

## Amendment 3 of the Missouri Constitution

### Purpose:

To make the use and possession of marijuana legal, and prevent the arrest and penalty for the personal possession and cultivation of marijuana.

### Highlights of Amendment 3 for law enforcement officers:

#### 1. Personal Use of Marijuana for persons over the age of 21

- 3 ounces (approx. 90 grams) may be possessed, used, transported, and delivered without consideration, to persons over 21. There is no civil or criminal penalty for under 3 oz.
- Possession, etc. of 3 oz. or less is not a basis to detain, search, or arrest a person.
- Possession, etc., of over 3 ounces but less than 6 ounces (approx. 180 grams) is a civil infraction for the first and second offense, and a misdemeanor punishable by a fine only for the third offense.
- Smoking marijuana in a public place is a civil infraction
- Possession, etc. of over 6 ounces is not affected by the amendment and, presumably, still subject to enforcement under Section 579.015.
- The private sale or distribution of any amount of marijuana for remuneration is not affected by the amendment and, presumably, still subject to enforcement under Section 579.020.
- The odor of marijuana or burnt marijuana, without additional evidence that a quantity over 3 ounces is present, is not reasonable suspicion of a crime, and does not give the basis for a search, detention, or arrest.

Exception: when law enforcement is investigating whether a person is impaired and operating a motor vehicle under the influence of marijuana.

#### 2. Personal Use of Marijuana for persons under the age of 21

- Possessing, using, distributing without remuneration, less than 3 ounces is a civil infraction.
- Possessing etc. between 3-6 ounces is a civil infraction.
- for persons under 21 but still adults (18 y.o.a.);
  - Possession, etc. of over 6 ounces is not affected by the amendment and, presumably, still subject to enforcement under Section 579.015.
  - The private sale or distribution of any amount of marijuana for remuneration is not affected by the amendment and, presumably, still subject to enforcement under Section 579.020.

### 3. Possession of Flowering Plants

- A person over 21 needs a registration card to cultivate for private use.
- Allows for 6 flowering plants, 6 non-flowering plants, and 6 clone plants.
  - plants must be kept at one residence in locked space not visible from a public place.
  - If plants are visible from a public place, it is a civil infraction.
  - If plants are not in a locked space, it is a civil infraction.
  - If more than 6 flowering plants, but less than 12 plants, are possessed at one time, it is a civil infraction for the first and second offense, and a misdemeanor for the third offense.
- Possessing more than 12 flowering plants would not be affected by the amendment and presumably be subject to enforcement under section 579.
- Cultivating plants without a registration card is not affected by the amendment.
  
- To get a search warrant to search relating to the cultivation of plants, law enforcement must:
  - 1) verify whether or not the person holds a registration card;
  - 2) have evidence that the number of plants exceeds the legal number allowed
  - 3) knock and announce before executing the warrant