

# THE STRAIGHT FAQs

## FREQUENTLY ASKED QUESTIONS ABOUT BOARD BILL 180

**Board Bill 180** (BB180) was submitted by Alderwoman Megan-Ellyia Green on October 26, 2017 to the St. Louis City Board of Aldermen.

The bill is designed to amend **Ordinance 69429**, and removes the possibility of incarceration for petty marijuana possession up to **56 grams** (2.0 ounces) and allows private cultivation of up to **ten (10)** cannabis plants. This [legislation is pending](#) and has not passed into law.

This guide outlines the major points of the proposed legislation. This information may change in the final version of the bill.

BB180 does not legalize marijuana and does not change any marijuana possession, production, cultivation, trafficking or distribution laws at the local or state level. The bill does redirect law enforcement resources in regards to petty possession and cultivation of cannabis resulting in no possibility of arrest within certain conditions.



### **Question: If this bill passes, when will cannabis be legal in St. Louis?**

**Answer:** Marijuana will not become legal in St. Louis under this bill. Board Bill 180 states adults 21 or older will not be arrested for possession of up to 2.0 ounces on private property or on any public street, alley or sidewalk if the cannabis is not publicly visible. Cultivation of ten (10) plants on private property will not lead to arrest if the plants cannot be viewed from any public street, alley or sidewalk. Cannabis possession is prohibited within 1,000 feet of any public or private daycare facility or school. City resources will not be expended to enforce these laws, but the laws for possession or cultivation will not change. The board of aldermen must approve this bill before further action will take place.

### **Board Bill 180 Legalization of Cannabis**



### **Question: Once passed, can I be arrested for possession of cannabis under this bill?**

**Answer:** No, local St. Louis law enforcement will be mandated to not pursue enforcement actions on adults in compliance with this ordinance. However, you can be arrested by federal and state officials. Under Missouri state or federal laws, cannabis possession and cultivation is illegal and federal and state enforcement officials could arrest you for violating federal and state laws. This scenario is unlikely, but since Missouri state highway patrol officers patrol interstate highways in St. Louis, you should avoid traveling on those highways when in possession of cannabis once this bill passes.

### **Question: If passed, where could I consume cannabis?**

**Answer:** Cannabis could only be consumed on private property with permission of the owner of the property. Consumption of cannabis on private property cannot be viewed from a public street, alleyway or sidewalk. Consuming cannabis and cannabis possession within 1,000 feet of a public or private daycare or school is prohibited.

### **Question: If passed, where can I buy cannabis?**

**Answer:** You cannot purchase cannabis under this proposed ordinance as written.

### **Question: Under the proposed BB180, how much cannabis can I have on my person?**

**Answer:** You can possess up to 56 grams or 2.0 ounces of cannabis on your person provided it is not visible to anyone on a public street, alleyway or sidewalk. You cannot openly carry paraphernalia such as pipes, bongs, rolled cannabis blunts, dab rigs or any device to consume cannabis.



**Question: If this bill passes, can I be arrested for driving in my car with cannabis?**

**Answer:** Yes. If you have cannabis visible to the police officer when she approaches your vehicle, you are in violation of this ordinance. Cannabis should be locked up in your trunk, glove box or any area in your vehicle where the public cannot view it. If you consume cannabis before or while you are driving you can be subject to arrest for *Diving Under the Influence* of a controlled substance or DUI.

**Question: Would the proposed BB180 allow me to grow cannabis plants inside my private residence next to a window?**

**Answer:** Yes, but only if the plants are not visible from a public street, alley or sidewalk.

**Question: Under this bill, can I give my home-grown cannabis to my friends or share cannabis in my private home? Can I exchange home-grown cannabis with my neighbor who also grows cannabis?**

**Answer:** No. Giving cannabis to friends or neighbors is currently not permitted under federal and state laws and constitutes *Distribution of a Controlled Substance*, a felony under Missouri law.

**Will this bill allow my employer to prohibit cannabis consumption after business hours and off business property?**

**Answer:** Yes. An employer's employment policies are not affected by this ordinance. If an employer clearly states that they maintain a drug-free workplace and expect their employees to be drug free off hours and off business premise, they can prohibit their employees from consuming cannabis. Employers can drug test employees

to ensure compliance with their policies.

**Question: The proposed bill says an employer cannot remove me as a viable job candidate if I consume cannabis. Is this accurate?**

**Answer:** Yes. Cannabis use cannot be used to discriminate against a job applicant. If you experience job discrimination as a cannabis user from a company that has no stated policies against cannabis usage, you can raise a legal challenge under this ordinance. Please be aware that laws in this area have not been tested and there is no precedent in case law.

**Question: Under this proposed bill, if I rent an apartment with an internal non-smoking clause in my rental agreement, can I consume cannabis outside on a porch, back yard or walkway?**

**Answer:** Yes. If your landlord does not specifically prohibit cannabis use anywhere on their rental property, you can consume cannabis. Consuming cannabis cannot be viewed by the public from a public street, walkway or alley.

**Question: What happens under this proposed bill if my landlord enters my rental property unannounced and finds cannabis plants growing or cannabis inside the premise. My rental agreement does not say anything about cannabis. Can he or she evict me?**

**Answer:** No. Cultivation of cannabis is permitted on private property with permission of the property owner. If the property owner informs you to remove the plants or cannabis, you must comply, but unless you agree to changing your signed and agreed upon rental or lease agreement that has not expired, you are within your rights to remain a tenant.