

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 142-23

**AN ORDINANCE**

amending Chapter 13 of the City Code to establish business license regulations for microbusiness marijuana facilities; 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. Chapter 13 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 13-420. Definitions.

The following words and terms, as used in this article, shall be deemed to have the meanings hereinafter specified:

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*Marijuana activities.* The cultivation, manufacturing, dispensing, selling, or testing of marijuana.

*Marijuana facility.* Any comprehensive marijuana facility, medical marijuana facility, microbusiness marijuana facility, or marijuana testing facility.

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*Medical marijuana-infused products manufacturing facility.* A facility licensed by the DHSS to acquire, process, package, store on or offsite, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

*Microbusiness marijuana facility.* A facility licensed by the DHSS as a microbusiness marijuana dispensary facility or microbusiness marijuana wholesale facility, as defined in this section.

Microbusiness marijuana dispensary facility. A facility licensed by the DHSS to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this article, to a consumer, qualifying patient, or primary caregiver, as those terms are defined in this section, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this article and as otherwise allowed by law, a microbusiness marijuana wholesale facility, or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness marijuana wholesale facility. A facility licensed by the DHSS to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness marijuana wholesale facility, or marijuana testing facility. A microbusiness marijuana wholesale facility may cultivate up to two hundred and fifty (250) flowering marijuana plants at any given time. A microbusiness marijuana wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

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Sec. 13-424. Application.

(a) Any person desiring a license to operate a marijuana facility shall apply to the business services administrator in writing and under oath. If the application is made on behalf of a partnership, the applicant shall be all partners. If the application is made on behalf of a corporation, the applicant shall be all officers, directors, stockholders who own at least ten percent (10%) of the corporation, and manager who will be in charge of the facility. If the application is made on behalf of a limited liability company, the applicant shall be all members and managers. The application shall state:

- (1) The name and birth place of the applicant. If the applicant is a naturalized citizen, the application shall state the place and time of naturalization.
- (2) The length of time the applicant has resided in the state of Missouri, and the residential addresses of the applicant for the preceding five (5) years from the date of application.
- (3) If the application is made on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid in capital, the amount of authorized capital, and the number of shares held or

percentage of the business owned by each officers, directors, and stockholders.

- (4) If the application is made on behalf of a limited liability company, the date of formation, and the state in which formed.
- (5) The name and address of the individuals who will be actively engaged in the actual control and management of the establishment for which the license is sought.
- (6) The name and business address of applicant's employers for the five (5) years immediately prior to the application.
- (7) Whether or not the applicant has been convicted of a felony, and if so the date, court of conviction, and the specific crime which is the subject of the conviction.
- (8) The location, place, or premises for which a license is sought.
- (9) The zoning district in which the proposed location is located.
- (10) The class of license for which the application is made.
- (11) Whether or not the applicant has had a license for marijuana activities suspended or revoked, or has been convicted of the violation of any local, state, or federal law applicable to marijuana activities, or whether the applicant employs, or will employ in the business, any person not of good moral character, or whose license has been revoked or suspended, or who has been convicted of violating the provisions of any local, state, or federal law applicable to the marijuana activities.
- (12) A full listing of the business ownership percentage for each individual; or when the applicant is a corporation or limited liability company the business ownership percentage for each officers, directors, members, and managers.
- (13) Any further information reasonably required by the business services administrator.
  - (b) The department of finance shall obtain a criminal record check of the applicant.
  - (c) The application shall be accompanied by a complete security plan, operation and management plan, and emergency plan for review.
  - (d) The application shall be accompanied by proof of a valid and current license or certificate issued by the DHSS for each marijuana facility type for which a license is

sought; provided, however, if DHSS has not yet issued its license or certificate by the application deadline, the applicant may supplement the application to include this documentation once DHSS issues such license or certificate.

