



Debunked Within Minutes: Setting The Record Straight

The policy analysis below was commissioned by Board President Lewis Reed. It contains several inaccurate facts and statements from Reed's political analyst.

Who can buy?

- ST. LOUIS BB#180: Anyone over age the of 21
- DENVER, COLORADO: Anyone over the age of 21

How much marijuana can be purchased?

- ST. LOUIS BB#180: 2 ounces

Incorrect: Cannabis cannot be purchased under this proposed ordinance.

- DENVER, COLORADO: 1 ounce

How many marijuana plants can be grown by one person?

- ST. LOUIS BB#180: 10 plants

- DENVER, COLORADO: 3 plants

Incorrect: 12 plants in Denver. Denver caps the number of residential grown cannabis at 12 plants. Statewide cultivation limits are raised from six (6) to twelve (12) with (passed) HB 1220 Jan. 1, 2018. Medical card holders can grow 24 plants with a doctor's recommendation. Present state law allows cultivation of up to 99 plants with a doctor's recommendation for caregivers and medical cannabis card holders.

Who can sell marijuana?

- ST. LOUIS BB#180: Anyone 21 or older, anytime, anywhere could sell Marijuana.

No license or standards would be required.

Incorrect: No person can sell cannabis under BB#180 in the City of St. Louis. Sales of cannabis, or distributing cannabis is a Missouri felony with incarceration from three (3) to ten (10) years and up to a \$10,000 fine.

- DENVER, COLORADO: Only retail stores properly licensed by the city may sell or distribute. Selling person-to-person remains illegal.

This is an apples to oranges comparison. Denver and the state of Colorado have a regulated retail cannabis industry. Statewide sales generated \$1.02 billion as of October 11, 2017 and have provided citizens \$162 million in taxes and fees (to date in 2017). St. Louis will not have any legal sales.

Could a teacher, police officer, fire fighter, EMS worker, bus driver, doctor or anyone employed by a public or private employer within the boundaries of the City face disciplinary action or potentially lose their job for working while under the influence of marijuana?

- ST. LOUIS BB#180: No – Employers will be barred by law from taking any actions against anyone under the influence.

Incorrect: Yes. Employers can take action against an employee under the influence or for cannabis use on the job or off the job under their established HR policies. Companies with HR policies about cannabis use may terminate any employee who violates company policy.

- DENVER, COLORADO: Yes – Colorado Law allows employers to continue to test for marijuana and make employment decisions based on drug test results.

Will this generate additional revenue to the City or create tax dollars?

- ST. LOUIS BB#180: No – The proposed board bill does not allow taxation; therefore, there will not be revenue generated to the City of St. Louis.

Incorrect: Yes, legalized cannabis under this bill will have a huge impact on generating revenue and tax dollars. Property values throughout the city will go up when cannabis users move to the city in order to cultivate cannabis medicine. These groups include

veterans with PTSD, chronic pain sufferers, epileptic patients, cancer and Alzheimer patients, and others in need of ongoing cannabis medicine. New residents mean more tax-paying citizens and retail sales revenue. Rents will go up when people move to the city to avoid petty arrests for possession in the surrounding counties. New residents will rent surplus rental units in the city.

- DENVER, COLORADO: Yes – Sales are regulated and taxed generating substantial revenue for the city.

Another apples to oranges comparison. Retail cannabis sales generate taxes. BB180 has no provision for retail sales. Private sales of cannabis is illegal in Colorado. No revenue is received by private individuals.

Can I refuse to hire someone who comes to the interview under the influence of marijuana?

- ST. LOUIS BB#180: No – Employers cannot hire or fire based upon being under the influence of marijuana.

Incorrect: Yes, if an employer's stated policy is to ban cannabis or other drug use in the workplace, then the employer can terminate any employee who violates company policy. Employers can drug test and make decisions based upon drug tests.

- DENVER, COLORADO: Yes – Colorado Law allows employers to continue to test for marijuana and make employment decisions based on drug test results.

Can employers require drug testing?

- ST. LOUIS BB#180: No – Employers cannot legally drug test.

Incorrect: Yes, employers can drug test. If an employer's stated policy is to ban cannabis or other drug use in the workplace, then the employer can terminate any employee who violates company policy. Employers can drug test and make decisions based upon drug tests.

