

It is a class A misdemeanor punishable notwithstanding the provisions of section 560.021, RS.MO, to the contrary for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

**INITIATIVE PETITION**

An ordinance prohibiting the use of City resources to enforce marijuana and marijuana paraphernalia prohibition laws by amending Ordinance 69429 to minimize disproportionate penalties for violations of said laws, but to allow police to execute arrest warrants and to use marijuana consumption or possession as probable cause to suspect violation of this Ordinance or of Ordinance 69429;

To the Board of Aldermen of the City of St. Louis, Missouri:

We, the undersigned, registered voters of the City of St Louis, respectfully order that the following proposed amendment to the City Code shall be submitted to the voters of the City of St Louis, for their approval or rejection, at the next possible municipal election, and each for himself or herself says: I have personally signed this petition, I am a registered voter of the City of St Louis; my registered voting address in which I live are correctly written after my name.

Do you favor the change in the city ordinance proposed by the citizen petition to:

- Permit the use of marijuana by adults 21 years of age or older
- Permit adults 21 years of age or older to possess up to 2 ounces of marijuana and paraphernalia
- Permit adults 21 years and over to grow 6 flowering plants on private property in a locked area
- Prohibit use in public spaces including on school grounds
- Prohibit adults under 21 and minors from engaging in use activities
- Permit landlords and property owners to restrict the smoking of marijuana on their property
- Expunge the criminal records of those previously convicted of ordinance violations for marijuana possession as allowed under state law

**CIRCULATOR'S AFFIDAVIT**

STATE OF MISSOURI, CITY OF ST. LOUIS

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

Name (signature)	Date	Street Address	ZIP	Printed Name
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name and registered voting address correctly, and that each signer is a registered voter of the City of St Louis.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age, I do \_\_\_ do not \_\_\_ (check one) expect to be paid for circulating this petition. If paid, list the payer

\_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant (person obtaining signatures)

\_\_\_\_\_  
Address of Affiant

\_\_\_\_\_  
Printed name of Affiant

\_\_\_\_\_  
City, State, and Zip Code of Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D 20\_\_

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Street Address of Notary

\_\_\_\_\_  
Address of Notary

My commission expires: \_\_\_\_\_

Notary Public (seal)

An ordinance prohibiting the use of City resources to enforce marijuana and marijuana paraphernalia prohibition laws by amending Ordinance 69429 to minimize disproportionate penalties for violations of said laws, but to allow police to execute arrest warrants and to use marijuana consumption or possession as probable cause to suspect violation of this Ordinance or of Ordinance 69429; with savings and severability clauses.

**WHEREAS**, in 2013, Board of Aldermen addressed marijuana possession in the City of St. Louis by passing Ordinance 69429, as codified in Part IV, Chapter 11.60, Title 11 of the Revised Code of the City of St. Louis;

**WHEREAS**, at least five cities, including Breckenridge, Colorado; Denver, Colorado; Portland, Maine; South Portland, Maine; Washington, D.C., and eight states, including Colorado, Washington, Oregon, Alaska, California, Maine, Massachusetts, and Nevada have legalized and regulated marijuana under state and local laws;

**WHEREAS**, cities and states have not seen significant increases in crime since legalization and regulation of marijuana, and many have seen slight decreases in crime;

**WHEREAS**, the Drug Enforcement Agency found that, overall, research does not support a direct causal relationship between regular marijuana use and other illicit drug use;

**WHEREAS**, the city's Division of Police has contended that it is understaffed by over 110 officers;

**WHEREAS**, federal law prohibition makes enforcement of state laws on marijuana by the City of St. Louis, including by the Division of Police, redundant and wasteful of city resources;

**WHEREAS**, arresting, citing, and prosecuting marijuana offenders diverts police time away from crimes with victims. Nationally, 87% of all motor vehicle thefts and over 70% of robberies go unsolved, while law enforcement pursues over half a million arrests for marijuana possession. Regulating marijuana would free up law enforcement time and resources to focus on real crime;

**WHEREAS**, it is in the best interests of the City of Saint Louis that City resources only be devoted to issues of priority in ensuring public safety and protecting the quality of life for its residents;

**WHEREAS**, eliminating marijuana enforcement by local police may separate the market for marijuana from the market for harmful substances, reducing the likelihood that marijuana consumers will be exposed to opiates or other dangerous drugs when they purchase marijuana;

**WHEREAS**, studies have found that a 48% reduction in patients' opioid use after three months of medical marijuana treatment, 39% reduction in their opioid dosage, and 39% stopped using opioids altogether;

**WHEREAS**, researchers at Columbia University's School of Public Health found that, in states that passed medical marijuana laws, fewer drivers killed in car crashes tested positive for opioids after the laws went into effect;

**WHEREAS** the City of St. Louis and the Division of Police have discretion to enforce the law or to not enforce certain laws depending on enforcement priorities;

