

RESOLUTION NO. 21-__

A RESOLUTION REFERRING A PROPOSED ORDINANCE PROHIBITING ADULT-USE MARIJUANA DISPENSARY BUSINESSES, TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 2, 2021.

WHEREAS, the Initiative Measure 190 (I-190) passed by popular vote on November 2, 2020, statewide, in Yellowstone County, Montana, and in the City of Billings, Montana, legalizing adult-use marijuana and providing for approval of certain marijuana businesses within the State of Montana; and

WHEREAS, the 2021 Montana Legislature passed House Bill (HB) 701, with most sections effective January 1, 2022, extensively changing provisions of the I-190 and the Montana Medical Marijuana Act; and

WHEREAS, HB 701 provides an option for the electors of the City of Billings to consider prohibition of any or all of the seven categories of marijuana businesses defined in the I-190 and HB 701 within the limits of the City of Billings; and

WHEREAS, an adult-use dispensary is one of the seven categories defined in HB 701 that electors may consider whether to prohibit; and

WHEREAS, in order to protect and preserve the public peace, health, safety, and welfare, the City Council of the City of Billings wishes to permanently prohibit the category of adult-use marijuana dispensary businesses in accordance with the will of the electors as provided by HB 701;

WHEREAS, a majority of the electors voting on this question must approve the proposed ordinance to prohibit adult-use marijuana dispensary businesses; and,

WHEREAS, the ordinance should be referred to a vote of the people at an election to be held on November 2, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. **REFERENCE:** City Council of the City of Billings has proposed an ordinance prohibiting all adult-use marijuana dispensary businesses within the limits of the City of Billings and hereby refers this question to a vote of the people at an election to be held November 2, 2021. A full copy of the proposed ordinance is attached hereto, marked Exhibit "A", and by this reference is made a part hereof.

2. **FORM OF BALLOT:** The form of the ballot shall be as provided by law and as follows:

Summary: Initiative Measure 190 (I-190) was approved by the electors of the City of Billings in the general election held November 3, 2020, legalizing possession and use of marijuana for adults over the age of 21 as well as certain marijuana businesses. The Montana Legislature passed House Bill 701 in 2021 and modified provisions of I-190 providing an option for electors to consider prohibition of the seven categories of marijuana businesses. This ballot measure asks voters to approve or disapprove adult-use marijuana dispensaries, which is one of the various types of marijuana businesses which were authorized by House Bill 701. The remaining categories of marijuana businesses, including medical marijuana businesses, will be permitted in the City of Billings upon the effective date of House Bill 701.

Proposal: The Billings City Council has proposed an ordinance to prohibit adult-use marijuana dispensaries and passed Resolution 21-_____ to refer this ballot to the voters. Adult-use dispensary means a registered premises from which a licensed adult-use provider or adult-use marijuana-infused products provider is approved by the Montana Department of Revenue to dispense marijuana or marijuana-infused products to a consumer over the age of 21, regardless of whether they are a registered medical marijuana cardholder.

Shall dispensaries of adult use marijuana, commonly referred to as recreational-use marijuana, be permitted within the limits of the City of Billings?

- FOR** permitting dispensaries of adult-use marijuana, commonly referred to as recreational-use marijuana, within the limits of the City of Billings.
- AGAINST** permitting dispensaries of adult-use marijuana, commonly referred to as recreational-use marijuana, within the limits of the City of Billings.

3. **CERTIFICATION:** The City Clerk shall certify this resolution to the Yellowstone County Election Official as provided by law.

4. **EFFECTIVE DATE:** This resolution shall be effective upon adoption.

APPROVED AND PASSED by the Billings City Council this _____ day of _____, 2021.

CITY OF BILLINGS

By _____

William A. Cole, Mayor

ATTEST:

Denise Bohlman, City Clerk

DRAFT