- DENVER, COLORADO: Yes – Colorado Law allows employers to continue to test for marijuana and make employment decisions based on drug test results.

I own a business. Can marijuana be consumed there?

- ST. LOUIS BB#180: Yes – It can be consumed anywhere, unless within 1,000 ft of a school or on any city-owned street or sidewalk. If you do not want the display, transfer, distribution, sale, or cultivation of marijuana on your property, you are required to "post out" your business or residence.

Incorrect: No. Business owners can ban cannabis use the same way they ban cigarettes, alcohol use or firearms on their premises. However, private businesses may encourage cannabis use on premises because of the increased traffic and sales it would bring to the business. Cannabis users have jobs, own cars, houses and other property and tend to support businesses that do not discriminate against their lifestyle choice.

- DENVER, COLORADO: No – Denver law allows very few places for on-site consumption of marijuana.

Can I get a ticket for having marijuana in my car?

- ST. LOUIS BB#180: No – Any police officer that uses city resources to enforce laws in violation of marijuana use will be subject to discipline.

Incorrect: Yes, the police are not constrained to investigate any crime or cannabis infraction under BB180. Openly displaying, possessing and publicly consuming cannabis on a public street, sidewalk or alley is illegal and the police can arrest you. It does not matter whether you are in a car, truck, motorcycle or bicycle, cannabis cannot be viewed in public. A St. Louis Police officer can investigate you for DUI related cannabis use, cannabis trafficking or distribution and you can go to jail.

- DENVER, COLORADO: Yes – Denver has an open container policy in regards to having marijuana in your car.

Can the nuisance law be enforced?

- ST. LOUIS BB#180: No – Any police officer that uses city resources to enforce laws in violation of marijuana use will be subject to discipline.

Incorrect: Yes, nuisance laws can be enforced. This ordinance does not change any nuisance laws or limit any investigative activity undertaken by city law enforcement officials.

- DENVER, COLORADO: Yes – Denver law allows police to search based upon if there is suspicion of a violation of the law.

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The following is a brief analysis from Lewis Reed on Board Bill 180.

The law in Colorado created a legal system for the sale, purchase, possession and use of marijuana. Board Bill 180 does not create a legal alternative. The act of selling marijuana person-to-person remains against the law in Denver. Board Bill 180 would increase the incentive for person-to-person illegal street sales of marijuana and prevent St. Louis City Police Officers from enforcing the law on that illegal act according to state and federal law.

Incorrect: BB#180 would provide a disincentive for person-to-person sales. Allowing private home cultivation reduces illegal cannabis sales. Cannabis consumers will not engage with a cannabis drug trafficker to purchase higher priced cannabis when they can cultivate plants for their own personal use for about the price of growing a tomato plant. Drug traffickers will be squeezed out of business because their illegal markets will be reduced and the profit incentive for illegal sales will evaporate.

By expanding an already problematic criminal act, and removing the ability to regulate or police, the proposed board bill will likely increase the trafficking of drugs in the City of St. Louis. The bill would inadvertently create an incentive for non-residents to come to the City of St. Louis to participate in illegal drug sales, distribution and consumption. Neighborhoods that are experiencing a high level of violent crime will, more than likely, be negatively impacted by Board Bill 180. The bill would prevent St. Louis police from involving themselves in illegal transactions involving money and drugs. Neighborhoods will be barred from using the cities nuisance ordinance to address problem properties related to drug use and/or distribution.

Incorrect: Selling cannabis will become less profitable for illegal dealers when consumers can cultivate their own personal supply at a much lower cost (the equivalent price of growing a tomato plant) than illegally imported cannabis brought into the City of St. Louis. The 4-month growing cycle of a cannabis plant is not conducive to wide-scale, illegal profit centered sales. Neighborhoods with high violent crime related to drug trafficking will experience a decline in illegal activity as drug dealers and gangs cannot compete with lower cost home-grown cannabis and will immediately lose sales. The BB180 does not change any existing nuisance laws. Police can still investigate drug trafficking, distribution and public consumption of cannabis and other drugs. Petty drug possession offenses of under 56 grams will not take a police officer off the beat for four or five hours to process an arrest thus freeing up the officer to pursue other real crimes with a victim.

