

**AN ORDINANCE OF THE CITY OF HALLSVILLE, MISSOURI AMENDING CHAPTERS 210.1600, 210.1610, 210.1630, 342.010, 342.050 AND ENACTING CHAPTER 210.1670 NO PUBLIC SMOKING OF MARIJUANA OR SYNTHETIC CANNABINOID TO ADDRESS CHANGES TO THE MISSOURI CONSTITUTION CONCERNING POSSESSION OF RECREATIONAL MARIJUANA AND RESTRICTING PUBLIC SMOKING AND CONSUMPTION OF MARIJUANA**

WHEREAS, Article XIV Section 2 of the Missouri Constitution permits the use, possession, sale, transportation, manufacture, and cultivation of recreational marijuana; and

WHEREAS, Article XIV Section 2 Subsection 5(6)(a) empowers local governments to regulate the time and place where marijuana may be smoke in public areas within the locality; and

WHEREAS, the Board of Aldermen of the City of Hallsville, Missouri desires to prohibit the consumption of marijuana in public areas of the City; and

WHEREAS, the Board of Aldermen of the City of Hallsville, Missouri finds that a prohibition on the public consumption of marijuana is in the best interest of the health and safety of Hallsville residents;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HALLSVILLE, MISSOURI AS FOLLOWS:

**SECTION 1:**

CHAPTER 210.1600 POSSESSION OF MARIJUANA OR SYNTHETIC CANNABINOID IS HEREBY AMENDED AS FOLLOWS:

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, or Chapter 195, RSMo., or Article XIV of the Missouri Constitution.

CHAPTER 210.1610 POSSESSION OF A CONTROLLED SUBSTANCE IS HEREBY AMENDED AS FOLLOWS:

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, or Chapter 195, RSMo., or Article XIV of the Missouri Constitution.

CHAPTER 210.1630 UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA IS HEREBY AMENDED AS FOLLOWS:

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, 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 an imitation controlled substance in violation of Chapter 579, or Chapter 195, RSMo., or Article XIV of the Missouri Constitution.

CHAPTER 210.1670 IS HEREBY ENACTED AS FOLLOWS:

SECTION 210.1670 NO Public Smoking of Marijuana or Synthetic Cannabinoid

Smoking In Public Places Prohibited.

1. For purposes of this Section, the term “public place” shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot, or any place open to the general public, except those areas specifically designated by the owner or person/entity in control of such premises as being permitted for the smoking, ingestion, or consumption of marijuana, synthetic cannabinoid, marijuana-infused product, preroll, or infused preroll, and where such smoking, ingestions, or consumption is otherwise lawful under Missouri law.
2. No person shall smoke, ingest, or consume marijuana, synthetic cannabinoid, marijuana-infused product, preroll, or infused preroll in or on any public place.
3. No person shall possess or have under his/her control any marijuana, synthetic cannabinoid, marijuana-infused product, preroll, or infused preroll that is not stored in a secured, sealed, or resealable, odor-proof, child-resistant package, container, or receptacle while in or upon any public place.
4. No person shall possess or have under his/her control any marijuana, synthetic cannabinoid, marijuana-infused product, preroll, or infused preroll that is not stored in a secured, sealed or resealable, odor-proof, child-resistant package, container, or receptacle while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession marijuana, synthetic cannabinoid, marijuana-infused product, preroll, or infused preroll that is not stored in a secured, sealed or resealable, odor-proof, child-resistant package, container, or receptacle contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the marijuana, synthetic cannabinoid, marijuana-infused product, preroll, or infused preroll that is not stored in a secured, sealed or resealable, odor-proof, child-resistant package, container, or receptacle.

CHAPTER 342.010 DEFINITIONS IS HEREBY AMENDED AS FOLLOWS:

INTOXICATED or INTOXICATED CONDITION

When a person is under the influence of alcohol, marijuana, synthetic cannabinoid, a controlled substance, or drug, or any combination thereof.

CHAPTER 342.050 CONSUMPTION OF ALCOHOLIC BEVERAGES WHILE DRIVING IS  
HEREBY AMENDED AS FOLLOWS:

Section 342.050 Consumption While Driving

A. A person commits the offense of consumption while driving if he or she operates a moving motor vehicle upon any public thoroughfare for vehicles, including State roads, County roads and public streets, avenues, boulevards, parkways or alleys in the City while consuming any alcoholic beverage marijuana, synthetic cannabinoid, controlled substance, or drug, or any combination thereof.

B. The offense of consumption while driving is an ordinance violation and shall not be reflected on any records maintained by the Department of Revenue.

**SECTION 2:** If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

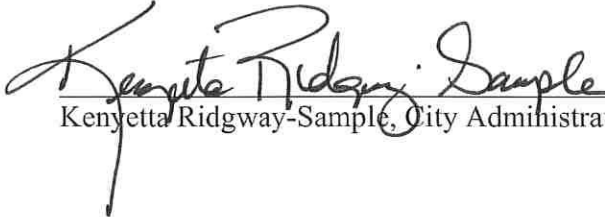
**SECTION 3:** This ordinance shall be in full force and effect from the date of its final passage and approval.

THIS ORDINANCE SHALL HAVE IMMEDIATE FORCE AND EFFECT UNDER THE LAWS OF THE CITY AND STATE OF MISSOURI.

READ TWO TIMES AND PASSED THIS 13<sup>th</sup> DAY OF NOVEMBER, 2023.

  
Logan Carter, Mayor

ATTEST:

  
Kenyetta Ridgway-Sample, City Administrator/City Clerk