

Sponsored by: Councilman Borgmann
Councilwoman Baker

BILL NO. 4806

ORDINANCE NO. 2022-4744

AN ORDINANCE AMENDING CHAPTER 14, OFFENSES RELATED TO DRUGS AND ALCOHOL, OF THE MUNICIPAL CODE REGARDING EXCEPTIONS TO THE OFFENSE OF POSSESSION OF A CONTROLLED SUBSTANCE AND UNLAWFUL USE OF DRUG PARAPHERNALIA

WHEREAS, Chapter 14 of the Municipal Code contains provisions regarding unlawful possession of a controlled substance; and

WHEREAS, Missouri voters approved an amendment to Section XIV of the Missouri Constitution in the November 8, 2022, general election which removed state restrictions related to purchasing, possession, consuming, using, delivering, manufacturing, and selling marijuana for personal use for adults over the age of twenty-one; and

WHEREAS, the approved amendment creates an additional exception under Section XIV of the Missouri Constitution for unlawful possession of a controlled substance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF MARYLAND HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1: Section 14-1, Possession of a Controlled Substance, of the City of Maryland Heights Municipal Code is hereby repealed and the following new Section 14-1, Possession of a Controlled Substance, is hereby adopted:

Section 14-1, Possession of a Controlled Substance

- (a) A person commits the offense of possession of a controlled substance if he or she knowingly possesses or delivers a controlled substance, except as authorized by RSMo., Chapter 195 or Chapter 579 or by Article XIV, Section 1 or Section 2 of the Missouri Constitution. In any complaint, information, action, or proceeding brought for the enforcement of this section, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this Code or RSMo., Chapter 195 or Chapter 579, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.
- (b) This section shall not apply to the possession of any controlled substance lawfully prescribed by a physician for use by the person in possession of the same.

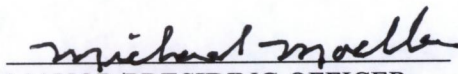
Section 2: Section 14-3, Possession and Distribution of Drug Paraphernalia, of the City of Maryland Heights Municipal Code is hereby repealed and the following new Section 14-3, Possession and Distribution of Drug Paraphernalia, is hereby adopted:

Section 14-3, *Possession and Distribution of Drug Paraphernalia*

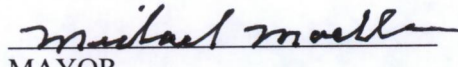
- (a) No person shall knowingly uses or possesses with intent to use drug paraphernalia as defined by RSMo., Chapter 195, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by or an imitation controlled substance as defined by RSMo., Chapter 195, in violation of RSMo., Chapter 195 or Chapter 579.
- (b) No person shall distribute, deliver, or sell, possess with intent to deliver, or manufacture with intent to distribute, deliver, or sell, drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of RSMo., Chapter 195 or Chapter 579.
- (c) This section shall not apply to the possession or distribution of any drug paraphernalia needed: (i) for the lawful prescription by a physician for use of a controlled substance by the person in possession of same or (ii) by a person or entity licensed or authorized for such possession or distribution pursuant to Article XIV, Section 1 or Section 2 of the Missouri Constitution.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval.

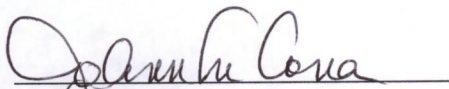
PASSED BY THE CITY COUNSEL THIS 15TH DAY OF DECEMBER 2022.


MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS 15th DAY OF DECEMBER 2022.


MAYOR

ATTEST:


CITY CLERK

