



## AGENDA ITEM ANALYSIS

Project/Issue Name: 23-05 An Ordinance of the City Council Amending the Municipal Code of the City of Republic, Missouri, Title II “Public Health, Safety And Welfare”, Article 215-XI “Offenses Concerning Drugs and Alcohol”, Chapter 215 “Offenses”, by Amending Section 215.1800 “Possession Or Control Of A Controlled Substance”, by Repealing Section 215.1801 “Failure To Produce Medical Marijuana Identification” and Section 215.1804 “Medical Marijuana Cultivation”, and by Adding New Section 215.1805 “Marijuana Cultivation.”

Submitted By: Megan McCullough, City Attorney

Date: February 21, 2023

### **Issue Statement**

To amend the City Municipal Code to coincide with the law changes implemented by Constitutional Amendment 3, passed by the voters of the State of Missouri in November 2022 and effective December 8, 2022.

### **Discussion and/or Analysis**

Voters recently approved an amendment to Article XIV Section 2 of the Missouri Constitution, legalizing the purchase, sale, cultivation, possession and use of recreational marijuana (also known as “adult use marijuana”) (“Amendment 3”). Chapter 215 of the existing Municipal Code contains provisions pertaining to drug-related offenses, which include the prohibition against the possession of marijuana (and other related offenses). With the passage of Amendment 3, such provisions are now essentially void as unconstitutional and must be repealed and/or amended to meet the new state law, which governs.

The changes proposed include the addition of definitions relating to adult use marijuana and adult use marijuana products, as defined in Amendment 3. The changes proposed also contain the new elements of unlawful possession, identifying the circumstances under which it remains unlawful to possess/use recreational marijuana. Some examples of those changes include prohibitions of possession/use by persons under the age of 21, quantity restrictions containing maximum allowable amounts for possession, and time/place restrictions containing prohibited places where marijuana remains a banned substance (i.e., school buses, City-owned property, daycares, etc.)

Under the proposed revisions, Sections 215.1801 and 215.1804 pertaining to patient cards required for medical marijuana would be repealed, as they are moot under the new provisions of Amendment 3. Lastly, a new Section (215.1805) would be added to correspond with the provisions of Amendment 3 governing the cultivation of marijuana by authorized persons.

### **Recommended Action**

Staff recommends approval.