



Bill No. 4057

Ordinance No. _____

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE AMENDING SECTIONS 17-61, 17-81 AND 17-82 OF THE CITY OF BALLWIN'S CODE OF ORDINANCES WITH REGARD TO MEDICAL MARIJUANA AND DRUG PARAPHERNALIA.

WHEREAS, Sections 17-61, 17-81 and 17-82 of the City of Ballwin's Code of Ordinances establish violations related to controlled substances, including marijuana, and drug paraphernalia; and

WHEREAS, the Missouri Constitution has been amended to permit use, possession, sale, transportation, manufacture and cultivation of medical marijuana; and

WHEREAS, the City's Code of Ordinances needs to be amended to conform to such constitutional changes;

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

Section 1. Section 17-61 of the Code of Ordinances of the City of Ballwin shall be amended as follows:

Sec. 17-61.- Manufacture, possession, etc., of controlled and other substances.

- (a) *Manufacture, possession, etc., prohibited.* No person shall manufacture, possess, have under his/her control, sell, prescribe, administer, dispense, distribute or compound any substance scheduled in RSMo Ch. 195 or 579, including, but not limited to controlled substances, counterfeit substances and synthetic cannabinoid.
- (b) *Possession of certain apparatus prohibited.* No person shall possess any apparatus, device or instrument for the unauthorized use of any controlled substance.
- (c) *Exceptions.* Notwithstanding the foregoing, a person who meets the limitations and requirements of Article XIV, Section 1, subsection 5(1) shall not be subject to arrest, liability or sanction, provided that they produce on demand by a police officer a valid qualifying patient identification card, a valid qualifying patient cultivation identification card, a valid physician certification while making application for an identification card, a valid primary caregiver identification card, or other proof of valid authorization including as issued by another state or political subdivision thereof.



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(d) *Definitions.* The terms "controlled substance", "counterfeit substance" and "synthetic cannabinoid" shall be defined as follows, in accordance with RSMo 195.010:

- (1) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in RSMo 195.005 to 195.425;
- (2) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;
- (3) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (11) of subdivision (4) of subsection 2 of section 195.017 and any analogues, homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration.

Section 2. Section 17-81 of the Code of Ordinances of the City of Ballwin shall be amended as follows:

Sec. 17-81.- Unlawful use.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this division or as defined by RSMo Ch. 195, in violation of RSMo Ch. 195 or 579. Notwithstanding the foregoing, a person who meets the limitations and requirements of Article XIV, Section 1, subsection 5(1) shall not be subject to arrest, liability or sanction, provided that they produce on demand by a police officer a valid qualifying patient identification card, a valid qualifying patient cultivation identification card, a valid physician certification while making application for an identification card, a valid primary caregiver identification card, or other proof of valid authorization including as issued by another state or political subdivision thereof.



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Section 3. Section 17-82 of the Code of Ordinances of the City of Ballwin shall be amended as follows:

Sec. 17-82.- Advertisement.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Notwithstanding the foregoing, a person who meets the limitations and requirements of Article XIV, Section 1, subsection 5(1) shall not be subject to arrest, liability or sanction, provided that they produce on demand by a police officer a valid qualifying patient identification card, a valid qualifying patient cultivation identification card, a valid physician certification while making application for an identification card, a valid primary caregiver identification card, or other proof of valid authorization including as issued by another state or political subdivision thereof.

Section 4. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2020.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2020.

TIM POGUE, MAYOR

ATTEST: _____

ROBERT KUNTZ, CITY ADMINISTRATOR