

BILL NO. 46

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SUNSET HILLS, MISSOURI RELATING TO MARIJUANA LAND USES IN COMPLIANCE WITH AMENDMENT 3 TO THE MISSOURI CONSTITUTION.

WHEREAS, on November 6, 2018, the voters of the State of Missouri approved Amendment 2 adding a new Article XIV, Section 1 to the Missouri Constitution entitled, “Right to Access Medical Marijuana”; and

WHEREAS, on November 8, 2022, the voters of the State of Missouri approved Amendment 3 to the Missouri Constitution revising Article XIV, Section 1 and adding a new Section 2 entitled, “Marijuana Legalization, Regulation, and Taxation” (“Amendment 3”); and

WHEREAS, Amendment 3 allows local governments to, “enact ordinances or regulations not in conflict” with Amendment 3, or with regulations enacted pursuant to Amendment by the State of Missouri, governing the “time, place, and manner” of the operation of marijuana businesses so long as those regulations are not “unduly burdensome;” and

WHEREAS, the City has a substantial interest in protecting the public health, safety, order, comfort, convenience, and general welfare of the individual residents and businesses of the City; and

WHEREAS, overarching principles of good government and proper planning require the City to regulate marijuana businesses as allowed by Amendment 3; and

WHEREAS, the existing Zoning Code and regulations of the City do not provide for the location and regulation of non-medical marijuana businesses; and

WHEREAS, the City desires to amend its regulations for medical marijuana land uses to comply with Amendment 3 and establish reasonable regulations for the zoning of non-medical marijuana land uses in accordance with Amendment 3 and any rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri (the “Department”); and

WHEREAS, no person, business, activity, or use that possesses, cultivates, grows, uses, or distributes or is involved in the possession, cultivation, growing, using, or distribution of non-medical marijuana prior to the enactment of this Ordinance shall be deemed to have been legally established, and no such person, business, activity, or use shall be entitled to claim legal, non-conforming status under any provision of this Ordinance or applicable law; and

WHEREAS, nothing in this Ordinance allows a person, business, or other legal entity to possess, cultivate, grow, infuse, process, use, or distribute marijuana for any purpose other than to the extent authorized and limited by Amendment 3, any rules and regulations regarding marijuana

issued by the Department, and the ordinances of the City; and

WHEREAS, nothing in this Ordinance allows a person, business, or other legal entity to create, cause, engage in, or maintain a public nuisance injurious to the public health, safety, order, comfort, convenience, and general welfare of the residents of the City; and

WHEREAS, the City finds this Ordinance contains regulations which are not unduly burdensome, which are necessary to safeguard the public health, safety, order, comfort, convenience, and general welfare of the residents and businesses of the City, and which are reasonable regulations consistent with Amendment 3, and therefore, finds it in the best interest of the City to approve the same.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Use Table within Section 3.4 – Use Regulations of the Unified Development Ordinance is hereby amended by adding [text] and deleting [text] the following text:

<i>Marijuana Uses</i>														PO	Use Specific Standards
	POS	NU	R-1	R-2	R-3	R-4	R-5	R-5	R-6	LC	GC	LI			
Medical Marijuana Cultivation Facility												P		5.11	
Marijuana Testing Facility												P		5.11	
Medical Marijuana-Infused Products Manufacturing Facility												P		5.11	
Medical Marijuana Dispensary Facility										C		P		5.11	
Comprehensive Cultivation Facility												P		5.11	
Marijuana Microbusiness Wholesale Facility												P		5.11	
Comprehensive Marijuana-Infused Products Manufacturing Facility												P		5.11	
Comprehensive Dispensary Facility												P		5.11	
Marijuana Microbusiness Dispensary Facility												P		5.11	
Marijuana Transportation												P		5.11	

Constitution, applicable statutes enacted by the general assembly, and rules and regulations promulgated by the Department, and to protect the health, safety, and welfare of the residents, businesses, and property owners in the City.

