

Date: March 20, 2023

Amount:

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EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Legal

PURPOSE: To amend Chapter 17 (“Health and Sanitation”), Article VII (“Cigarettes, Cigarette Tobacco and Smokeless Tobacco”) of the Code of Ordinances to reference amendments make to Article XIV of the Missouri Constitution related to the use of marijuana.

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.”

Overview of Code Revisions

Due to the recently adopted amendments to Article XIV of the Missouri Constitution, revisions must be made to Chapter 17, Article VII, which will be retitled “Alternative Nicotine, Tobacco, Vapor and Marijuana Products.” More Specifically, the following revisions were incorporated in Divisions 1 through 3:

- Added as part of “Purpose” the need to appropriately reference regulations that apply to marijuana products.
- Definitions for “Marijuana or marihuana,” “Marijuana facility,” “Marijuana-infused prerolls or Infused-prerolls,” “Marijuana-infused products,” and “Marijuana product” were added to reflect the meaning 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 VII for consistency.
- Reference was made in Section 17-193, with a new subsection (b), to the 21 years of age or older requirement.
- Reference was made in Section 17-194, with a new subsection (b), to marijuana facilities being required to comply with applicable constitutional requirements related to the responsibilities of manufacturers, distributors, and retailers.
- A new Section 17-197, entitled “Conditions of manufacture, distribution, and sale – marijuana products,” was added to state that manufacturers, distributors, and retailers of marijuana products are required to comply with applicable constitutional requirements.
- Reference was made in Section 17-200, with a new subsection (b), that fines and civil penalties contained in applicable constitutional will be applied with respect to the use of marijuana products.

Division 4, entitled “Community Smoking Devices,” was deleted in its entirety as the use of these types of devices is now sufficiently referenced in the definition of “cigarette tobacco” and the term “cigarette tobacco” is incorporated as part of the definition of “tobacco products.”

