

ORDINANCE NO. 4105

AN ORDINANCE AMENDING PROVISIONS OF ARTICLE VIII OF CHAPTER THIRTY-TWO DEALING WITH DRUG OFFENSES OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLINTON, MISSOURI, AS FOLLOWS:

Section 1. Section 32-302 is hereby amended to read as follows:

Sec. 32-302. Definitions.

All terms used in this division shall have the meanings provided in RSMo 195.010, or Article XIV of the Missouri Constitution.

Section 2. Section 32-303 is hereby amended to read as follows:

Sec. 32-303. Possession or sale of a controlled substance.

No person shall sell, give away, manufacture, use or possess for any purpose whatever any controlled substance except as authorized by RSMo ch. 195 or ch. 579, or Article XIV of the Missouri Constitution.

Section 3. Section 32-304 is hereby amended to read as follows:

Sec. 32-304. Distribution by licensed parties.

- (a) A licensed medical practitioner shall be permitted to prescribe, administer and dispense or distribute controlled substances to a patient in good faith and in the course of their professional practice only, and shall not be permitted to possess controlled substances for any other purpose.
- (b) Licensed pharmacists shall be permitted to dispense or distribute controlled substances to patients under and in pursuance of written prescriptions issued by any licensed practitioner and shall not be permitted to possess controlled substances for any other purpose.
- (c) All instances of professional distribution of controlled substances as provided in subsections (a) and (b) of this section shall be recorded in a suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the city.
- (d) No prescription for controlled substances shall be renewed or refilled, except as regulated by state and federal law.
- (e) Marijuana and marijuana infused products, as defined by Article XIV of the Missouri Constitution, shall only be sold or distributed in compliance with Article XIV of the Missouri Constitution and regulations adopted thereunder by persons holding licensure authorizing such sale or distribution.

Section 4. Section 32-305 is hereby amended to read as follows:

Sec. 32-305. Permitted possession of controlled substances.

Any person under the care of a licensed practitioner shall be permitted to possess controlled substances distributed or dispensed to the person under the provisions of this division, but such possession and use must be in accordance with the prescription and prescribed treatment, other than marijuana and marijuana infused products as governed in Section 32-315.

Section 5. Section 32-315 is hereby adopted to read as follows:

Sec. 32-315. Marijuana regulation.

- a) It shall be unlawful for any person to commit any of the following acts:

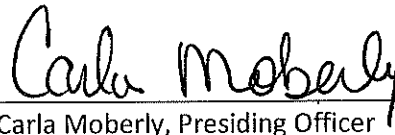
- 1) Delivery or distribution of marijuana or marijuana infused products, as those terms are defined in Article XIV of the Missouri Constitution, to a person under 21 years of age.
 - 2) Possession of marijuana or marijuana infused products by a person under 21 years of age.
 - 3) Smoking marijuana within a motor vehicle while such vehicle is being operated.
 - 4) Possession of marijuana, marijuana infused products, or marijuana accessories on the grounds of any public or private school or university.
 - 5) Possession of three ounces or more but less than six ounces of dried, unprocessed marijuana or its equivalent.
 - 6) Cultivation of marijuana plants without a license from the state of Missouri, or in a way that is visible with unaided vision from a public place, or is not in a locked space.
 - 7) Possession of more than six ounces of dried, unprocessed marijuana or its equivalent.
- b) Any person violating the provisions of subsections (a)(5) and (6) shall be, for a first violation, subject to a civil penalty up to \$250.00 dollars, plus court costs.
 - c) Any person violating the provisions of subsection (a)(3) shall be subject to a civil penalty of up to \$100.00 dollars plus payment of costs.
 - d) All other violations of this Section shall be punishable by a civil penalty of up to \$500.00 plus payment of Court costs.
 - e) Any fine imposed for violation of this subsection (a)(5) or (a)(6) shall be remitted for public service at the rate of \$15.00 per hour, or the then current minimum wage, whichever is greater. Any person under 21 violating subsection (a)(5) or (a)(6) shall be offered four hours of drug education or counseling in lieu of monetary penalty.

Section 6. It is intended that the provisions of this ordinance shall be incorporated into the Code of Ordinances.

Section 7. This ordinance shall be in full force and effect from and after its passage.

Read for the first time the 20th day of December, 2022.

Read for a second time and passed this 3rd day of January, 2023.




Carla Moberly, Presiding Officer

ATTEST:

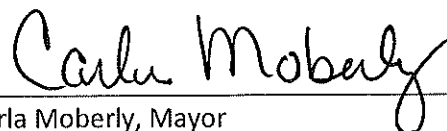
7 Ayes: Roger House, Cameron Jackson, Martha Nichols, Rick Pereles, Becky Raysik, Debbie Smith and Daniel Wilson

0 Nays

1 Absent: Gene Henry


Wendee Seaton, City Clerk




Carla Moberly, Mayor