

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 144-23

AN ORDINANCE

amending Chapter 16 of the City Code to establish new regulations for the adult use of marijuana; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Division 23 of Article II in Chapter 16 of the City Code is hereby repealed in its entirety and a new Division 23 is hereby enacted in place thereof to read as follows:

DIVISION 23. MISCELLANEOUS OFFENSES

Sec. 16-253. Possession of marijuana.

(a) *Possession of marijuana by minors.* It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess, use, consume or transport marijuana, except as otherwise authorized for medicinal purposes in section 16-255.1 of this Code. A violation of this subsection is punishable as an infraction, Type II, under section 16-255.2.

(b) *Public places.* It shall be unlawful for any person to consume marijuana in a public place, other than in an area licensed, or otherwise authorized by, local, state or federal laws. For purposes of this section, a “public place” shall mean any public or private property, or portion thereof, that is open to the general public, including, but not limited to, sidewalks, streets, parking facilities, bridges, parks, schools, and businesses. A violation of this subsection is punishable as an infraction, Type II, under section 16-255.2.

(c) *Motorized transportation.* It shall be unlawful for any person to consume marijuana while operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport. It shall be unlawful for any person to smoke marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated. A violation of this subsection is punishable as an infraction, Type II, under 16-255.2.

(d) *Schools and correctional facilities.* It shall be unlawful for any person to possess or consume marijuana, or possess marijuana paraphernalia, on the grounds of a

public or private preschool, elementary or secondary school, in a school bus, or on the grounds of any correctional facility. A violation of this subsection is punishable as a misdemeanor under section 16-255.2.

(e) *Clean indoor air.* It shall be unlawful for any person to smoke marijuana in a location where smoking tobacco is prohibited by law, including but not limited to restrictions provided by Chapter 11, Article IX, of this Code. A violation of this subsection is punishable as an infraction, Type II, under section 16-255.2.

(f) *Excessive amount.* It shall be unlawful for any person to possess more than three (3) ounces of marijuana, except as otherwise authorized for medicinal purposes in section 16-225.1 of this Code. A violation of this subsection is punishable as an infraction, Type I, under section 16-255.2.

(h) *Supplying marijuana to minors.* It shall be unlawful for any person to sell or otherwise supply marijuana to any person who is under the age of twenty-one (21) years and is not otherwise authorized to possess marijuana for medicinal purposes in section 16-255.1 of this Code. A violation of this subsection is punishable as a misdemeanor under section 16-255.2.

Sec. 16-254. Personal cultivation of marijuana.

(a) *Scope.* This section regulates the cultivation of marijuana on the property of a private residence within the city limits of the City of Columbia as authorized by law. This section does not apply to the cultivation, manufacturing, dispensing, selling or testing restrictions of marijuana facilities and dispensaries which hold a valid business license under Chapter 13, Article XIII of this Code.

(b) *Private residence cultivation.* Except as otherwise authorized by local, state or federal laws, it shall be unlawful for any person to plant, cultivate, harvest, dry, process or manufacture marijuana at a location other than such person's private residence as provided herein.

(c) *Personal use cultivation.* It shall be unlawful for any person to possess, transport, plant, cultivate, harvest, dry, process or manufacture marijuana at a private residence unless all of the following conditions are met:

- (1) The person is over the age of twenty-one (21) years and is validly registered with the Missouri Department of Health and Senior Services, or its successor, for the cultivation of marijuana plants;
- (2) The number of plants kept by such person at a private residence does not exceed six (6) flowering marijuana plants, six (6) nonflowering marijuana plants (over fourteen (14) inches tall), and six (6) clones (plants under fourteen (14) inches tall);

- (3) The total number of plants kept in or on the grounds of such person's private residence at one time by all persons residing at the premises does not exceed twelve (12) flowering marijuana plants, twelve (12) nonflowering marijuana plants (over fourteen (14) inches tall), and twelve (12) clones (plants under fourteen (14) inches tall); and
- (4) The plants, and any marijuana produced by the plants in excess of three (3) ounces, are kept in a locked space and are not visible by normal, unaided vision from a public place.

(d) *Medical use cultivation.* It shall be unlawful for any person holding a medical marijuana identification card, or otherwise authorized to cultivate medical marijuana pursuant to section 16-255.1 of this Code, to possess, transport, cultivate, harvest, dry, process or manufacture marijuana at a private residence unless all of the following conditions are met:

- (1) The person is validly registered with the Missouri Department of Health and Senior Services, or its successor, for the cultivation of marijuana plants;
- (2) The number of plants kept by such person at a private residence does not exceed the limits set forth in Article XIV, Sections 1 and 2, of the Missouri Constitution and the authorizations for the cultivation of medical marijuana plants granted by the Missouri Department of Health and Human Services, or its successor, to such person; and
- (3) The plants, and any marijuana produced by the plants in excess of three (3) ounces, are kept in a locked space and are not visible by normal, unaided vision from a public place.

(e) Any person in violation of this section shall be guilty of an infraction, Type I, punishable under section 16-255.2 of this Code.

Sec. 16-255. Possession of drug paraphernalia.

(a) For purposes of this section, the following terms shall have the meanings given herein:

Marijuana paraphernalia. Any object which has been used for or is intended for use in inhaling, injecting, ingesting or otherwise introducing marijuana into the human body.

Drug paraphernalia. Any object which has been used for or is intended for use in inhaling, injecting, ingesting or otherwise introducing into the human body a controlled substance as defined by the statutes of the State of Missouri, except for marijuana.

(b) It shall be unlawful for any person under the age of twenty-one (21) years to possess marijuana paraphernalia, except as otherwise authorized for medicinal purposes

in section 16-255.1 of this Code. Any person found guilty of this subsection shall be guilty of an infraction, Type II, punishable under section 16-255.2 of this Code.

(c) It shall be unlawful for any person to possess drug paraphernalia. Any person found guilty of this subsection shall be guilty of an infraction, Type I, punishable under section 16-255.2 of this Code.

Sec. 16-255.1. Medical marijuana.

A qualifying patient, or the primary caregiver of a qualifying patient, with a valid medical marijuana identification card from the Missouri Department of Health and Human Services, or its successor, shall be allowed to possess marijuana and marijuana paraphernalia in accordance with the provisions of Missouri laws and regulations. In any prosecution for such possession, it shall be an affirmative defense that the person possessed a valid medical marijuana identification card at the time of the offense.

Sec. 16-255.2. Penalties.

Any person found guilty of violating the provisions of this division shall be punished by a fine, which does not exceed the following:

- (a) Infraction, Type I, two hundred fifty dollars (\$250).
- (b) Infraction, Type II, one hundred dollars (\$100).
- (c) Misdemeanor, one thousand dollars (\$1,000)

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor