

ORDINANCE NO. 2025-352

**AMENDING THE CITY OF DOTHAN CODE OF ORDINANCES TO
ADD CHAPTER 28 – CONSUMABLE HEMP PRODUCTS**

WHEREAS, as a result of the adoption of Alabama State Act 2025-385, the City of Dothan Board of Commissioners finds the creation of appropriate Consumable Hemp Products regulations in order.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama, as follows;

Section 1. That the City of Dothan Code of Ordinances is hereby amended by adding Chapter 28 - Consumable Hemp Products, which shall read as follows:

CHAPTER 28

CONSUMABLE HEMP PRODUCTS

ARTICLE I. IN GENERAL

Sec. 28-1. Authority and Definitions in State Law adopted by reference.

- (a) This chapter is enacted pursuant to the authority granted in Code of Ala. § 28-12-1 et seq, as amended. Any federal law that comes into effect after the effective date of this chapter, that conflicts with a provision of this chapter, shall supersede the conflicting provision of this chapter.
- (b) The definitions of consumable hemp products, Code of Ala. 1975, § 28-12-1 et seq., as amended, are adopted by reference in this section as if fully set forth herein.

Sec. 28-2. 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.

Sec. 28-3. 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 and Rip Hewes Stadium and its complete ground area, of which all property is owned by the city, is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-4 City of Dothan Code of Ordinances.

Sec. 28-4. Consumption of consumable hemp products brought onto premises or "brown bagging".

- (a) It shall be unlawful for any person to consume, or to allow the consumption of, consumable hemp products at any establishment licensed by the City of Dothan and the Alabama Beverage Control Board for the retail sale of consumable hemp products.
- (b) It shall be unlawful for any person to consume or possess, or to allow the consumption of, consumable hemp products at any establishment licensed by the City of Dothan and the Alabama Beverage Control Board for the on-premise consumption of alcohol.

Secs. 28-5—28-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 28-31. State unlawful acts and offenses adopted by reference.

The provisions of unlawful acts and offenses pertaining to consumable hemp products, Code of Ala. 1975, § 28-12-60 et seq, as amended, are adopted by reference in this section as if fully set forth herein.

Sec. 28-32. State tax levied on sale of consumable hemp products.

Taxes on the sale of consumable hemp products shall be made in accordance with Code of Ala. 1975, § 28-12-5 as amended.

Sec. 28-33. Location of establishment for retail sale of consumable hemp products.

- (a) Licenses for the sale of consumable hemp products as defined by Code of Ala. 1975, § 28-12-2(5), shall be subject to the following:
 - (1) Specialty Retailer of Consumable Hemp Products Licenses require a separation distance of 200 feet.
 - (2) Pharmacy Consumable Hemp Products Licenses and Retail Food Store Consumable Hemp Products Licenses shall not require separation distances.
- (b) Any separation distances required by section 28-33(a) shall be from any church grounds, school grounds, public park, youth club, group home, shelter home, halfway/transitional house or licensed daycare facility and measured in a straight line from the nearest property boundary of the licensed premises to the nearest property boundary of any use listed above.
- (c) The minimum distance requirements provided herein shall not be applicable to the following:
 - (1) Consumable hemp products licensees for any location that is on any lot or lots in the entertainment district, more particularly described in section 6-102, City of Dothan Code of Ordinances;
 - (2) Consumable hemp products licensed premises and any otherwise protected use listed in subsection (b) above, where both are located in the same shopping center as that term is defined in section 6-1, City of Dothan Code of Ordinances;
 - (3) Consumable hemp products licensed premises and any otherwise protected use listed in subsection (b) above that is separated by a roadway with four (4) or more lanes.
- (d) The distance requirements provided herein shall not be applicable to those licensees already legally licensed and engaged in business at locations within the prohibited distance on the effective date of the ordinance from which this section is derived or to the transferee of any such license within 12 months from the effective date of the ordinance from which this section is derived. Any such license may continue in business at the location within the prohibited distance with the following limitations:
 - (1) No expansion of the building presently existing on the effective date of the ordinance from which this section is derived shall be permitted at the location unless such expansion is presently underway with an authorized city building permit, or such expansion is undertaken within 12 months from the effective date of the ordinance from which this ordinance is derived by the issuance of an authorized city building permit and unless such construction in either instance is completed within 12 months from the date of the building permit so issued;

