

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 83

101ST GENERAL ASSEMBLY

4034H.02C

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article XIV of the Constitution of Missouri, by adopting one new section relating to the legalization of marijuana for personal use.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article XIV of the Constitution of the state of Missouri:

Section A. Article XIV, Constitution of Missouri, is amended by adopting one new section, to be known as Section 2, to read as follows:

Section 2. 1. Findings and Declaration of Purpose.

The people of the state of Missouri find and declare as follows:

(1) In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the responsible adult use of marijuana should be legal for persons twenty-one years of age or older, subject to state regulation, taxation, and local ordinance; and

(2) In the interest of the health and public safety of Missourians, the legal adult use of marijuana should be regulated so that:

(a) Legitimate, taxpaying business people, not criminal actors, conduct sales of marijuana;

(b) Marijuana sold in this state shall be subject to testing, labeling, and regulation to ensure that consumers are informed and protected;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (c) Employers retain their rights to maintain drug- and alcohol-free places of
14 employment;

15 (d) Selling, transferring, or providing marijuana to individuals under twenty-
16 one years of age remains illegal; and

17 (e) Driving, flying, or boating while impaired by marijuana remains illegal.

18 2. Title.

19 This section shall be known as the "Smarter and Safer Missouri Act".

20 3. Clarification as a Substance.

21 Marijuana shall immediately be removed from the Missouri revised statutes' list
22 of controlled substances and shall no longer be listed among Missouri's drug schedules.
23 Marijuana shall no longer be considered a controlled substance or a drug.

24 4. Employers; Driving; Minors; Control of Property; Smoking in Public Places
25 and Open Spaces.

26 This section does not:

27 (1) Restrict the rights of employers to maintain a drug- and alcohol-free
28 workplace or affect the ability of employers to enact workplace policies restricting the
29 use of marijuana by employees or prospective employees;

30 (2) Require an employer to allow or accommodate the use, consumption,
31 possession, transfer, display, transportation, sale, or cultivation of marijuana in a place
32 of employment;

33 (3) Allow driving, flying, or boating while impaired by marijuana or prevent this
34 state from enacting and imposing penalties for driving, flying, or boating while impaired
35 by marijuana;

36 (4) Allow individuals who are under twenty-one years of age to purchase,
37 possess, transport, or consume marijuana or marijuana products;

38 (5) Allow the sale, transfer, or provision of marijuana or marijuana products to
39 individuals who are under twenty-one years of age;

40 (6) Restrict the rights of employers, schools, day care centers, adult care
41 facilities, health care facilities, or corrections facilities to prohibit or regulate conduct
42 otherwise allowed by this section when such conduct occurs on or in properties listed
43 under this subdivision;

44 (7) Restrict the ability of an individual, partnership, limited liability company,
45 private corporation, private entity, or private organization of any character that
46 occupies, owns, or controls property to prohibit or regulate conduct otherwise allowed
47 in this section on or in such property;

48 (8) Prohibit this state or political subdivisions of this state from prohibiting or
49 regulating conduct otherwise allowed by this section when such conduct occurs on or in

50 property that is occupied, owned, controlled, or operated by this state or political
51 subdivisions of this state; or

52 (9) Require a person to violate federal law or to implement or fail to implement a
53 restriction on the possession, consumption, display, transfer, processing, manufacturing,
54 or cultivation of marijuana if by doing so the person will lose a monetary or licensing-
55 related benefit under federal law.

56 5. Definitions.

57 (1) "Controlled substance list" or "CSL" means Missouri's list of controlled
58 substances as it pertains to Missouri statutes;

59 (2) "Establishment" means a marijuana cultivation facility, marijuana testing
60 facility, marijuana product manufacturing facility, or a retail store, marijuana store, or
61 other entity that cultivates, prepares, manufactures, packages, transports, or sells
62 marijuana, marijuana products, or marijuana accessories;

63 (3) "Marijuana" means all parts of the plant of the genus *Cannabis*, whether
64 growing; the seeds thereof; the resin extracted from any part of the plant; and every
65 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
66 or its resin, including marijuana concentrate. "Marijuana" shall not include industrial
67 hemp, nor shall it include fiber produced from the stalks, oil, or cake made from the
68 seeds of the plant; sterilized seed of the plant that is incapable of germination; or the
69 weight of any other ingredient combined with marijuana to prepare topical or oral
70 administrations, food, drink, or other products;

71 (4) "Marijuana accessories" means any equipment, products, or materials of
72 any kind that are used, intended for use, or designed for use in planting, propagating,
73 cultivating, growing, harvesting, composting, manufacturing, compounding, converting,
74 producing, processing, preparing, testing, analyzing, packaging, repackaging, storing,
75 vaporizing, or containing marijuana or for ingesting, inhaling, or otherwise introducing
76 marijuana into the human body;

77 (5) "Personal use" means personal use or consumption of marijuana by a person
78 twenty-one years of age or older.

