

Legislation Text

File #: BILL NO. 19-190, **Version:** 1

An Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, to update provisions regarding Controlled Substances and Comply with Article XIV of the Missouri Constitution. (CEDC 8-14-19)

Issue/Request:

An Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, pertaining to Controlled Substances and Medical Marijuana.

Background:

On November 6, 2018, the voters of the State of Missouri approved Amendment 2 legalizing medical marijuana in the State. The new constitutional provisions took effect on December 6, 2018. These provisions impact multiple departments and activities of the City, including law enforcement and City prosecutors. The law provides that the State Department of Health and Senior Services ("Department") has 240 days from the effective date of the provision to establish rules, which it did via emergency regulations that were finalized on June 3, 2019.

Despite the enactment of the Amendment 2, marijuana remains illegal under Federal Law and a controlled substance under Missouri law except when used strictly pursuant to the provisions of the Amendment as well as all rules and regulations promulgated by the Department related to medical marijuana. To date, the Missouri General Assembly has not amended or revoked the statutes criminalizing any and all marijuana use or possession.

To comply with Amendment 2, staff reviewed Chapter 17, Offenses of the Code of Ordinances for the City of Lee's Summit, Missouri (the "Code") for provisions that needed modified to bring the City into compliance. Article VIII, "Controlled Substances" of Chapter 17 of the Code was the only area that needed amended.

The amendments revise existing provisions of Article VIII that would violate Amendment 2 or the regulations promulgated by the Department. The amendments also added sections to Article VIII that deal with providing a valid identification card to possess medical marijuana upon lawful request; disposal of medical marijuana; and consuming medical marijuana in a public place.

Finally, staff also revised several definitions to match updates to such terms in the Revised Statutes of Missouri.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, to update provisions regarding Controlled Substances and Comply with Article XIV of the Missouri Constitution.

SECOND MOTION: I move for adoption of an Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, to update provisions regarding Controlled Substances and Comply with Article XIV of the Missouri Constitution

Dan White, Chief Counsel of Management and Operations

The Community and Economic Development Committee voted unanimously 4-0 to recommend to City Council approval of An Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, to update provisions regarding Controlled Substances and Comply with Article XIV of the Missouri Constitution