5.11.1 – Odor and Nuisance Regulations. No Marijuana Business, related use, or activity shall emit an odor or in any way cause a public nuisance per Chapters 7, 24, or 27 of the Code of Ordinances of the City. Every Marijuana Business shall have and maintain an odor control system at least as stringent as that which is required by State regulations and shall at all times operate in compliance with all provisions of Section 4.12, “Performance Standards,” of this Unified Development Ordinance and Chapters 7, 24, or 27 of the Code of Ordinances of the City. Additional ventilation systems to prevent any odor of Marijuana or fumes from leaving the Facility or other changes to the Facilities can be required if a public nuisance violation occurs.

5.11.2 – Total Number. No more than a total of three (3) of each type of Marijuana Businesses will be allowed within the City limits.

5.11.3 – Spacing. Each Marijuana Business shall be located on properties that meet the following distance requirements:

1) No Medical Marijuana Dispensary Facility shall be operated or maintained within five hundred (500) feet of any then-existing Elementary or Secondary School, Day-Care Center, or Church.

2) No then-existing Marijuana Business, except not including Medical Dispensary, shall be operated or maintained within one thousand (1,000) feet of any Elementary or Secondary School, Child Day-Care Center, or Church.

3) No Marijuana Business shall be operated or maintained within one thousand five hundred (1,500) feet of another marijuana related use except when marijuana sales represents less than five (5) percent of the dollar volume of business in a state or federally licensed pharmacy. Marijuana related uses under the same ownership and on the same property are exempt from this requirement.

4) For the purposes of this Section, “then-existing” shall mean any use with a building permit from the City to be constructed, or under construction, or completed and in use at the time the Marijuana Business applies for zoning authorization.

5) For purposes of this Section, the above spacing requirement shall be measured as follows:

- a. In the case of a freestanding Facility, the distance between the Facility and the Elementary or Secondary School, Daycare, or Church shall be measured from the external wall of the Facility structure closest in proximity to the Elementary or Secondary School, Daycare, or Church to the closest point of the Property Line of the Elementary or Secondary School, Daycare, or Church. If the Elementary or Secondary School, Daycare, or Church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the Elementary or Secondary School, Daycare, or Church closest in proximity to the Facility.

- b. In the case of a Facility that is part of a larger structure, such as an office building or strip mall, the distance between the Facility and the Elementary or Secondary School, Daycare, or Church shall be measured from the Property Line of the Elementary or Secondary School, Daycare, or Church to the Facility's entrance or exit closest in proximity to the Elementary or Secondary School, Daycare, or Church. If the Elementary or Secondary School, Daycare, or Church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the Elementary or Secondary School, Daycare, or Church closest in proximity to the Facility.
- c. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

5.11.4 – Visibility. No Marijuana or Marijuana Products shall be displayed to be visible through glass, windows, doors, or otherwise by a person of normal visual acuity standing at the outside perimeter of the Facility.

5.11.5 – Alcohol Prohibition. The sale or consumption of alcohol within a Marijuana Business is prohibited.

5.11.6 – Minors. No person under the age of eighteen (18) shall be allowed in any portion of a Marijuana Business except a Dispensary Facility in which case the minor must remain in the waiting area. The entrance to a Facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.

5.11.7 – Marijuana Allowance. A Marijuana Dispensary shall not dispense more than the allowed amount of Marijuana in a thirty-day period to a Caregiver, Qualifying Patient, or Consumer in accordance with Article XIV of the Missouri Constitution and the Department's rules and regulations. Such packaging shall have a label that indicates the quantity and advises the purchaser that any resale or redistribution to any third person is a criminal violation, and otherwise comply with all the rules and regulations for packaging established by the Department.

5.11.8 – Onsite Usage Prohibited. No Marijuana or Marijuana Products may be smoked, ingested, or otherwise consumed or Administered on the premises of any Marijuana Business, except that a Marijuana Testing Facility or Marijuana Research Facility may consume Marijuana during the testing or research process only as the consumption relates to the testing or research process.

5.11.9 – Security Plans. Marijuana Businesses shall provide adequate security on the premises at least as stringent as required by the Department's rules and regulations including, but not limited to, the following:

- 1) Surveillance. Security surveillance cameras installed to monitor each entrance to the Facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days and be made available to law enforcement officers upon demand.

