orderly and lawful operation of businesses selling consumable hemp products within its jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GENEVA, ALABAMA, AS FOLLOWS:**

**SECTION 1. Amendment to Municipal Code.**

AMENDING ORDINANCE NUMBER 10-2014-03 DATED THE 6<sup>TH</sup> DAY OF OCTOBER, 2014 of the Municipal Code is hereby amended to include the following provisions for the approval of consumable hemp product licenses:

**Adoption of state beverage control board regulations.**

The rules and regulations adopted and promulgated by the state beverage control board, in effect as of December 15, 2025, and as may be adopted or amended thereafter by the state beverage control board, the violation of which constitutes a misdemeanor, are adopted as laws of the city.

No license for the sale of consumable hemp products shall be issued under this division, except to proper licensees, subject but not necessarily limited to regulations of the state beverage control board. Every application for a license shall be presented in writing at a regular meeting of the

city council. No license shall be issued except on approval of the city council in a regular meeting after it has been presented in a previous regular scheduled council meeting.

### 1. **Application Submission and Review.**

1. Any person or entity seeking to obtain a consumable hemp product license from the ABC Board for a facility located within the municipality must first submit an application to the City Clerk.
2. The application shall include all information required by the ABC Board under , [Code of Ala. § 28-12-40](#). Code of Alabama 1975, and any additional information deemed necessary by the municipality.

### 2. **Approval Process.**

1. Upon receipt of a complete application, the City Clerk shall set the applicant on the city council's agenda to consider the application.
2. The council will consider the applicant and vote on the matter at the next regular scheduled council meeting.

### 3. **Location Criteria for Approval.**

- (a) No sale of consumable hemp shall be permitted in areas within the city limits that are zoned as residential or mobile home. This includes all R zones and all T zones. **No sale of consumable hemp shall be allowed in an agricultural zone, except for private clubs as identified in section 4-22 and on any city owned property within an agricultural zone.** No sales will be made between 2:00 a.m. Sunday and 6:00 a.m. Monday, excluding licensed private clubs.
- (b) **No privilege license shall be issued for the retail sale of consumable hemp where the entrance of the establishment for which such license applied for is less than three hundred (300) feet from the main entrance of any free-standing church building, public or private school building, YMCA building, licensed daycare facility or public playground. Such distance shall be set out and measured in a straight line.**
- (c) **Sale or possession on public grounds prohibited.**  
Any person who gives away, sells, serves or has in his possession any consumable hemp product in or on any city school buildings and grounds, recreation buildings excluding any private recreation rooms leased or rented to individuals or clubs or private parties, city playgrounds, school playgrounds, city parks, athletic fields of which all property is owned by the city, is guilty of a misdemeanor and, upon conviction, shall be punished as provided in Article III City of Geneva Code of Ordinances.

#### 4. Fee Schedule

The license fee schedule for the license required under this division shall be as follows:

- (1) Specialty Retailer of consumable hemp products license \$ 200.00
- (2) Pharmacy consumable hemp products license \$ 200.00
- (3) Retail food store consumable hemp products license \$ 100.00

#### SECTION 2. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

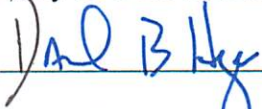
#### SECTION 3. Effective Date.

This ordinance shall become effective immediately upon its adoption and publication as required by law.

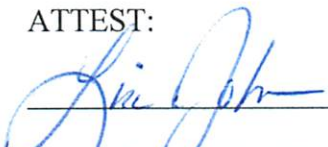
The City Clerk is hereby directed to cause this ordinance to be published one time in the Geneva County Journal, a newspaper of general circulation in the City of Geneva, Alabama.

ADOPTED AND APPROVED on this 17th day of February, 2026.

The City of Geneva, Alabama

By:  \_\_\_\_\_  
David B. Hayes, Mayor

ATTEST:

 \_\_\_\_\_  
Lisa Johnson, City Clerk