



## AGENDA ITEM ANALYSIS

Project/Issue Name: 23-04 An Ordinance of the City Council Amending the Municipal Code of the City of Republic, Missouri by Amending Title VI “Business And Occupation”, Chapter 635 “Medical Marijuana Facilities”, Sections 635.010 “Definitions”, 635.020 “Compliance With Law”, 635.030 “Licensing”, 635.040 “Distance Requirements From Schools”, 635.050 “Distance Requirements From Churches”, 635.060 “Distance Requirements From Daycares”, 635.070 “Measurements”, 635.080 “Hours Of Operation”, and 635.090 “Medical Marijuana Facility Requirements.”

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Date: March 7, 2023

### Issue Statement

Consideration to Amendments to Chapter 635 of the Republic Municipal Code.

### Discussion and/or Analysis

The City of Republic is requesting Amendments to Title VI Business and Occupation – specifically amending Chapter 635 Medical Marijuana Facilities.

Following the legalization of medical marijuana by Missouri voters, City Staff presented code amendments, relating to the licensing and operation of medical marijuana facilities. These code changes were adopted by City Council in 2019.

### **History and General Information**

Last November, voters approved the amendment of Article XIV of the Missouri Constitution by amending Section 1 and adding Section 2. Section 1 concerns medical marijuana, while Section 2 introduced provisions to allow for the adult-use, or recreational use, of marijuana. The change to state law makes it necessary to update our code accordingly to ensure compliance.

As a result of the new law, there are now three categories of facilities that concern marijuana in some operational capacity, two of which are new: medical facilities, comprehensive facilities, and marijuana microbusiness facilities.

Medical facilities are those facilities that work with medical marijuana. Comprehensive facilities are those facilities where marijuana may be cultivated, infused, or dispensed for both medical and recreational purposes. Marijuana microbusiness facilities are a separate category of facilities intended to bring social equity to provisioners of marijuana. These facilities may cultivate and dispense marijuana but may not infuse products.



Each of these facility-types has been incorporated into Chapter 635, which previously concerned only medical marijuana facilities.

Many of the changes made to this chapter are merely housekeeping and seek to clarify and update language to more closely mirror the state. Of note are amendments certain sections addressed below.

#### **Sections 635.050 – 635.070**

Distance requirements have been included for the new facility-types that matches what City Council had previously adopted. One thousand (1,000) feet of separation is required between any new marijuana facility and a pre-existing protected use. Protected uses are churches, schools, and day cares. Protected uses may not waive this right of required separation. Additionally, the state has included clarification on the method of measurement between new marijuana facilities and protected uses. Previously, local jurisdictions were responsible for formulating their own standards. This guidance removes this burden from cities while creating a state standard for determining the distance between protected uses and potential marijuana facilities.

#### **Section 635.090 Marijuana Facility Requirements**

This section serves to place requirements of the operation of all marijuana facilities, both medical and otherwise. Most of these requirements are carried over from the previously adopted regulations of this same section, however, certain updates were made to ensure compliance with the standards and regulations of state law.

Of note is the allowance in state law for dispensaries, both medical and non-medical, to conduct service “anywhere on the licensed property or to any address as directed by the patient...or consumer.” This change allows for sales directly to vehicles onsite and for home deliveries by the seller. Relatedly, state law requires that the provision of services by the seller “may not be visible from a public place outside of the marijuana facility...” The recommended amendment to the code incorporates all the aforementioned revisions to state law.

#### **Recommended Action**

Staff recommends the approval of the referenced Amendment.