2) Inventory. All salable inventory of Marijuana must be kept and stored in a secured, locked manner.

3) Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.

4) Alarm system. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the Facility at all times.

5) Emergency contact. Each Facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the City may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the licensee to keep up to date the contact information of the Facility employee.

5.11.10 – Signage.

1) A sign for a Marijuana Business shall comply with the requirements of this Ordinance, or any Ordinance enacted hereafter regulating signs. Signage shall comply with the rules and regulations of the Department and all outdoor signs or advertising may not display any text other than the Facility’s business name or trade name, address, phone number, website, and directional signage, to the extent allowed by law.

2) A sign for a Marijuana Business shall be located on the same premises as the facility.

5.11.11 – Parking and Access. Each Facility shall provide off-street parking and comply with all Parking and access regulations for the use and the zoning district in which the Facility is located.

5.11.12 – City Business License. Each Facility shall at all times possess a current City business license. By obtaining a City business license, the Facility licensee irrevocably consents to the immediate closure and cessation of operation of the Facility in addition to all other penalties or remedies available by law for the failure to comply with all applicable ordinances and policies of the City or possess a current City business license.

5.11.13 – License. No Marijuana Business shall be operated within the City without a valid license and any other required authorization issued by the Department. No Marijuana or Marijuana Products shall be acquired, certified, cultivated, delivered, manufactured, Administered, processed, sold, stored, tested, researched, or transported within the City, except by persons or entities licensed for such purposes by the Department and in accordance with the Department’s rules and regulations. Continued operation in the City shall always require such license to remain valid. The applicable license shall be on display at every Marijuana Business in accordance with the state regulations.

5.11.14 – Additional Rules for Marijuana Businesses.

1) General. No structure or area of land shall be constructed, altered, or used for a Marijuana Business without complying with all applicable rules, regulations, and ordinances of the City, including the requirements of the district for which the Facility is located, Article XIV of the Missouri Constitution requirements and limitations, and the applicable rules and regulations of the Department, including but not limited to lighting, parking, amount of Flowering Plants, waste disposal, inventory control systems and procedures, and environmental factors including air supply filtered through high-efficiency particulate air filters.

2) Cultivation Facility. The following additional rules shall apply to a Medical Marijuana Cultivation Facility or a Comprehensive Marijuana Cultivation Facility:

- a. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the main building or outside of the main structure in a separate, fully secured, and enclosed structure.
- b. Medical Marijuana Cultivation Facility or a Comprehensive Marijuana Cultivation Facility may be: (1) a completely indoor Facility and growing operation; (2) a completely outdoor Facility and/or growing operation; or (3) a "greenhouse"/hybrid method Facility and growing operation so long as such operation complies with all regulations of the district, all regulations of this Section and applicable ordinances, all applicable regulations of Article XIV of the Missouri Constitution, and any rules or regulations of the Department relating to Marijuana.

3) Dispensary Facilities. The following additional rules shall apply to Dispensary Facilities:

- a. No outdoor operation or storage shall be allowed.
- b. The waiting area and the area of a Dispensary Facility where Marijuana or Marijuana Products are physically delivered to a Qualifying Patient, Primary Caregiver, or Consumer shall be separated by a solid wall and solid door so that persons in the waiting area are obstructed from observing the delivery of the Marijuana or Marijuana Products to the Qualifying Patient, Primary Caregiver, or Consumer. No loitering will be permitted at any Facility.
- c. Marijuana Accessories may be lawfully sold at a Dispensary Facility but shall not be publicly displayed.
- d. Dispensaries can be on the same property as a Medical Marijuana Cultivation Facility or a Comprehensive Marijuana Cultivation Facility, a Medical Marijuana-Infused Products Manufacturing Facility, Microbusiness Wholesale Facility, or a Marijuana Testing Facility but are not permitted to be within the same building as any other Marijuana related use.
- e. Dispensary Facilities must follow all requirements found in Section 4.1 and obtain a Conditional Use Permit to utilize a drive-through. As part of the Conditional Use Permit process, the Board of Aldermen or Planning and Zoning Commission may require

additional queuing or other conditions related to the drive through Facility to ensure the public safety is protected and the surrounding properties are not negatively affected.

