

## **BILL NO. 18-**

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AN ORDINANCE PROHIBITING APPROVAL OF APPLICATIONS RELATING TO MARIJUANA WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI, THAT REQUIRE CITY APPROVAL WHICH ARE IN VIOLATION OF FEDERAL LAW

WHEREAS, marijuana is classified as a Schedule I controlled substance under both state and federal law and has a negative impact on public health and safety; and

WHEREAS, the United States government has elected to adopt various laws which govern the conduct of persons and/or businesses within the United States by declaring matters to be in concordance with or in violation of Federal law; and,

WHEREAS, the State of Missouri has also elected to adopt various laws which govern the conduct of persons and/or businesses with the State of Missouri by declaring matters to be in concordance with or in violation of Federal law; and,

WHEREAS, there may be instances in which Federal law and State law on an issue relating to marijuana, its components, or any products containing tetrahydrocannabinol (THC) are in direct contravention of each other. However where, the actions of the State government that are in contravention of Federal law do not open the State to civil and/or criminal liability from the United States government, they do open said civil and/or criminal liability upon subordinate aspects of State government, such as counties and municipalities; and,

WHEREAS, on June 21, 2001, the Health Education Advisory Board was established by the City Council of Lee's Summit by Resolution 01-14, to assess health issues in the community, educate the public, and develop plans to address health issues; and,

WHEREAS, on June 16, 2016, the City Council of Lee's Summit passed Resolution 16-12, a resolution of support for Lee's Summit CARES in their mission to reduce marijuana related problems; and,

WHEREAS, the City of Lee's Summit enters into cooperative agreements with the Drug Enforcement Administration (DEA) and Jackson County COMBAT Drug Commission to address the use and abuse of controlled substances in the interests of public health and safety of the citizens of Lee's Summit; and

WHEREAS, legalization of marijuana poses a threat to public health and safety in our community, including impaired driving, traffic accidents, and accidental ingestion of marijuana products by children; and,

WHEREAS, legalization and normalization of marijuana use for adults tends to result in increased marijuana use among young people as well; and,

WHEREAS, young people who use marijuana regularly are particularly susceptible to its negative effects, including psychological and psychiatric effects, addiction, reduced motivation, and reduced school performance.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City of Lee's Summit, Missouri, does hereby prohibit the actions/activities and shall not support or sanction any actions/activities within the geographic boundaries of Lee's Summit which are in violation of Federal law pertaining to, but not limited to, sales, distribution, manufacture, or cultivation of marijuana, its components, or any products containing tetrahydrocannabinol (THC).

SECTION 2. If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Trish Fowler Arcuri*

APPROVED AS TO FORM:

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*Assistant City Attorney Jackie McCormick Heanue*