

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending sections 24002, 24004., and 24005., Jackson County Code, 1984, relating to land use and development.

ORDINANCE NO. 5271, September 30, 2019

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, on November 6, 2018, Missouri voters approved article XIV to the Missouri Constitution, which legalized the use of medical marijuana in Missouri; and,

WHEREAS, section 7(11) of article XIV grants Missouri local governments the authority to “enact ordinances as regulations not in conflict with this section, governing the time, place, and manner of operation of (marijuana) facilities in the locality”; and,

WHEREAS, the Jackson County Plan Commission after a public hearing on September 19, 2019, voted 5 to 0 to recommend adoption of this Ordinance; and,

WHEREAS, after a review of article XIV in connection with the Jackson County United Development Code (Chapter 240, Jackson County Code, 1984), and in consideration of the recommendation of the Plan Commission, the Legislature has determined it to be in the best interest of the health, welfare, and safety of the citizens of Jackson County that the time, place, and manner regulations embodied in this Ordinance be adopted; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Sections 24002., 24004., and 24005., Jackson County Code, 1984, are hereby amended by the addition/revision of the following subsections, with existing subsections to be renumbered accordingly:

24002.2 TERMS DEFINED

a. For the purpose of the UDC, the following terms, words and their derivations and phrases shall have the following meanings. If any words and phrases are not defined by these regulations, but are defined in state or federal laws, the state or federal law definition shall apply.

7. Administer. The direct applications of Marijuana to a qualifying patient by way of any of the following methods:

- (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- (c) Application of ointments or balms;
- (d) Transdermal patches and suppositories;
- (e) Consuming Marijuana-infused food products; or
- (f) Any other method recommended by a qualifying patient's physician.

111. Marijuana or Marihuana. *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute Marijuana, as well as resin extracted from the plant and Marijuana-infused Products. "Marijuana" or "Marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

112. Marijuana-infused Products. Products that are infused with Marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.
115. Medical Marijuana Cultivation Facility. A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell Marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-infused Products Manufacturing Facility.
116. Medical Marijuana Dispensary Facility. A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver Marijuana, Marijuana-infused Products, and drug paraphernalia used to administer Marijuana as provided for in Article XIV of the Missouri Constitution to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-infused Products Manufacturing Facility.
117. Medical Marijuana-infused Products Manufacturing Facility. A facility licensed by the Missouri Department of Health and Senior Services to acquire store, manufacture, transport, and sell Marijuana-infused Products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-infused Products Manufacturing Facility.
118. Medical Marijuana Testing Facility. A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport Marijuana.
119. Medical Use. The production, possession, delivery, distribution, transportation, or administration of Marijuana or a Marijuana-infused Product, or drug paraphernalia used to administer Marijuana or a Marijuana-infused Product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's Qualifying Medical Condition.
158. Physician. An individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

163. Qualifying Medical Condition. The condition of, symptoms related to, or side-effects from the treatment of:

- (a) Cancer;
- (b) Epilepsy;
- (c) Glaucoma;
- (d) Intractable migraines unresponsive to other treatment;
- (e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
- (f) Debilitating psychiatric disorders, including but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- (g) Human immunodeficiency virus or acquired immune deficiency syndrome;
- (h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
- (i) Any terminal illness; or
- (j) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's diseases, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and waste syndrome.

164. Qualifying Patient. A Missouri resident diagnosed with at least one Qualifying Medical Condition.

24004.2 AGRICULTURAL DISTRICT (AG)

b. Permitted Uses. The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

13. Medical Marijuana Cultivation Facility, subject to the conditions established in Section 24005.14, except as to any property located in a platted subdivision and improved with a residential dwelling unit.

24004.3 RESIDENTIAL RANCHETTE DISTRICT (RR)

c. Conditional Uses. The following conditional uses are authorized subject to the provisions of Section 24003.21.

6. Medical Marijuana Cultivation Facility, pursuant to Section 24005.14.

24004.8 LOCAL BUSINESS DISTRICT (LB)

c. Conditional Uses. The following conditional uses are authorized, subject to the provisions of Section 244004.21.

4. Medical Marijuana Dispensary Facility, pursuant to Section 24005.14, except as to any property improved with a residential dwelling unit.

24004.9 GENERAL BUSINESS DISTRICT (GB)

b. Permitted Uses. The following uses are authorized as permitted uses subject to any conditions established in these district provisions.

11. Medical Marijuana Dispensary Facility, subject to the conditions established in Section 24005.14, except as to any property improved with a residential dwelling unit.

24004.11 LIGHT INDUSTRIAL DISTRICT (LI)

b. Permitted Uses. The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

20. Medical Marijuana Cultivation Facility, subject to the conditions established in Section 24005.14.
21. Medical Marijuana Dispensary Facility, subject to the conditions established in section 24005.14.
22. Medical Marijuana-infused Products Manufacturing Facility, subject to the conditions established in Section 24005.14.
23. Medical Marijuana Testing Facility, subject to the conditions established in Section 24005.14.

24005.14 MEDICAL MARIJUANA BUSINESSES

Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities, Medical Marijuana-infused Products Manufacturing Facilities, and Medical Marijuana Testing Facilities are permitted uses in certain districts, and may be authorized as conditional uses in others. However, any such facility, without regard to whether it is a permitted or conditional use, must comply with the following conditions:

- a. All such facilities must be licensed by the Missouri Department of Health and Senior Services.
- b. No such facility may be initially located within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Jim D. Hall
Chief Deputy County Counselor

Bryan O. Cousins
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5271 introduced on September 30, 2019, was duly ~~passed~~ defeated on October 14, 2019 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 5

Nays 1

Abstaining 0

Absent 3

DEFEATED OCT 14 2019

This Ordinance is hereby transmitted to the County Executive for his signature.

10.14.19
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5271.

Date

Frank White, Jr., County Executive