- (2) If damages or loss of the building presently existing at the location occurs, restoration must be made within 12 months thereof and to an extent not to exceed 75 percent of the appraised value thereof for ad valorem taxes immediately prior to such loss or damage.
- (e) If, after an establishment obtains a consumable hemp products license under this chapter, a person establishes a use on a property that puts the establishment in violation of the distance requirements described in the above subsection (a), subject to the other provisions of this Code of Ordinances, that establishment, or another establishment with the same type of license as that establishment, may operate at the same location regardless of whether:
 - (1) The establishment changes ownership; or
 - (2) The property on which the establishment is located changes ownership.
- (f) In the event of a revocation of a consumable hemp products license, no renewal or reissuance of the consumable hemp products license shall be issued to permit the sale of consumable hemp products by the same business enterprise, its employees, partners, or relatives until after the expiration of one year from the date any such license revocation becomes final and effective. No renewal or reissuance of a consumable hemp products license at the same location shall be permitted to the same licensee once it is discontinued by the licensee.
- (g) Nothing in this section prevents the Commission from considering the proximity of an educational, religious, or recreational facility, or any other relevant factor in reaching a decision on a proposed location for a retail establishment engaged in the sale of consumable hemp products.

Secs. 28-34—28-60. Reserved.

DIVISION 2. LICENSE

Sec. 28-61. Consumable hemp products license issuance restricted; application and approval generally.

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 board of commissioners. No license shall be issued except on approval of the board of commissioners in a regular meeting.

Sec. 28-62. Advertisement of pending application.

For every application made to sell consumable hemp products at any location within the corporate limits, in addition to other advertisement required by law, the applicant shall, at his own expense, post on the premises where the business of sale is to be conducted, continuously for a period of not less than seven days prior to the consideration of the application by the board of commissioners, a posted notice of the pending application meeting the following minimum specifications: The notice shall be painted or printed in black letters three inches or more in height against a white background on a board or metal sign having a surface of not less than six square feet; shall be placed with the bottom of the sign not more than three feet from the ground on the most conspicuous part of the premises facing the street, road or drive not more than ten feet therefrom; and shall state clearly the nature and purpose of the application and the name of the person making the application. The sign to be posted on the proposed location should read as follows:

I, (applicant) have made application to the Board of Commissioners of the City of Dothan for a (type of license) off premises consumption, at this location, (address), Dothan, Alabama. A public hearing will be held by the City Commission in the regular meeting in the Commission Chambers in City Hall at (time), (day), (date).

Sec. 28-63. License fee levied.

There is levied, in addition to all other taxes of every kind imposed by law, and shall be collected, as provided in this division, a privilege or license fee against the person on account of the business activities related to the sale of consumable hemp products.

Sec. 28-64. License fee cumulative and additional.

Under this division, the license fee shall not be construed to repeal any of the provisions of the general license code of the city or of any other city ordinance or Code provision imposing a license fee or tax, and this license fee shall be held to be cumulative to all other city ordinances and Code provisions. In particular, but without limiting the generality of the foregoing, this license fee shall not be deemed to amend, repeal, modify or affect any of the provisions of chapter 18 or any of the provisions of this chapter, and this license fee is and shall be deemed to be in addition to and cumulative thereof.

Sec. 28-65. License 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 \$ 100.00
- (2) Pharmacy consumable hemp products license \$ 100.00
- (3) Retail food store consumable hemp products license \$ 50.00

Secs. 28-66—150. Reserved.

Section 2. That the City Clerk of the City of Dothan is hereby ordered and directed to cause this ordinance to be published.

Section 3. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

PASSED, ADOPTED, AND APPROVED ON DECEMBER 16, 2025.

ATTEST:

Wendy Shiver
City Clerk

I hereby certify that the above Ordinance was published in THE DOTHAN EAGLE, a newspaper of general circulation in the City of Dothan, Alabama, on December 20, 2025.

Wendy Shiver
Wendy Shiver
City Clerk

[Signature]

Mayor

Vivian K. Daniels
Associate Commissioner District 1

-Absent-

Associate Commissioner District 2

[Signature]
Associate Commissioner District 3

[Signature]
Associate Commissioner District 4

[Signature]
Associate Commissioner District 5

[Signature]
Associate Commissioner District 6

BOARD OF CITY COMMISSIONERS