

## **ORDINANCE NO. 639**

**AN ORDINANCE PROHIBITING THE MANUFACTURE, MARKETING, DISTRIBUTION, AND SALE OF CERTAIN DANGEROUS SUBSTANCES, SOLD AS PAIN MANAGEMENT, DIETARY SUPPLEMENTS, OR RELAXATION AIDS AFFECTING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF CITIZENS OF THE CITY OF PIEDMONT, ALABAMA, AND PROVIDING FOR A PENALTY FOR VIOLATION IN THE CITY OF PIEDMONT, ALABAMA.**

### **SECTION I. DEFINITIONS**

"REGISTERED AGENT" shall mean a person, corporation, partnership, wholesaler, retailer, or any licensed or unlicensed business.

**"NON-CONFORMING PHARMACEUTICALS OR PARAPHERNALIA" shall mean:**

(a) substances, preparations, or any product containing tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis as authorized by 7 U. S. C. 1639o Section 297(a); or

(b) substances, preparations, or drugs that violates any provision or regulation of the United States Code, including, but not limited to 21 U.S.C. § 331(l1), 21 U.S.C § 355, or Section 505 of the Food & Drug & Cosmetics Act; or

(c) substances, preparations, or drugs that violates any provision of the Code of Alabama 1975, including, but not limited to Title 20-2-20 through Title 20-2-32; or

(d) substances, preparations, or drugs designed to mimic the effects of known controlled substances that deprives a person of judgement, coordination, or the ability to conduct themselves appropriately and safely in society; or any person in the State of Alabama; or

(e) substances, preparations, or any product packaged, marketed, adorned, or displayed in a manner that reasonably suggest the product is used for or in combination with another product in recreational drug activities or trade.

### **SECTION II. RULES & REGULATIONS**

(a) It shall be unlawful for any person or registered agent of any business license or permit issued by the City of Piedmont to manufacture, market, distribute, deliver, barter, sell, possess, or display non-conforming pharmaceuticals as outlined above in any retailer, including, but not limited to convenience stores, gas stations, mobile retailers, specialty outlets, warehouse, or wholesalers.

(b) It shall be unlawful for a retailer or manufacturer of cannabinoids or any delta products to advertise, market, or offer for sale delta products in any of the following ways:

(1) By using, in the labeling or design of the product, its packaging, or in its advertising or marketing materials, the terms "candy" or "candies," any variant of these words, or any other term referencing a type or brand of candy, including types or brands of candy that do not include the words "candy" or "candies" in their names or slogans; or

(2) By using, in the labeling or design of the product, its packaging, or in its advertising or marketing materials, the terms "cake" or "cakes" or "cupcake" or "cupcakes" or "pie" or "pies," any variant of these words, or any other term referencing a type or brand of cake, pastry, or pie, including types or brands of cakes, pastries, or pies that do not include the words "cake" or "cakes" or "cupcake" or "cupcakes" or "pie" or "pies" in their names or slogans; or

(3) By using, in the labeling or design of the product, its packaging, or in its advertising or marketing materials, trade dress, trademarks, branding, or other related imagery that imitates or replicates those of food brands or other related products that are marketed to minors, including, but not limited to, breakfast cereal, cookies, juice drinks, soft drinks, frozen drinks, ice creams, sorbets, sherbets, and frozen pops; or

(4) By using, in the labeling or design of the product, its packaging, or in its advertising or marketing materials, trade dress, trademarks, branding, or other related imagery that depicts or signifies characters or symbols that are known to appeal primarily to minors, including, but not limited to, superheroes, comic book characters, video game characters, television show characters, movie characters, mythical creatures, unicorns, or that otherwise incorporates related imagery or scenery;

(c) On a first violation an authorized employee of the City of Piedmont shall provide written notice to the person or registered agent informing them that prohibited items are being manufactured, marketed, distributed, bartered, delivered, sold, possessed, or displayed in violation of this ordinance. The registered agent shall immediately cease all sales of any identified items and remove the prohibited items from the premises. After written notice, every day thereafter the registered agent remains out of compliance with the provisions of this ordinance shall constitute a separate offense. Failure to comply with the provisions of this ordinance will be considered non-compliance and shall result in the automatic suspension of the registered agent's city business license for a period of not less than 15 days.