79 6. Personal and Commercial.

80 (1) The following acts shall not be unlawful and shall not be an offense under
81 Missouri law:

82 (a) Possession or consumption of marijuana for personal use;

83 (b) Cultivating marijuana for personal use;

84 (c) Cultivating, harvesting, processing, manufacturing, packaging, distributing,
85 transferring, displaying, or possessing marijuana, marijuana accessories, or marijuana
86 products for commercial purposes, provided the person has current applicable licensing

87 to operate a commercial establishment. No special licensing shall be required beyond
88 that which is applicable for the cultivating, harvesting, processing, manufacturing,
89 packaging, distributing, transferring, displaying, or possession of any nontoxic food or
90 food product;

91 (d) Providing marijuana, marijuana accessories, or marijuana products for sale
92 to consumers twenty-one years of age or older; and

93 (e) Leasing or otherwise allowing the use of property owned, occupied, or
94 controlled by any person, corporation, or other entity for any of the activities conducted
95 lawfully in accordance with paragraphs (a) to (d) of this subdivision.

96 (2) The use or possession of marijuana shall in no way impede on a person's legal
97 right to possess a firearm.

98 7. Law Enforcement and the Courts.

99 (1) Missouri's law enforcement and its courts shall protect marijuana users and
100 such users' property without discrimination and with every effort afforded to every
101 citizen of Missouri and our nation.

102 (2) The use or possession of marijuana by a person twenty-one years of age or
103 older shall not be grounds for issuing a driving under the influence stop, charge, arrest,
104 or fine when riding as a passenger of a motor vehicle.

105 (3) No Missouri law enforcement personnel or state funds shall be used to assist
106 or aid in the enforcement of federal marijuana laws involving acts that are no longer
107 illegal in the state of Missouri under this section.

108 (4) Asset or civil forfeiture shall no longer be used in the state of Missouri in
109 association with marijuana cultivation, use, sale, or possession by a person twenty-one
110 years of age or older.

111 (5) Upon the passage and approval of this section, all persons incarcerated or
112 under the supervision of the Missouri parole board for nonviolent, marijuana-only
113 offenses that are no longer illegal in the state of Missouri under this section shall be
114 immediately released and shall not be subject to supervision for those offenses.

115 (6) Within sixty days of the passage and approval of this section, a legal
116 document shall be developed and made available to the public ordering the immediate
117 destruction of all marijuana-related, nonviolent civil and criminal records in Missouri
118 and for any offense covered by this section that is no longer illegal in the state of
119 Missouri under this section. Such document shall be distributed to all pertinent parties
120 throughout the state.

121 (7) Within sixty days of the passage and approval of this section, Missouri's
122 courts shall order the immediate expungement of civil and criminal records pertaining

123 **to all nonviolent, marijuana-only offenses that are no longer illegal in the state of**
124 **Missouri under this section.**

125 **8. Regulation and Taxation.**

126 **Taxation and regulation of marijuana for personal use shall be within the**
127 **purview of the general assembly, but the general assembly shall not enact laws that**
128 **hinder the rights of adults to access marijuana for personal use granted under this**
129 **section.**

130 **9. Existing Local and State Law.**

131 **All provisions of this section shall supersede any conflicting city, county, or state**
132 **statutory, local charter, ordinance, or resolution.**

133 **10. Severability Clause.**

134 **If any provision of this section or its application to any person or circumstance is**
135 **held invalid, such determination shall not affect the provisions or applications of this**
136 **section that may be given effect without the invalid provision or application and to that**
137 **end the provisions of this section are severable.**

138 **11. Effective Date.**

139 **The provisions of this section shall become effective on January 31, 2024.**

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