

HB 2733 -- LEGALIZATION OF MARIJUANA

SPONSOR: Merideth

This bill legalizes the possession and use of marijuana by an individual 21 years of age or older, removes marijuana, tetrahydrocannabinols (THC), and synthetic cannabinoids, as defined, from the list of controlled substances under Section 191.776, RSMo, and amends the definitions of "intoxicated" or "intoxicated condition", "intoxicated-related traffic offense", and "smoking" in relation to cannabis.

Before March 1, 2024, the Division of Tobacco and Alcohol Control shall adopt rules and regulations for the implementation of the provisions of this bill. Such rules and regulations shall include procedures, requirements, qualifications, and fees for the issuance, renewal, suspension, and revocation of a license to operate a cannabis establishment; labeling requirements and health and safety regulations and standards for cannabis products; restrictions on advertising and limiting the number of licenses a single entity may possess to five licenses; and civil penalties for the failure to comply with such rules and regulations. The Division shall begin accepting and processing applications on August 28, 2024.

An individual convicted of an offense in the state involving marijuana prior to the enactment of the provisions of this bill shall have their record automatically expunged for such offense pursuant to a schedule provided for in the bill.

A locality, as defined in the bill, may prohibit the growth, manufacturing, sale, and delivery of cannabis by passing a zoning law or ordinance, but may not prohibit the use or possession of cannabis in any way that is inconsistent with the provisions of this bill or Article XIV of the Constitution of Missouri. Any locality, in addition to state sales tax imposed under the provisions of this bill, may impose a sales tax on the sale of cannabis.

The Division shall develop and maintain a seed-to-sale tracking system to ensure that no cannabis grown or processed by a cannabis establishment is sold or otherwise transferred except by a retail cannabis store.

A tax is levied on the sale of cannabis to consumers or buyers not licensed for resale at a rate not to exceed 15%. All revenues collected from the levy of this tax shall be deposited to the credit of the general revenue.

Except as provided under Article XIV of the Missouri Constitution relating to medical marijuana, the sale, giving away, or otherwise supplying of cannabis to any person under the age of 21 shall be a misdemeanor. Except as provided under Article XIV of the Missouri Constitution relating to medical marijuana, an owner or occupant of any property who knowingly allows a person under the age of 21 to possess or use cannabis or knowingly fails to stop a person under the age of 21 from possessing or using cannabis on such property shall be guilty of a class B misdemeanor for a first violation and a class A misdemeanor for any second or subsequent violation.

Any person between the age of 17 and 20 who presents themselves as 21 years of age or older for the purpose of purchasing, asking for, or in any way receiving cannabis, except as authorized by law, shall be guilty of a misdemeanor. Any person 16 years of age or younger who presents themselves as 21 years of age or older for the purpose of purchasing, asking for, or in any way receiving cannabis, except as authorized by law, shall be considered a delinquent child under Chapter 211 and dealt with in accordance with the provisions of that chapter.

An individual attempting to purchase or use cannabis procured from a licensee under the provisions of this bill shall disclose upon request any form of identification as described in the bill to prove the individual is 21 years of age or older to the licensee or to any agent of the Division.

No person who operates any premise where food, beverages, or entertainment is sold or provided may permit the use of cannabis on such premise without holding a valid license. This license shall be in a form and manner as prescribed by the Division. The use of cannabis in a licensed premises shall be as provided under subsection 3 of Section 311.480 as it relates to intoxicating liquor. Any premise operated in violation of the provisions of this bill shall be declared a public and common nuisance and the Division and the relevant prosecuting attorney shall enjoin the nuisance. Any person knowingly operating such premise in violation of the provisions of this bill shall be guilty of a class A misdemeanor.

No cannabis may be served or sold on any premise used as a polling place on election day.

The Division shall promulgate rules for voluntary self-exclusion whereby an individual may voluntarily exclude themselves from the sale of cannabis and placed on a self-exclusion list. All sellers of cannabis shall have access to the list. Any person who sells cannabis to a person who is on the self-exclusion list shall be guilty of a class A misdemeanor.