

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. \_\_ OF 2021**

**A LOCAL LAW AMENDING CHAPTER 70 OF  
THE TOWN CODE ENTITLED “ZONING”.**

**Section 1. Legislative Intent**

The Town Board has previously recognized the negative impact of recreational marijuana use on the Town’s residents by prohibiting the retail sale, distribution and social consumption of marijuana in all Town use districts. The New York State Marijuana Regulation and Taxation Act (the “Cannabis Law”) recently legalized the personal non-medical use of marijuana. Pursuant to Cannabis Law § 131, the Town Board has opted out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of North Hempstead that would otherwise be allowed under Article 4 of the Cannabis Law. Accordingly, it is the intent of the Town Board to incorporate those opt-out provisions into the Town’s Zoning Code.

**Section 2.**

Section 70-201.11 of Chapter 70 of the Town Code shall be amended to read as follows:

§ 70-201.11 Prohibitions

- A. No building, structure or premises approved or used as a Medical Marijuana Dispensary pursuant to Article 33 of the New York Public Health Law may be used as a Marijuana Retail Store, **dispensary, or on-site consumption site for recreational marijuana use.**
  
- B. No building, structure or premises within any use district in the Town of North Hempstead may be used **as a Marijuana Retail Store, dispensary, or on-site consumption site** for the sale, distribution or ~~[offer for]~~ consumption of marijuana or marijuana products ~~[in a retail setting or environment]~~ for nonmedical use. The sale, distribution or offer for consumption of marijuana and/or marijuana products as prohibited in this section shall be prohibited regardless of whether products in addition to marijuana products are offered for sale, distribution or consumption at the building, structure or premises and regardless of the amount of marijuana or marijuana products available for sale, distribution or offer for consumption at the building, structure or premises in comparison to other products offered for sale, use or consumption at the building, structure or premises.

**Section 3. Effective Date.**

This Local Law shall take effect upon filing with the Secretary of State.