

NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CHAPTER 743
MEDICAL MARIJUANA**

743.01 Definitions	743.03 Violation
743.02 Prohibition	

SECTION 743.01. DEFINITIONS.

(a) For purposes of this Chapter, the words “marijuana,” “medical marijuana,” “patient,” “caregiver,” “cultivation,” “cultivator,” “processing,” “processor,” “retail dispensary,” and “retail dispensing” and their grammatical derivatives, shall have the same meanings as defined or described in Chapter 3796 of the Ohio Revised Code.

SECTION 743.02. PROHIBITION.

(a) The cultivation, processing, and dispensing of medical marijuana is prohibited within the corporate limits of the City of Kettering, Ohio regardless of whether a cultivator, processor, or retail dispensary has a medical marijuana cultivator, processor, or dispensary license in the State of Ohio or elsewhere. “Processing,” “cultivating,” and “dispensing” includes the delivery and sale of medical marijuana. No person or entity shall fail to obey any provision of this Chapter.

(b) Nothing herein shall prohibit patients, registered with the state board of pharmacy to use medical marijuana, or caregivers, registered with the state board of pharmacy to administer medical marijuana to their patients, from exercising their rights under Chapter 3796 of the Ohio Revised Code.

SECTION 743.03. VIOLATION.

(a) Whoever violates any provision of this Chapter shall be guilty of a misdemeanor in the first degree. Each day that a violation continues shall be deemed a separate offense. Punishment shall be as provided in Section 698.02 of the Codified Ordinances.

(b) A violation of this Chapter is a strict liability offense, and strict liability is a culpable mental state for purposes of Ohio Revised Code Section 2901.20. The designation of a violation of any provision of this Chapter as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

Legislative History: Ord. 4310-18; passed 5-8-18.