4) Manufacturing Facilities. For a Medical Marijuana-Infused Products Manufacturing Facility, Microbusiness Wholesale Facility, or Comprehensive Marijuana-Infused Products Manufacturing Facility (“Manufacturing Facility”), the operations and all storage of materials, products, or equipment shall be within a fully secured area inside the main building structure or outside of the main structure in a separate, fully secured, and enclosed structure.

5) Marijuana Testing and Marijuana Research Facilities. All Marijuana Testing and Marijuana Research Facilities shall at all times maintain in good standing their accreditation as required by State regulations and utilize standards, procedures, and safety requirements for personnel and for the testing and research of Marijuana, which are at least as stringent as those which are required by State regulations.

6) Transportation Facilities. All Transportation Facilities shall comply with all applicable rules and regulations promulgated by the Department regarding transportation of Marijuana including but not limited to security systems and requirements, transportation deadlines and locations, and GPS tracking.

5.11.15 – Application review process.

1) Site review permit. This preliminary permit reviews the proposed Marijuana related use for compliance with the City's zoning and location standards prior to issuance of an occupancy permit. A draft of proposed security and floor plans should also be provided. Site review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof. Site review and approval shall be conducted administratively.

2) Operating plans. As a condition of processing of a business license application, an applicant shall provide at the time of filing the business license application a detailed operations plan and, upon issuance of a license, shall operate the Facility in accordance with the plan. Such plan shall include:

- a. Floor plan. A plan showing the layout of the Facility and the principal uses of the floor area depicted. A Dispensary Facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing Marijuana to Qualified Patients, Designated Primary Caregivers, or Consumers. The primary entrance of any stand-alone Facility shall be located and maintained clear of barriers, landscaping, and similar obstructions so that it is clearly visible from public streets, sidewalks, or site driveways. All storage areas shall be shown and labeled.
- b. Odor controls. A Facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from the Facility. Such plan shall describe the ventilation system for the Facility in compliance with the regulations of this Section and the Department.

3) Business license. Once a state licensing has been received, the business license shall include all relevant state approvals and approved operating plans and security plans.

5.11.16 – Home Occupation; Accessory Cultivation Use. It shall be unlawful for any person to distribute, transmit, give, dispense, or otherwise provide medical marijuana as a home occupation. A person holding a current, valid Marijuana Cultivation Identification Card issued by the State of Missouri may have as an Accessory Use Marijuana Cultivation as permitted by Article XIV of the Missouri Constitution so long as all of the following conditions are met:

- 1) The Accessory Use must take place only in a Facility that is enclosed, locked, and equipped with security devices (the "Cultivation Area"), and in conformance with all federal and Missouri laws and regulations. Consumer personal Cultivation, Qualifying Patient, and Primary Caregiver Cultivation shall not take place at a place of business.
- 2) The State-issued Marijuana Cultivation Identification Card must be clearly displayed within the Cultivation Area and in close proximity to the Marijuana plants.
- 3) The Accessory Use must have an odor control system that is at least as stringent as that which is required by State regulations.
- 4) A Qualifying Patient may not hold or obtain both a Qualifying Patient Cultivation Identification Card and a Consumer personal Cultivation card at the same time, regardless if the caregiver holds a Cultivation Identification Card on behalf of the Qualified Patient.
- 5) All Marijuana cultivation must cease immediately upon the expiration, suspension, or revocation of a State-issued Marijuana Cultivation Identification Card.
- 6) Nothing in this Section shall convey or establish a right to cultivate Marijuana in a Facility or site where state or federal law or a private contract would otherwise prohibit doing so.
- 7) The following additional rules shall apply to Consumer personal Cultivation:
 - a. All Consumer personal Cultivation must take place at a private residence.
 - b. One Consumer may not cultivate more than six (6) Flowering Plants, six (6) nonflowering plants fourteen (14) inches tall or more, and six (6) nonflowering plants under fourteen (14) inches tall subject to the limitations herein, Article XIV of the Missouri Constitution, and rules and regulations of the Department.
 - c. No more than twelve (12) Flowering Plants, twelve (12) nonflowering plants fourteen (14) inches tall or more, and twelve (12) nonflowering plants under fourteen (14) inches tall may be cultivated by Consumers at a single private residence, regardless of the number of Consumers who live at that private residence subject to the limitations herein, Article XIV of the Missouri Constitution, and rules and regulations of the Department.
 - d. Plants and Marijuana produced by the plants in excess of three (3) ounces must be kept at a private residence in an Enclosed, Locked Facility.
 - e. All cultivated Flowering Plants in the possession of a Consumer shall be clearly labeled with the Consumer's name.
- 8) The following additional rules shall apply to Qualifying Patient Cultivation:
 - a. One (1) Qualifying for personal Cultivation, may cultivate up to six (6) Flowering Plants and six (6) non-flowering Marijuana plants fourteen (14) inches tall or more, and six (6) nonflowering plants under fourteen (14) inches tall at any given time in a Cultivation Area, subject to the limitations herein, Article XIV of the Missouri Constitution, and rules and regulations of the Department.
 - b. Two (2) Qualifying Patients, who both hold valid Medical Marijuana Cultivation Identification Cards, may share one (1) Cultivation Area but no more than twelve (12) Flowering Plants and twelve (12) non-flowering Marijuana plants fourteen (14) inches tall or more, and twelve (12) non-flowering Marijuana plants under fourteen (14) inches tall

