BOARD BILL NUMBER 180
INTRODUCED BY: ALDERWOMAN MEGAN-ELLYIA GREEN, ALDERMAN SHANE COHN, ALDERMAN DAN GUENTHER,
ALDERWOMAN CHRISTINE INGRASSIA, AND ALDERMAN FRANK WILLIAMSON

An ordinance concerning use of City resources to amend marijuana laws within the City of St. Louis, to amend Ordinance 69429, to regulate the use of City resources to enforce laws against marijuana and marijuana paraphernalia, to enforce marijuana laws by restricting illegal acts regarding marijuana usage or possession, to allow for police use of marijuana as cause for reasonable suspicion in searches, to minimize disproportionate penalties for violations, to prioritize enforcement activities of the City of St. Louis, including the St. Louis Metropolitan Police Department, and to eliminate redundant law enforcement of marijuana laws where adequate enforcement exists under federal law which prohibits the same conduct. The ordinance contains a savings provision and a severability provision.

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, 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;

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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 Metropolitan Police Department 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 Metropolitan Police Department, 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 more 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 Metropolitan Police Department, 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 ONE. 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 It 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 where the consumption of marijuana 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. This shall include, but is not limited to, all activities of the Metropolitan Police Department, the City Counselor’s Office, and the Municipal Court.

SECTION TWO. Repeal of Section Two of Ordinance 69429

Section Two of Ordinance 69429 shall be repealed.

SECTION THREE. Use of City Resources to Enforce Marijuana Laws

Except as provided in this Section, it shall be unlawful for any resources of the City of St. Louis to be expended or otherwise used to enforce laws that permit the civil or criminal punishment for the use or possession of marijuana or marijuana paraphernalia against any individual or entity.

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

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

(b) any individual who possesses more than two (2) ounces of marijuana or more than ten (10) marijuana plants for cultivation;
(c) any individual or entity that openly and publicly displays or consumes marijuana except for displays and consumption on private residential property where the person consuming marijuana is either an owner of the property, a person who has a leasehold interest in the property, or any other person who has been granted express or implied permission to consume marijuana on the property by the owner or the lessee of the property;

(d) any individual who displays, possesses, or consumes marijuana within one thousand (1,000) feet of the perimeter of any public or private day care, elementary school, middle school, junior high school, or high school with the intent to display, transfer, distribute, sell, or grow marijuana upon any city-owned street or sidewalk or upon any other property owned by the city;

(e) any individual who displays, transfers, distributes, sells, or grows marijuana on land or in buildings owned or operated by the state or federal governments;

(f) 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, provided that the owner posts a notice that openly and conspicuously informs the person regarding the private prohibition; or

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

SECTION FOUR. 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.

SECTION FIVE. Unlawful prohibition of legal activities as a condition of employment.

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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 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 SIX. Enforcement

(a) Any employee of the City of St. Louis who expends the City’s resources to enforce laws in violation of this Ordinance will lack the lawful authority to do so, and may be subject to discipline under the laws and rules pertaining to the Department of Personnel, unless said employee takes only such actions as necessary to comply with a lawful court order.

(b) In addition to the above penalties, any official, employee, or elected official of the City of St. Louis who expends the City’s resources to enforce laws in violation of this Ordinance will lack the lawful authority to do so, and may be subject to eviction from City real estate and the Board of Aldermen may, at any time, restrict or eliminate that individual’s use or access to additional City resources until such time as the violations are cured.

SECTION SEVEN. 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.