

Chapter 635 ~~Medical~~ Marijuana Facilities and Medical Facilities Licensed Under MO. Const. Article XIV, Section 1

635.010 Definitions

The term "Comprehensive Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

The term "Marijuana Facility" means a comprehensive marijuana cultivation facility comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the department pursuant to this section, but shall not include a medical facility authorized to operate under Article XIV, Section 1 of the Missouri Constitution.

The term "Medical Facility" means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in Article XIV, Section 1 of the Missouri Constitution.

The terms "church," "co-location," "day care," "day care center," "marijuana," "marijuana-infused products," "marijuana microbusiness facility", "marijuana testing facility," "microbusiness dispensary facility," "microbusiness wholesale facility" and all other related terms not specifically defined in this Chapter shall have the definitions set forth in ~~Unless specifically defined in this Chapter, definitions shall be in accordance with the~~Article XIV, Sections 1 and 2 of the Missouri Constitution and the Missouri Department of Health and Senior Services (or its successor) **and in City Code Section 405.020**, ~~regulations governing medical marijuana facilities, which are currently in 19 CSR 30-95.~~

635.020 Compliance With Law

~~All~~**Each** ~~medical marijuana facilities facility, comprehensive facility, and marijuana facility~~ shall ~~always comply~~**maintain compliance** with all **applicable state** laws, ~~and~~ regulations issued by the Missouri Department of Health and Senior Services (or its successor), and the ~~Municipal~~**City** Code ~~related to medical marijuana facilities~~. If the State's laws and regulations are more restrictive than the City's **laws**, ~~than~~**then** the more restrictive requirement applies.

[Ord. No. 19-34, 1-7-2020]

635.030 Licensing

No **medical facility, comprehensive facility, or marijuana facility** shall ~~be~~ operated without a valid business license, ~~an~~**valid** occupancy permit, and a valid license issued by the Missouri Department of Health and Senior Services (or its successor).

[Ord. No. 19-34, 1-7-2020]

635.040 Distance Requirements From Schools

- A. No medical ~~facility~~**marijuana dispensary facilities formed after December 8, 2022**, licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall

be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical ~~marijuana~~ facilities.

- B. No ~~comprehensive facility formed after December 8, 2022, medical marijuana cultivation facilities~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing ~~medical~~ marijuana facilities.
- C. No ~~marijuana facility formed after December 8, 2022, medical marijuana-infused products manufacturing facilities~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing ~~medical~~ marijuana facilities.
- ~~D. No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.~~

[Ord. No. 19-34, 1-7-2020]

635.050 Distance Requirements From Churches

- A. No medical ~~facility~~ ~~marijuana dispensary facilities~~ ~~formed after December 8, 2022,~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical ~~marijuana~~ facilities.
- B. No ~~comprehensive facility formed after December 8, 2022, medical marijuana cultivation facilities~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing ~~medical~~ marijuana facilities.
- C. No ~~marijuana facility formed after December 8, 2022, medical marijuana-infused products manufacturing facilities~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-

existing church as church is defined by State laws and regulations governing ~~medical~~-marijuana facilities.

~~D.—No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.~~

[Ord. No. 19-34, 1-7-2020]

635.060 Distance Requirements From Daycares

- A. No medical ~~facility~~ **marijuana dispensary facilities formed after December 8, 2022,** licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center as daycare is defined by State laws and regulations governing medical ~~marijuana~~ facilities.
- B. No **comprehensive facility formed after December 8, 2022,** ~~medical marijuana cultivation facilities~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center as daycare is defined by State laws and regulations governing ~~medical~~-marijuana facilities.
- C. No **marijuana microbusiness facility formed after December 8, 2022,** ~~medical marijuana-infused products manufacturing facilities~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center as daycare is defined by State laws and regulations governing ~~medical~~ marijuana facilities.
- ~~D.—No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 or 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center as daycare is defined by State laws and regulations governing medical marijuana facilities.~~

[Ord. No. 19-34, 1-7-2020]

635.070 Measurements

~~Measurements shall be made in accordance with State laws and the Missouri Department of Health and Senior Services (or its successor) regulations governing medical marijuana facilities.~~ **In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school,**

daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

[Ord. No. 19-34, 1-7-2020]

635.080 Hours Of Operation

The ~~medical marijuana dispensary facility's~~ hours of operation for any medical marijuana dispensary facility, comprehensive marijuana dispensary facility, and microbusiness dispensary facility shall be limited to 8:00 a.m. to 8:00 p.m., central standard time, Sunday through Saturday. No sales or distribution of ~~medical~~ marijuana or any other marijuana-infused products ~~sold~~ to the public shall take place outside of the hours of operation. ~~No persons not employed by the facility shall be on the premises without being approved by the facilities' security personnel and shall be required to obtain and display an after-hours pass.~~

[Ord. No. 19-34, 1-7-2020]

635.090 Medical Marijuana Facility Requirements for Marijuana Facilities and Medical Facilities Licensed Under MO. Const. Article XIV, Section 1 and Section 2