In order for anyone to acquire the two ounces allowed, a dealer somewhere will be providing that amount and have to be in possession of an inventory of more than two ounces. The inventory will be, more than likely, housed in the City of St. Louis. Board Bill 180 could also create an increased risk for more illegal firearms and other illegal items to be entered into the City of St. Louis.

Incorrect: The cost of home cannabis cultivation of two ounces of cannabis will cost much less than purchasing from a dealer at \$348.28 per ounce (\$696.56 for 2 ounces, source: priceofweed.com) reducing all incentives for illegal drug dealer sales in the City of St. Louis. Drug dealers will quickly go out of business when their customers can cultivate their own cannabis. Dealers will leave the city in search of greener pastures to push their cannabis sales and will take their illegal firearms with them.

Board Bill 180 states that it does not prohibit officers from conducting searches based upon the reasonable suspicion that an individual is in violation of this bill. Therefore, it does absolutely nothing to stop targeted policing or stop police officers from using probable cause to search someone, if they decided to do that.

Incorrect: The BB180 bill does stop targeted policing. The incentive to profile certain individuals is reduced when an investigation may not result in an arrest if the suspect is within compliance of this ordinance. With a petty cannabis possession arrest off the table, police will concentrate on other serious infractions of more importance.

Although I fully support creating a legal alternative to the sale of marijuana, which could help to reduce the crime rate in our City, the bill doesn't create that alternative. By making it illegal for the City to use any resources to address the illegal distribution, sale and use of marijuana and paraphernalia, we run the risk of greatly expanding the market for illegal drugs and ultimately the crime and violence that comes with it.

Incorrect: This ordinance does not change any laws in regards to illegal distribution, trafficking and sales of cannabis. St. Louis Police are not constrained and may continue to pursue and reduce crime in every legal way. Arresting an individual for the petty and victimless crime of possession of up to 2.0 ounces of cannabis will not take an officer off the streets for up to 4 hours processing paperwork and booking cannabis users. The prosecutors, judges, public defenders, evidence labs and detention personnel will not spend valuable time and money processing petty cannabis users saving the city money. Harris County, Texas (Houston, Tx) in June 2017 reduced all simple cannabis possession charges to a non-infracton saving taxpayers \$21 million/year in processing, prosecution, evidence testing, public defender costs and jailing.

To be successful in the legalization of marijuana in St. Louis, we should establish a legal alternative to buy, sell, use, grow, store and test marijuana in designated places, with a licensing system and a system of taxation established, while continuing to enforce any laws that remain a part of city, state and federal law. Cities have found success in decriminalization, while strengthening neighborhoods, and reducing drug-related crimes resulting from turf wars and drug deals gone wrong. With the rising crime rate in our City and the challenges many neighborhoods face, we cannot afford to force law enforcement to turn a blind eye and make it illegal for City departments and the courts to uphold our nuisance property laws.

Incorrect: This ordinance does not allow law enforcement to turn a blind eye to enforcing nuisance property laws. Home cultivation of cannabis reduces cannabis trafficking. Illegal cannabis dealers' influence over neighborhoods will be lessened when there is reduced profit in cannabis distribution and that reduces neighborhood crime overall.

It would be a great detriment to the public safety and the public health of the citizens of the City of St. Louis.

Incorrect: Public safety and public health will benefit by removing the profit incentive from drug gangs, cannabis dealers and drug cartels to operate openly on the streets of St. Louis. Arrest and prosecution of petty cannabis possession crimes is a drain on police resources. More dangerous crimes with a victim need increased enforcement. In every state that has legalized cannabis use, opioid use has declined by 25%. The longer cannabis has been legalized, the greater the reduction in opioid abuse has been reported. In California, where cannabis use has been legal since 1996, opioid use is down 35%. (source: Cannabis researcher Adie Poe Ph.D., Washington University of St. Louis, Pub: Physicians Guide to Cannabis-Assisted Opioid Reduction, September 2017.)



www.GreaterSTLNORML.org
info@greaterstlnorml.org

This document does not constitute legal advice and it is not to be acted on as such, may not be current and is subject to change without notice. This information is for general and educational purposes. Final verbiage of Board Bill 180 modifying St. Louis City Ordinance 69429 has not been approved or passed into law.