(d) On a second violation of this ordinance, a rebuttable presumption shall exist that the person or registered agent knowingly manufactured, marketed, distributed, bartered, delivered, sold, possessed, or displayed non-conforming pharmaceuticals in violation of this ordinance. Any items) remaining after written notice shall be classified as contraband and subject to seizure by law enforcement. Failure to comply with the provisions of this section shall be considered non-compliance and will result in criminal prosecution for each offense, a maximum fine of \$500.00 upon conviction and an automatic suspension of the registered agent's city business license if

applicable for a period of not less than 30-days.

(e) On a third or subsequent violation of this ordinance, any remaining prohibited items) shall be seized by law enforcement, the registered agent arrested, charged, and upon conviction fined a maximum of \$500.00 per occurrence. Additionally, the registered agent's city business license shall be automatically suspended pending a public hearing and subject to revocation by a super majority vote of the Mayor and City Council.

(f) The registered agent may file an appeal in writing on behalf of the business regarding the automatic administrative suspension within 72 hours of the reported violation and request a public hearing before the Mayor and City Council at the next regularly scheduled Council Meeting.

(g) Any person, firm, corporation, or entity violating this Ordinance other than as described hereinabove in (c), (d) or (e), as it exists or may be amended, upon conviction thereof, shall be subject to a fine not to exceed \$500.00 and/or confinement up to six months per occurrence in the municipal jail at the discretion of the Municipal Judge.

(h) The Mayor and Council reserve the right to permanently revoke a person, firm, corporation, or entity's privilege of operating a business within the city limits of Piedmont, Alabama, solely on the violation of any of these provisions in this article at any time and for any reason.

(i) The registered agent of a business including, but not limited to convenience stores, gas stations, mobile retailers, specialty outlets, warehouse, or wholesalers found to be in possession of any product suspected of violating federal or state law or any provision of this ordinance shall be required at their own expense to submit for testing a sample of the suspicious product to the Piedmont Police Department for scientific testing at a city approved laboratory. If the laboratory analysis reveals the presence of any known controlled substance, the product, person or registered agent shall be subject to subsections (a) through (d) of this ordinance.

(j) (Nothing in this ordinance bans prescription medicine or medicines dispensed by a hospital, health care facility, or pharmacy licensed to conduct business in the State of Alabama).

### **SECTION III. SAVINGS/REPEALING CLAUSE**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violations of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring before the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

#### SECTION IV. SEVERABILITY

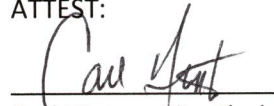
Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any remaining portions of this Ordinance shall remain in full force and effect.

#### SECTION V. EFFECTIVE DATE

This Ordinance shall become effective 30 days after its passage by the Council and publication as required by law.

PASSED AND ADOPTED THIS THE 15<sup>th</sup> DAY OF April, 2025.

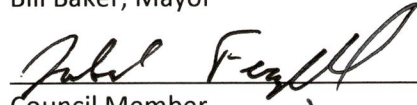
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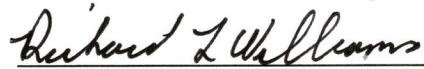
Carl Hinton, City Clerk



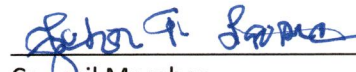
Bill Baker, Mayor



Council Member

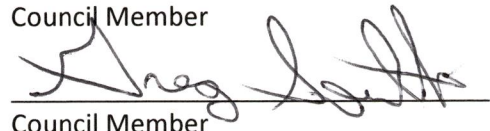


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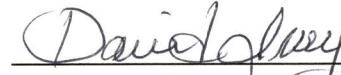


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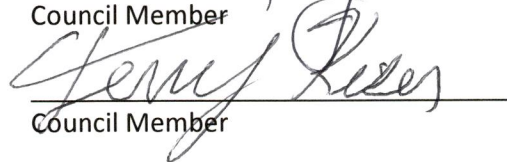
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