

Recreational Marijuana Update



Presented by the Law, Community Development, and HR Departments

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Recreational Marijuana in Missouri

- Amendment 3, which legalized recreational marijuana in Missouri to an extent, was approved by the voters on November 8, 2022
- Customers are able to buy marijuana products at licensed dispensaries as of February 6, 2023
- A 3% City sales tax will be on the April 4 ballot
- Legalization effects the City's Criminal Code, Community Development and UDO, and HR policies

Criminal Code Recommendations

- Chapter 11, Article 2 – Smoking in Public Places and Places of Employment
 - Current ordinance sets the maximum fine for a violation of this article at \$50
 - Amendment 3 allows a \$100 fine for smoking of marijuana in public
 - Amend 11.02.012(A) to allow a higher fine
- Chapter 12, Article 2 – Controlled Substances
 - Change and update definitions
 - Change and update possession of controlled substances
 - Change and update possession of drug paraphernalia
 - Change and update manufacture/deliver of drug paraphernalia



Criminal Code Recommendations

- Chapter 18, Article 10 – Careless Driving and Driving Under the Influence of Intoxicating Liquor or Drugs
 - Though Amendment 3 does not specifically criminalize consumption of marijuana while in a moving motor vehicle, it would be prudent to specifically criminalize this action, because:
 1. DWI (Driving Under the Influence (Marijuana)) will be still be illegal
 2. Our code has similar language criminalizing the consumption of alcohol in a moving motor vehicle.
- Bills to consider these recommendations will have their first reading on March 6



Community Development Recommendations

- Chapter 5, Business Licenses
 - Adds new definitions to account for new categories of marijuana facilities
 - Revises application process to include all types of marijuana facilities
 - Removes certain prohibitions on licenses (Amendment 3 only allows cities to regulate marijuana facilities based on time, place, and manner, provided such regulations are not unduly burdensome)



Community Development Recommendations

- UDO
 - Adds new definitions to account for new categories of marijuana facilities
 - Adds new categories of marijuana facilities within Commercial districts
 - Adds new types of marijuana facilities
 - Adds security requirements
- UDO recommendations will go to the Planning Commission on February 28
- All recommendations will be presented to Council for consideration following Planning Commission review of UDO recommendations



HR Recommendations

- Recommended revisions are to the Personnel Policies and Procedures
- Removes zero-tolerance policy for marijuana
 - Attracting qualified applicants under a zero-tolerance policy for marijuana is becoming increasingly difficult, allowing “some” use will widen the pool of applicants the City can draw from and possibly prevent the loss of current employees
 - The proposed changes to Article VIII – Drug and Alcohol Policy, seek to allow “some” use of marijuana both, medical and recreational, if the position allows for it



HR Recommendations

- What the proposed revisions do
 - Expand upon the definition of “illegal drug” and specifically allows for the legal use of marijuana under Missouri law for non-DOT regulated and non-Safety Sensitive Positions
 - Define “Safety Sensitive Position” and “Safety Sensitive Function” to further carve out those specific positions which would continue to have zero tolerance for marijuana
 - Expand upon the meaning of “impairment” and authorizes HR and trained supervisors to identify impaired employees and take necessary action
- HR recommendations will go to the Personnel Board on March 10



Recommendations

- As this is new territory for all of us, additional recommendations will likely be presented in the future
- Any questions?





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