may be cultivated in a Cultivation Area, subject to the limitations herein, Article XIV of the Missouri Constitution, and rules and regulations of the Department.

- c. Under no circumstances shall a Qualifying Patient be entitled to cultivate, or have cultivated on his or her behalf, more than six (6) Flowering Plants.
 - d. Only one individual in a patient-caregiver relationship may be authorized for Cultivation on behalf of the Qualifying Patient.
 - f. All cultivated Flowering Plants in the possession of a Qualifying Patient or Primary Caregiver shall be clearly labeled with the Qualifying Patient's name.
- 9) The following additional rules shall apply to Primary Caregiver Cultivation:
- a. One (1) Primary Caregiver may cultivate up to six (6) Flowering Plants and six (6) non-flowering Marijuana plants fourteen (14) inches tall or more, and six (6) nonflowering plants under fourteen (14) inches tall for one (1) Qualifying Patient, subject to the limitations herein, Article XIV of the Missouri Constitution, and rules and regulations of the Department.
 - b. A Primary Caregiver may cultivate on behalf of more than one (1) Qualifying Patient and may utilize one or more Cultivation Area(s).
 - c. No Primary Caregiver cultivating Marijuana for more than one Qualifying Patient may exceed a total of twenty-four (24) Flowering Plants, twenty-four (24) nonflowering plants fourteen (14) inches tall or more, and twenty-four (24) nonflowering plants under fourteen (14) inches tall, subject to the limitations herein, Article XIV of the Missouri Constitution, and rules and regulations of the Department.
 - d. Only one individual in a patient-caregiver relationship may be authorized for Cultivation on behalf of the Qualifying Patient.
 - e. All cultivated Flowering Plants in the possession of a Primary Caregiver shall be clearly labeled with the Qualifying Patient's name.
 - f. A Primary Caregiver cultivator who is also authorized as a Qualifying Patient cultivator may grow the plants that belong to them as a Qualifying Patient cultivator, and the plants grown on behalf of their Qualifying Patient(s) using the same Cultivation Area.
 - g. A Primary Caregiver cultivator who is also authorized as a Consumer personal cultivator may not grow the plants that belong to them as an authorized Consumer personal cultivator and the plants grown on behalf of their Qualifying Patient(s) using the same Cultivation Area.

5.11.17 – Definitions. As used in this Section, the following terms shall mean:

ADMINISTER — The direct application of Medical Marijuana to a Qualifying Patient, to the extent allowed by and pursuant to the terms of Article XIV, Section 1 of the Missouri Constitution, by way of any of the following methods:

- (1) Ingestion of capsules, teas, oils, and other Marijuana-Infused Products;
- (2) Vaporization or smoking of dried flowers, buds, plant material, extracts, oils, and other Marijuana-Infused Products;
- (3) Application of ointments or balms;
- (4) Transdermal patches and suppositories;
- (5) Consuming Marijuana-Infused food Products;
- (6) Any other method recommended by a Qualifying Patient's Physician or Nurse Practitioner as authorized by Article XIV, Section 1 of the Missouri Constitution.