- A. ~~Medical marijuana facilities~~ A medical facility shall only sell medical marijuana or medical marijuana-infused products to a qualifying~~qualified~~ patient in possession of a valid qualified patient identification card or a caretaker of a qualifying~~qualified~~ patient, or patients, in possession of a valid qualified caretaker card issued from the Missouri Department of Health and Senior Services or its successor.
- B. Outdoor Operations or Storage Prohibited. ~~All~~The ~~medical marijuana facility~~facilities, marijuana facilities and comprehensive facilities shall be located within and operated from a ~~permanent~~ and fully affixed, enclosed structure and may not be located in a trailer, cargo container, or motor vehicle, ~~and the structure shall not be~~ or other mobile or ~~operate from a~~ transitory location. Any and all cultivation, processing, storage, display, sales or other distribution of marijuana shall not be visible from a public place outside of medical facility, comprehensive facility, or marijuana microbusiness facility without the use of binoculars, aircraft, or other optical aids. ~~occur within the enclosed structure and shall not be visible from the exterior of the building.~~
- C. ~~The medical marijuana facility shall not sell to customers who are in cars or who consume the sold products in cars parked on the facility, nor shall it sell products through a sales window, to customers who are in cars, for the immediate consumption by the customer either on or off the premises.~~
- D. ~~The medical marijuana facility shall not provide delivery services for any of its products unless otherwise allowed by State law.~~
- E. Ventilation Required. ~~Each~~All ~~medical facility~~marijuana facilities, comprehensive facility, and marijuana facility shall have installed and operational at all times a ventilation system or odor mitigation system to prevent ~~any~~ odor of marijuana from leaving the structure~~building or~~

~~individual unit wherein which~~ the facility operates, ~~from~~ so that no odor of marijuana shall be detectable by a person with normal sense of smell beyond the **boundary of the parcel on which the facility is located** ~~building or unit where the facility operates~~. The facility shall not use any equipment or process that creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the building or unit where the facility operates.

- F. **Nuisances Prohibited.** No medical ~~marijuana facility, marijuana facility, or comprehensive facility~~ shall create or cause any public nuisance.
- ~~G. If a medical marijuana facility elects to sell devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers, and related tools, water pipes, and vaporizers, said items shall only be sold to an individual who is a qualified patient in possession of a valid qualified patient identification card or a caretaker of a qualified patient, or patients, in possession of a valid qualified caretaker card.~~
- ~~H. No medical marijuana facility shall display signage or advertisements with the "marijuana" or "cannabis," or any other word, phrase, or symbol commonly understood to refer to marijuana unless the word or phrase is immediately preceded by the word "medical" in the same type and font as all other words and symbols.~~
- ~~I. No medical marijuana facility shall advertise or promote the recreational or other use of medical marijuana that is inconsistent with the medical use of medical marijuana.~~
- J. No medical marijuana facility shall allow marijuana to be consumed on the premises or within the parking lot used by the facility. **Onsite Usage Prohibited. No medical facility, comprehensive facility, or marijuana microbusiness facility shall allow marijuana to be consumed on the premises or within the parking lot used by the facility unless it is authorized by Article XIV Sections 1 or 2 or the Missouri Constitution or Missouri law.**
- ~~K.~~
- L. **Display of Licenses Required.** No medical ~~marijuana facility, comprehensive facility, nor marijuana facility~~ shall operate unless ~~theits~~ license(s) issued by the Missouri Department of Health and Senior Services (or its successor), is **displayed in an** openly and conspicuously placed **on the premises.** ~~at the entrance to the facility.~~
- M. **Minimum Age Required.** No person under the age of eighteen (18) **years,** except a **qualifying** patient ~~when~~ accompanied by a parent or legal guardian, shall be allowed on the **premises** ~~premised~~ of ~~thea~~ medical ~~marijuana facility, comprehensive facility, or marijuana facility.~~
- N. **Security Measures Required.** No medical ~~marijuana facility, comprehensive facility, nor marijuana facility~~ shall operate unless all the safety and security requirements ~~as required~~ **under state law or mandated** by the Missouri Department of Health and Senior Services (or its successor) are in place and fully functional at all times. All security records shall be **maintained by the facility and made** available to law enforcement upon request.
- ~~O. The medical marijuana facility shall display a sign on the interior of the facility indicating that a patient identification card or primary caregiver identification card, issued from the Missouri Department of Health and Senior Services (or its successor), is required and must be presented to purchase medical marijuana and marijuana-infused products.~~
- ~~P. Within thirty (30) days of ceasing operations, all medical marijuana related products, supplies, and equipment, including signage, shall be removed from the facility.~~
- ~~Q. It shall be unlawful for any person to distribute, transmit, give, dispense, or otherwise provide medical retail marijuana as a home occupation.~~
- ~~R. The regulations contained in this Chapter shall be in addition to any and all regulations contained elsewhere in the Municipal Code or Zoning Ordinance.~~

[Ord. No. 19-34, 1-7-2020]