

HJR 57 -- ADULT USE OF MARIJUANA

SPONSOR: Ellington

Upon voter approval, this constitutional amendment legalizes marijuana use for persons 21 years of age or older and regulates it in a manner similar to alcohol by requiring proof of age before purchase; prohibiting the sale, distribution, or transfer to minors; prohibiting driving under the influence of marijuana; requiring that legitimate taxpayers conduct sales of marijuana and not criminals; and specifying that marijuana sold in Missouri must be labeled and subject to additional regulations to ensure customers are informed and protected.

The amendment declares that industrial hemp should be regulated separately from strains of cannabis with higher delta-9 tetrahydrocannabinol concentrations.

The amendment specifies that certain acts are not unlawful and must not be an offense under Missouri law or the law of any locality or be a basis for seizure or forfeiture of assets under Missouri law for anyone who is 21 years of age and older.

The bill requires the Department of Revenue to adopt specified rules and regulations necessary for the implementation of these provisions no later than July 1, 2017. The rules and regulations must not prohibit the operation of marijuana establishments, either expressly or through rules and regulations that make their operation unreasonably impracticable.

The General Assembly must enact an excise tax to be levied upon marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store at a rate not to exceed 15% prior to January 1, 2021, and at a rate to be determined by the General Assembly thereafter and must direct the Department of Revenue to establish procedures for the collection of all taxes levied.

No later than October 1, 2018, each locality must enact an ordinance or regulation specifying the entity within the locality that is responsible for processing applications submitted for a license to operate a marijuana establishment by following regulations and provisions specified in the bill.

A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiative or referendum measure to prohibit

the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot.

Each application for an annual license to operate a marijuana establishment must be submitted to the Department of Revenue. The department must begin accepting and processing applications on October 1, 2018, as specified in the bill.

If the department does not adopt rules and regulations required by these provisions, an applicant may submit an application directly to a locality after January 1, 2019, and the locality may issue an annual license to the applicant.

Not later than July 1, 2019, the General Assembly must enact legislation governing the cultivation, processing, and sale of industrial hemp.

The General Assembly may enact an excise tax on the sale or transfer of marijuana not to exceed fifteen percent by January 01, 2022 with a specification of most funds for general revenue versus a five percent remainder which can be used for early childhood education and social services.

These provisions will become effective 30 days after majority approval of the voters of this state.