

BOARD BILL NUMBER 180 INTRODUCED BY: ALDERWOMAN MEGAN-ELLYIA GREEN, ALDERMAN BRANDON BOSLEY, 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;

October 27, 2017

Page 1 of 6

Board Bill No. 180

Introduced by: Alderwoman Megan-Ellyia Green, Alderman Brandon Bosley, Alderman Shane Cohn, Alderman Dan Guenther, Alderwoman Christine Ingrassia, and Alderman Frank Williamson

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

3 **WHEREAS**, the Metropolitan Police Department has contended that it is understaffed by
4 over 110 officers;

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

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

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

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

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

October 27, 2017

Page 2 of 6

Board Bill No. 180

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

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

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

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

9 **SECTION ONE. Definitions**

10 (a) “Enforce” means to investigate, arrest, refer for prosecution, or punish.

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

20 (c) “Openly” means occurring or existing in a manner that is unconcealed, undisguised,
21 or obvious.

22 (d) “Publicly” means occurring or existing in a public place; or occurring or existing in

October 27, 2017

Page 3 of 6

Board Bill No. 180

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1 any outdoor location where the consumption of marijuana is clearly observable from a public
2 place.

3 (e) “Public place” means any street, alley, park, sidewalk, public building other than
4 individual dwellings, or any place of business or assembly open to or frequented by the public,
5 and any other place to which the public has access.

6 (f) “Resources” means any funds, money, personnel, personnel time, grants, use of
7 facilities, property, real estate, approval, or other means that is owned or controlled by the City
8 of St. Louis. This shall include, but is not limited to, all activities of the Metropolitan Police
9 Department, the City Counselor’s Office, and the Municipal Court.

10 **SECTION TWO. Repeal of Section Two of Ordinance 69429**

11 Section Two of Ordinance 69429 shall be repealed.
12

13 **SECTION THREE. Use of City Resources to Enforce Marijuana Laws**

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

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

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

22 (b) any individual who possesses more than two (2) ounces of marijuana or more than ten
23 (10) marijuana plants for cultivation;

October 27, 2017

Page 4 of 6

Board Bill No. 180

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1 (c) any individual or entity that openly and publicly displays or consumes marijuana
2 except for displays and consumption on private residential property where the person consuming
3 marijuana is either an owner of the property, a person who has a leasehold interest in the
4 property, or any other person who has been granted express or implied permission to consume
5 marijuana on the property by the owner or the lessee of the property;

6 (d) any individual who displays, possesses, or consumes marijuana within one thousand
7 (1,000) feet of the perimeter of any public or private day care, elementary school, middle school,
8 junior high school, or high school with the intent to display, transfer, distribute, sell, or grow
9 marijuana upon any city-owned street or sidewalk or upon any other property owned by the city;

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

12 (f) any individual who displays, transfers, distributes, sells, or cultivates marijuana on
13 land or in buildings where the owner of the land or buildings has prohibited marijuana on the
14 premises, provided that the owner posts a notice that openly and conspicuously informs the
15 person regarding the private prohibition; or

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

17 **SECTION FOUR. Police Conduct**

18 This Ordinance shall not prohibit police officers from conducting searches based upon
19 the reasonable suspicion that an individual is in violation of this Ordinance or of Ordinance
20 69429.

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

October 27, 2017

Page 5 of 6

Board Bill No. 180

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

8 **SECTION SIX. Enforcement**

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

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

18 **SECTION SEVEN. Severability**

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

October 27, 2017

Page 6 of 6

Board Bill No. 180

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