

WHEREAS, the Delaware General Assembly has enacted the Delaware Marijuana Control Act, 4 *Del. C.* Ch. 13 (the “Act”), legalizing, with conditions, marijuana and marijuana products for sale and use; and

WHEREAS, Section 1351(a) of the Act expressly permits Delaware municipalities to prohibit the operation of certain marijuana facilities and stores; and

WHEREAS, the Bethel Town Council accordingly desires, by Ordinance, to provide a safe neighborhood environment for all Town residents by enacting such prohibitions.

CHAPTER 10

MARIJUANA

NOW, THEREFORE, The Town of Bethel hereby adopts this new Chapter 10 of its Code of Ordinances, entitled “Marijuana.”

The Town of Bethel does hereby ordain:

Sec. 10-1. Definitions.

As used in this Chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

HEMP

All parts of the plant *Cannabis sativa L.*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

MARIJUANA

Except for hemp, all part of the plant *Cannabis sativa L.*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

MARIJUANA CULTIVATION FACILITY

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.

MARIJUANA PRODUCT

Products that are comprised of marijuana, including concentrated marijuana, and other ingredients and are intended for use or consumption, such as edible products, ointments, and tinctures.

MARIJUANA PRODUCT MANUFACTURING FACILITY

An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.

MARIJUANA TESTING FACILITY

An entity licensed to test marijuana for potency and contaminants.

RETAIL MARIJUANA STORE

An entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

Sec. 10-2. Prohibition of marijuana facilities and stores.

Within the limits and bounds of the Town of Bethel, no person shall operate, maintain or otherwise be engaged in any business or entity, whether for profit or nonprofit, defined under this Chapter as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store. Nothing herein shall be construed as prohibiting or restricting the retail sale of hemp as defined in this Chapter 10.

Sec. 10-3. Violations and penalties.

Any person who violates any provision of this Chapter shall be fined five hundred dollars (\$500.00) for each violation. Each violation shall be deemed a separate offense.

Date of Public Reading: April 14, 2025

Date adopted by Bethel Town Council: May 6, 2025

Secretary: B. Crawshaw