CHURCH — A permanent building primarily and regularly used as a place of religious worship.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY — A Facility licensed by the Department where Cultivation operations for Medical or adult use occur. A Comprehensive Marijuana Cultivation Facility need not segregate or account for its Marijuana Products as either non-Medical Marijuana or Medical Marijuana.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY — A Facility licensed by the Department where Marijuana Product is dispensed for Medical or adult use. Comprehensive 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 Comprehensive Marijuana Dispensary Facility need not segregate or account for its Marijuana Products as either non-Medical Marijuana or Medical Marijuana but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV and provided for by general or local law.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY — A Facility licensed by the Department where Marijuana-Infused Products and Prerolls are manufactured for Medical or adult use. A Comprehensive Marijuana-Infused Products Manufacturing Facility need not segregate or account for its Marijuana Products as either non-Medical Marijuana or Medical Marijuana.

CONSUMER — Someone at least twenty-one (21) years of age.

CULTIVATION — As related to activity authorized pursuant to Article XIV of the Missouri Constitution and all rules and regulations issued by the Department, the process by which a person, business, or legal Entity promotes the germination and growth of a seed to a mature Marijuana plant.

DAYCARE — A child-care facility, as defined by section 210.201, RSMo. or successor provisions that is licensed by the State of Missouri.

DEPARTMENT — The Missouri Department of Health and Senior Services, or its successor agency.

DISPENSARY FACILITY — A Medical Marijuana Dispensary Facility, a Comprehensive Marijuana Dispensary Facility, or a Microbusiness Dispensary Facility.

ELEMENTARY OR SECONDARY SCHOOL — A public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

ENCLOSED, LOCKED FACILITY — (A) A stationary, fully enclosed, locked space equipped with functioning security devices that permit access to only the Consumer(s), Qualifying Patient(s), or Primary Caregiver(s) who have informed the Department that this is the space where they will Cultivate Marijuana; and (B) the plants within the Enclosed, Locked Facility must not be visible to the unaided eye from a public space.

ENTITY — A natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

FACILITY — The physical structure(s), including strip malls, and the premises on which the physical structures are located which are used by a licensed or certified Entity to perform its licensed or certified functions, whether the Entity is licensed or certified as a Medical Facility, Research Facility, or a Marijuana Facility.

FLOWERING PLANT — A Marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

IDENTIFICATION CARD — A document, whether in paper or electronic format, issued by the Department that authorizes a Consumer cultivator, Qualifying Patient, Primary Caregiver, or facility agent to access Marijuana as provided by law.

INFUSED PREROLL — A consumable or smokable Marijuana Product, generally consisting of: (1) a wrap or paper, (2) dried Flower, buds, and/or plant material, and (3) a concentrate, oil, or other type of Marijuana extract, either within or on the surface of the product. Infused Prerolls may or may not include a filter or crutch at the base of the product.

MARIJUANA OR MARIHUANA — means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute Marijuana, as well as resin extracted from the plant and Marijuana-Infused Products. “Marijuana” or “Marihuana” does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

MARIJUANA ACCESSORIES — Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing Marijuana into the human body.

MARIJUANA BUSINESS — A Marijuana Facility, a Medical Facility, and a Marijuana Research Facility.

MARIJUANA FACILITY — A Comprehensive Marijuana Cultivation Facility, Comprehensive Marijuana Dispensary Facility, Marijuana Testing Facility, Transportation Facility, Comprehensive Marijuana-Infused Products Manufacturing Facility, Microbusiness

Wholesale Facility, Microbusiness Dispensary Facility, or any other type of Marijuana-related facility or business licensed or certified by the Department but shall not include a Medical Facility or Marijuana Research Facility.

MARIJUANA-INFUSED PRODUCTS — Products that are infused, dipped, coated, sprayed, or mixed with Marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and Infused Prerolls.