(e) The application may be accompanied by a State of Missouri or other equivalent government certification showing that the applicant is a minority-owned business enterprise, women-owned business enterprise, service disabled veteran-owned business enterprise, or veteran-owned small business, and any additional information showing ownership percentages for persons who are minority as defined under section 37.013, RSMo., women, or veterans.

(f) The application for comprehensive marijuana facilities, medical marijuana facilities, and marijuana testing facilities shall be accompanied by payment of a processing fee in the amount of \$2,000.00 (two thousand dollars) plus a fee to cover costs incurred by the department of finance in obtaining any required criminal record checks. The application for microbusiness marijuana facilities shall be accompanied by payment of a processing fee in the amount of \$1,000.00 (one thousand dollars) plus a fee to cover costs incurred by the department of finance in obtaining any required criminal record checks.

(g) An application for license renewals shall be submitted to the business services administrator no later than October 1 together with a renewal processing fee of \$500.00 (five hundred dollars). The business services administrator may allow a renewal applicant to continue the marijuana activities at an existing facility with a temporary license if the renewal application has been submitted to the business services administrator but has not been processed.

(h) For failure to submit a renewal application on or before October 1, a late charge shall be added to the renewal fee as follows:

- (1) October 2 to October 31 ..... \$100.00
- (2) November 1 to November 30..... \$200.00
- (3) December 1 to December 31..... \$300.00
- (4) Any renewal application not submitted by December 31 shall result in automatic forfeiture of the license.

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DIVISION 3. APPROVAL PROCESS FOR MEDICAL OR COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITIES FACILITY, MEDICAL OR COMPREHENSIVE MARIJUANA CULTIVATION FACILITIES FACILITY, ~~OR MARIJUANA TESTING FACILITIES FACILITY~~, AND MICROBUSINESS MARIJUANA FACILITIES

Sec. 13-426. Standards for issuance of a license for medical or comprehensive marijuana-infused products manufacturing facility, medical or comprehensive marijuana cultivation facility, ~~or~~ marijuana testing facility, and microbusiness marijuana facility.

The business services administrator shall issue a license under this article for a medical or comprehensive marijuana-infused products manufacturing facility, medical or comprehensive marijuana cultivation facility, ~~or~~ marijuana testing facility or microbusiness marijuana facility when the business services administrator determines that:

- (1) The application including any required attachments and submissions is complete and signed by the applicant, and all plans are approved by the appropriate city departments;
- (2) The applicant currently holds a valid medical or comprehensive marijuana-infused products manufacturing facility, medical or comprehensive marijuana cultivation facility, ~~or~~ marijuana testing facility license, or microbusiness marijuana facility certification issued by the DHSS;
- (3) The applicant has paid the application fee and any other fees required by this article;
- (4) The application does not contain any falsehood, material misstatement, or misrepresentation;
- (5) The application contains proof of the applicant's right to occupy and use the premises in the manner proposed by the application;
- (6) The application, applicant, including each individual owner and manager, and proposed marijuana facility comply with all of the requirements of this article, city code, state law and rules promulgated by the DHSS;
- (7) The applicant, and when the applicant is a corporation or limited liability company the officers, directors, members, and managers, have good moral character and are without a disqualifying felony offense as that term is defined by state law; and
- (8) The proposed location of the marijuana facility is permitted under chapter 29 of the city code.

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Sec. 13-434. Hours of operation for ~~medical or comprehensive~~ marijuana dispensary facilities ~~facility~~.

Hours of operation for ~~a~~ medical, ~~or~~ comprehensive, and microbusiness marijuana dispensary facilities ~~facility~~ shall be between the hours of 6:00 a.m. and 10:00 p.m.,

irrespective of ~~what~~ the zoning district in which such facility may be located ~~within~~. A ~~medical or~~ Medical, comprehensive, and microbusiness marijuana dispensary facilities are ~~facility is~~ prohibited from having hours of operation between 10:01 p.m. and 5:59 a.m.

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