

Date: March 20, 2023

Amount:

Account Number:

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Legal

PURPOSE: To amend Chapter 17 (“Health and Sanitation”), Article XI (“Smoke-Free Indoor Air Workplaces and Public Places”) and repealing Chapter 17 (“Health and Sanitation”), Article XIII (“Electronic Cigarettes and Other Nicotine Delivery Systems (ENDS)”) of the Code of Ordinances.

REMARKS: Overview of Amendment 3

On November 8, 2022, Missouri voters considered Amendment 3 to Article XIV of the Missouri Constitution – a ballot initiative aimed at amending Missouri’s constitution legalizing recreational marijuana. Medical marijuana in Missouri was initially legalized November 2018 via the passing of Amendment 2. However, unlike Amendment 2, the purpose of Amendment 3 is to “make marijuana legal under state and local law for adults twenty-one years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health.” Code revisions are necessary to provide appropriate guidance to public health officials, given the language contained in Amendment 3.

Overview of Code Revisions

--Amendments to Chapter 17 of the St. Joseph Municipal Code of Ordinances (“Health and Sanitation”), Article XI (“Smoke Free Indoor Air Workplaces and Public Places”):

- Definitions for “Marijuana or marihuana,” “Marijuana-infused preroll or Infused-preroll,” “Marijuana-infused products,” and “Marijuana product” were added, which mirrors the definitions for these terms contained in Amendment 3.
- Definitions for “Alternative nicotine products,” “Tobacco products,” and “Vapor products” were added. These terms are defined by statute, and it made sense to pull them into Article XI for consistency.
- The definition of “Smoking” was revised to include reference to marijuana products, as well as the newly defined (1) alternative nicotine products, (ii) tobacco products and (iii) vapor products.
- A new section, entitled “Marijuana products,” was added to clearly relay the intent of Amendment 3. Specifically, Article XIV, Section 2.3(1)(h) of the Missouri Constitution states: “Except as otherwise provided in this Article, this section does not preclude, limit, or affect laws that assign liability relative to, prohibit, or otherwise regulate...smoking marijuana in a location where smoking tobacco is prohibited.” Thus, smoking marijuana is prohibited anywhere that smoking is prohibited by City Code.

--Repeal of Chapter 17 of the St. Joseph Municipal Code of Ordinances (“Health and Sanitation”), Article XIII (“Electronic Cigarettes and Other Nicotine Delivery Systems (ENDS)”):

Article XIII is basically a mirror image of Article XI, except the former deals with vapor products as opposed to tobacco products. Because the definition of vapor products is now included in Article XI, there is no need for this separate article. Section 17-391, which is the only section unique to Article XIII, is covered in the revisions made to Article VII, which now also contains the definition of “vapor products.”