**WHEREAS** the City of St. Louis places a high priority on fighting violent crime, and places a low enforcement priority on enforcing marijuana laws;

**BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:**

**SECTION 1. Definitions**

(a) "Enforce" means to investigate, arrest, refer for prosecution, or punish;

(b) "Marijuana" means all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(c) "Openly" means occurring or existing in a manner that is unconcealed, undisguised, or obvious;

(d) "Publicly" means occurring or existing in a public place; or occurring or existing in any outdoor location that is clearly observable from a public place;

(e) "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, or any place of business or assembly open to or frequented by the public, and any other place to which the public has access;

(f) "Resources" means any funds, money, personnel, personnel time, grants, use of facilities, property, real estate, approval, or other means that is owned or controlled by the City of St. Louis. "Resources" shall include, but not be limited to, all activities of the Division of Police, the City Counselor's Office, and the Municipal Court;

## **SECTION 2. Repeal of Section Two of Ordinance 69429**

Section Two of Ordinance 69429 is hereby repealed.

## **SECTION 3. Use of City Resources to Enforce Marijuana Laws**

Except as provided in this Section, no resources of the City of St. Louis shall be expended or otherwise used to enforce laws that permit the punishment for the use or possession of marijuana involving two (2) or less ounces of marijuana, or six or fewer flowering marijuana plants or marijuana paraphernalia against any individual or entity.

The City of St. Louis may expend resources to enforce laws that permit punishment for the use or possession of marijuana or marijuana paraphernalia against:

(a) any individual who provides marijuana to an individual under the age of twenty-one (21);

(b) an individual under the age of twenty-one (21), provided that the penalty for possession or sale of two ounces or less of marijuana or six flowering plants or fewer of marijuana under Ordinance 69429 shall not exceed \$25, and the record of the individual's violation shall be expunged one year following imposition of the fine.

(c) any individual who possesses more than two (2) ounces of marijuana or more than six (6) flowering marijuana plants for cultivation, whose penalty shall not exceed \$25;

(d) any individual or entity that openly and publicly displays or consumes marijuana on a public street or in a public place or on private property outside of an enclosed structure in a manner visible to the public;

(e) any individual who displays, transfers, distributes, sells, or cultivates marijuana on land or in buildings where the owner of the land or buildings has prohibited marijuana on the premises and has provided reasonable notice by a lease provision or posted notice to tenants or occupants of the land or buildings that such conduct is prohibited;

(f) any individual who possesses flowering marijuana plants who does not keep all such plants indoors, locked and secure;

(g) any individual who is not in compliance with this Ordinance;

Any violations of marijuana laws that may be prosecuted under this ordinance shall be prosecuted in the Municipal Court. In no case may the City of St. Louis or its employees refer charges for use or possession of marijuana or marijuana paraphernalia to the Circuit Attorney or any other law enforcement agency.

#### **SECTION 4. Police Conduct**

This Ordinance shall not prohibit police officers from conducting searches based upon the reasonable suspicion that an individual is in violation of this Ordinance or of Ordinance 69429. Nor shall a police officer be prohibited from making an arrest where there is a valid warrant for the arrest. Nothing in this Ordinance shall permit a police officer to use the smell, the visual presence of smoke or vapor of marijuana as probable cause to search.

#### **SECTION 5. Unlawful prohibition of legal activities as a condition of employment.**

It shall be an unlawful employment practice for an employer to refuse to hire any potential employee or to terminate the employment of any employee due to that person engaging in any activity that is the subject of this Ordinance, provided that the individual engaged in the activity is off the premises of the employer during non-working hours, unless such a restriction relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of a particular employee or a particular group of employees, rather than to all employees of the employer.

#### **SECTION 6. Effect on Ordinances Prohibiting Nuisances**

The provisions of this ordinance are not to be applied to negate the effect of other provisions regulating or prohibiting nuisances under ordinance number 68535 or other nuisance laws of the City of St. Louis.

#### **SECTION 7. Effect on Pending Marijuana Cases**

All individuals currently awaiting sentence for marijuana or marijuana paraphernalia-related offenses, at the time of the adoption of this ordinance will have their sentences adjudicated forthwith in accordance with this ordinance.

#### **SECTION 8. Effect on Past Marijuana Cases**

All charges for offenses of Ordinance 69429 shall be expunged from the records of all individuals who were charged in the Municipal Court of the City of St. Louis to the extent permitted by state law. The City of St. Louis shall treat all past offenses of Ordinance 69429 as void, shall not report said offenses to third parties, and shall not retain records of said offenses except as required by state law.

#### **SECTION 9. Severability**

The provisions of this ordinance are severable. In the event any provision of this ordinance is determined to be invalid, the remaining provisions shall not be affected thereby.