MARIJUANA PRODUCT — Marijuana, Marijuana-Infused Products, or other products made using Marijuana, including Prerolls, unless otherwise provided for in the Department's rules.

MARIJUANA RESEARCH FACILITY — A Facility licensed by the Department where activities intended to facilitate scientific research or education related to Marijuana Product occur.

MARIJUANA TESTING FACILITY — A Facility certified by the Department to acquire, test, certify, and transport Marijuana, including those originally licensed as a Medical Marijuana Testing Facility.

MARIJUANA TRANSPORTATION FACILITY — A Facility certified by the Department to house operations involving the transport of Marijuana Product from a Marijuana Facility or Medical Facility; or to a Qualifying Patient, Primary Caregiver, or Consumer.

MEDICAL FACILITY — Any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA CULTIVATION FACILITY— A facility licensed by the Department to engage in the process of Cultivating Marijuana that is limited to Medical Use at a Medical Marijuana Cultivation Facility. A Medical Marijuana Cultivation Facility's authority to process Marijuana shall include the production and sale of Prerolls but shall not include the manufacture of Marijuana- Infused Products.

MEDICAL MARIJUANA DISPENSARY FACILITY — A Facility licensed by the Department where Marijuana is dispensed only for Medical Use. Medical Marijuana Dispensary Facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A Medical Marijuana Dispensary Facility's authority to process Marijuana shall include the production and sale of Prerolls but shall not include the manufacture of Marijuana-Infused Products.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY — A Facility licensed by the Department where Marijuana-Infused Products and Prerolls are manufactured only for Medical Use.

MEDICAL USE — The production, possession, delivery, distribution, transportation, or administration of Marijuana or a Marijuana-Infused Product, or Marijuana Accessories used to Administer Marijuana or a Marijuana-Infused Product as provided by Article XIV, Section 1 of the Missouri Constitution, for the benefit of a Qualifying Patient to mitigate the symptoms or effects of the patient’s qualifying medical condition as defined in Missouri State law.

MICROBUSINESS DISPENSARY FACILITY — A Facility licensed by the Department to engage in the process of dispensing Marijuana for Medical Use or adult use. Microbusiness 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 Dispensary Facility’s authority to process Marijuana shall include the creation of Prerolls.

MICROBUSINESS WHOLESALE FACILITY — A Facility licensed by the Department to where Marijuana Cultivation operations for Medical or adult use occur and/or where Marijuana-Infused Products and Prerolls are manufactured for Medical Use or adult use. A Microbusiness Wholesale Facility may cultivate up to Two Hundred and Fifty (250) Flowering Plants at any given time. A Microbusiness Wholesale Facility's authority to process Marijuana shall include the creation of Prerolls and Infused Prerolls.

NURSE PRACTITIONER — An individual who is licensed and in good standing as an advanced practice registered nurse, or successor designation, under Missouri law.

PHYSICIAN — An individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

PREROLL — A consumable or smokable Marijuana Product, generally consisting of: (1) a wrap or paper and (2) dried Flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

PRIMARY CAREGIVER — An individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a Qualifying Patient and who is designated as such under the rules and regulations of the Department and possesses a Department issued Primary Caregiver or Primary Caregiver Cultivation Identification Card.

QUALIFYING PATIENT — An individual diagnosed with at least one (1) qualifying medical condition as defined in Missouri State law and possessing a Department issued Qualifying Patient or Qualifying Patient Cultivation Identification Card.

TRANSPORTATION FACILITY — A Facility certified by the Department to house operations involving the transport of Marijuana Product from a Marijuana Facility or Medical Facility, or to a Qualifying Patient, Primary Caregiver, or Consumer.

Section 5. Section 14 — Definitions of the Unified Development Ordinance is hereby amended by repealing in its entirety the following words and definitions:

1. Marijuana or marihuana

2. Marijuana-infused products
3. Medical marijuana cultivation facility
4. Medical marijuana dispensary facility
5. Medical marijuana-infused manufacturing facility
6. Medical marijuana testing facility
7. Medical use

Section 6. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED this _____ day of _____, 2023

APPROVED this _____ day of _____, 2023

MAYOR

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR