

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO MARIJUANA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That Chapter 45, Article IX, Division 1, Section 45-906, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 45-906. Controlled substances; definitions; prohibited acts.

A. Definitions for the purpose of this section:

1. “Controlled substance” means a drug, substance or immediate precursor as referred to in Schedules I through V, listed in Chapter 195, Revised Statutes of Missouri, except marijuana as defined by Article XIV of the Constitution of Missouri.

2. “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of Chapter 195, Revised Statutes of Missouri.

B. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance as set forth in RSMo 195.017.

C. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

D. It is unlawful for any person to use, or to possess with intent to use, an imitation controlled substance in violation of this chapter.

E. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances.”

Section 2. That Chapter 45, Article IX, Division 1, Section 45-907, of the Code of Ordinances of the City of Jackson, Missouri, is hereby added as follows:

“Sec. 45-907. Marijuana.

A. Definitions for the purpose of this section:

1. To “Smoke Marijuana” means inhaling, exhaling, burning, or possessing any lighted cigar, cigarette, pipe, bong, or any other device used for the delivery of marijuana. This specifically includes the use of an electric or electronic smoking device, that creates an aerosol of vapor, in any manner, or in any form.

2. To “Consume Marijuana” means to ingest marijuana, by any means other than smoking. This includes, but is not limited to ingesting edibles, marijuana infused drinks, and eating food prepared with marijuana as an ingredient.

3. “Public Place” means any public or private property, or portion of public or private property that is open to the general public, including, but not limited to sidewalks, streets, bridges, parks, schools, and businesses.

4. All other definitions contained in this section are the same as used in Article XIV of the Missouri Constitution.

B. Marijuana use in a Vehicle:

1. No person shall smoke, consume, or be under the influence of marijuana while they are operating or are in physical control of any motor vehicle or other motorized form of transportation.

2. No person shall smoke marijuana within a motor vehicle or other motorized form of transportation, whether or not the vehicle is being operated.

3. Marijuana may not be stored or transported in any motor vehicle or other motorized form of transportation, unless it is stored in a sealed, odor-proof package, container, or receptacle.

C. Minors:

1. No person under the age of twenty-one (21) years may use, consume, smoke, possess, purchase, or attempt to purchase marijuana.

2. No person shall distribute, deliver, or sell with or without consideration, marijuana to any person under the age of twenty-one (21) years.

D. Public Use of Marijuana:

1. No person shall smoke or consume marijuana in any public place.

2. No person shall possess, smoke, or consume marijuana or possess marijuana accessories on the grounds of a public or private preschool, daycare, elementary school, secondary school, institution of higher education, vocational training facility, or on a school bus.

3. No person shall possess or consume marijuana on the grounds of a correctional facility.

E. Marijuana Cultivation and Distribution:

1. No person shall grow, cultivate, distribute, deliver, sell, possess or manufacture with the intent to distribute, deliver or sell marijuana unless specifically licensed or otherwise authorized to do so under Missouri law or Article XIV of the Missouri Constitution.

2. No person shall grow or cultivate any marijuana plant in an unlocked space or any place that is visible by normal, unaided vision from a public place.

F. No person shall possess marijuana, marijuana products, or marijuana plants in excess of the weight or quantity limitations of Missouri law or Article XIV of the Missouri Constitution.

G. It shall be a rebuttable presumption that products, containers, or packages labeled as containing marijuana actually contain marijuana and need not be tested to verify the presence of marijuana. A defendant may challenge the

presumption that marijuana is present, but the burden of proof of such challenge shall be on the defendant.

H. Penalties:

1. A person under the age of twenty-one (21) years who violates this section shall be subject to a civil penalty not to exceed \$100 and forfeiture of marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the civil penalty. This limitation shall only apply to violations related to public consumption and possession of three ounces or less of marijuana.

2. A person over the age of twenty-one (21) years who violates this section is subject to a civil penalty not to exceed \$100.

3. A person who grows or cultivates marijuana in violation of this section is subject to a civil penalty not to exceed \$250 and forfeiture of the marijuana.

4. A person of any age who possesses more than the weight or quantity of marijuana as authorized by Article XIV Missouri Constitution is subject to the following:

- a. For the first violation, a civil penalty of \$250 and forfeiture of the marijuana.
- b. For the second violation, a civil penalty of \$500 and forfeiture of the marijuana.
- c. For the third or subsequent violation, a civil penalty of \$1000 and forfeiture of the marijuana.
- d. The civil penalty may be satisfied by the performance of community service. The rate of pay down shall be either \$15 per hour, or the minimum wage of the State of Missouri that is effective at the time of judgment, whichever is greater.”

Section 3. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: September 3, 2024.

SECOND READING: September 3, 2024.

PASSED AND APPROVED this 3rd day of September 2024, by a vote of _____ ayes, _____ nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk