NOTICE: You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal or modify by implication, the following provisions of the Constitution of Missouri--- Sections 9, 10, 14, 15, 31 & 32 of Article I; Sections 36, 39 & 39(a) of Article III; Sections 7, 12, 15, 22, 23, 27(a) & 48 of Article IV; Sections 14, 18 & 24 of Article V; Section 18(d) of Article VI; Section 1 and 4 of Article VII; Sections 2 of Article VIII; Sections 3(a), 7, and 9(b) of Article IX; Sections 1, 2, 3, 4(a), 6, 10(b), 17, 18, 18(e), 19, 20 & 24 of Article X; and Section 2(b) of Article XII.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted to be known as Article I, Section 35(a) and to read as follows:

35(a) 1. Citizens over the age of twenty-one years shall have the right to engage in the production, sale, distribution, and consumption of marijuana and the manufacture of goods from hemp, subject to reasonable regulations adopted by the state government pursuant to this section.

2. The purposes of this section are:

(1) To promote the vital state interest in the regulation of the sale and distribution of marijuana in order to combat illegal underage use of marijuana, and achieve other important state policy goals such as maintaining an orderly marketplace composed of state-licensed marijuana producers, distributors, and retailers;

(2) To eliminate the problems caused by the prohibition and uncontrolled criminal manufacture, production, delivery, and possession of marijuana within this state;

(3) To prevent the production, sale, distribution, and recreational consumption of marijuana by those under twenty-one years of age, as the consumption of marijuana poses particular hazards to minors, whose brains are still in a state of development;

(4) To legalize under state law the use of marijuana by individuals who are suffering from a medical condition when their doctors advise that such use may provide a medical benefit to them;

(5) To raise tax revenue from the production and sale of marijuana, and to allocate such revenue for state and local law enforcement and firefighter pensions and retirement plans, for elementary, secondary, and higher education, for the cities and counties of this state, for mental health and substance abuse programs, and for the division for the purposes of enforcing regulations upon the sale and distribution of marijuana authorized by this section;

(6) To legalize under state law the manufacture, production, and delivery of industrial hemp, and to regulate industrial hemp under state law in a manner separate and apart from the regulation of marijuana;

(7) To legalize under state law the manufacture, production, possession, and use of marijuana by persons twenty-one years of age and older; and

(8) To legalize under state law the delivery of marijuana by persons twenty-one years of age and older to persons twenty-one years of age and older.

3. The people of the state of Missouri intend that the rules, regulations, and laws promulgated and enacted in accordance with subsection 7 of this section, together with the other provisions of existing state law, will:

(1) Prevent the distribution of marijuana to persons under twenty-one years of age;

(2) Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

(3) Prevent the diversion of marijuana from this state to other states;

(4) Prevent marijuana activity that is legal under state law from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

(5) Prevent violence and the use of firearms in the cultivation and distribution of marijuana;

(6) Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of marijuana;

(7) Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands;

(8) Prevent the possession and use of marijuana on federal property; and

(9) Prevent the marketing and advertisement of marijuana, marijuana products, marijuana extracts, marijuana paraphernalia, or marijuana usage to those under twenty-one years of age.

4. Unless the context clearly indicates otherwise, as used in this section, the following terms have the following meanings:

(1) "Consumer" means an individual who purchases, acquires, owns, holds, or uses marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia other than for the purpose of resale.

(2) "Deliver" or "delivery" means the transfer from one person to another of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia, whether or not there is an agency relationship, and includes a sale.

(3) "Department" means the department of health and senior services, or any successor department.

(4) "Division" means the division of alcohol and tobacco control within the department of public safety, or any successor division or department.

(5) "Entity" includes a corporation, professional corporation, nonprofit corporation, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity, and includes a government subdivision or agency.

(6) "Expungeable marijuana offense" means:

(a) The manufacture, production, possession, or use of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia; or

(b) The delivery, possession with intent to deliver, or trafficking of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia to one or more individuals if such individuals were twenty-one years of age or older at the time of the offense.

(7) "Fair market sale" means, with respect to the sale of a product, a sale in which the purchase price of the product is not less than the price that a willing seller would accept and a willing buyer would pay in the open market and in competition with other similar products.

(8) "Household exemption limits" means, at any given time:

(a) Six marijuana plants and twelve ounces of usable marijuana;

(b) Sixteen ounces of marijuana products in solid form; and

(c) Seventy-two ounces of marijuana products in liquid form.

(9) "Industrial hemp" means Cannabis Sativa L. containing no greater than one percent tetrahydrocannabinol.

(10) "License" means any license, permit, registration, consent, or authorization issued, granted, given, or otherwise made available by or under the authority of any state or local governmental body, agency, or official.

(11) "Licensee" means any person who holds:

(a) A marijuana license; or

(b) A license issued by any state agency for the purchase, sale, manufacturing, production, processing, transportation, or delivery of industrial hemp.

(12) "Manufacture" means the production, preparation, propagation, compounding or processing of marijuana paraphernalia or of marijuana, marijuana products, or marijuana extracts, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

(13) "Marijuana" means all parts of the plant genus Cannabis in any species or form thereof, whether growing or not, other than marijuana extracts.

(14) "Marijuana extract" means a product obtained by separating resins from marijuana by solvent extraction, using solvents other than water, vegetable glycerin, plant oils, and dairy products, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide.

(15) "Marijuana license" means a license issued by the division for the purchase, sale, manufacturing, production, processing, transportation, or delivery of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia.

(16) "Marijuana paraphernalia" means all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body marijuana, marijuana products, or marijuana extracts.

(17) "Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption. Marijuana products does not mean marijuana by itself, or a marijuana extract by itself.

(18) "Marijuana retailer" means a person who sells marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia to a consumer in this state.

(19) "Person" includes any individual or entity.

(20) "Person twenty-one years of age and older" includes any entity in which no individual under twenty-one years of age holds a direct or indirect interest.

(21) "Produce" or "production" includes the manufacture, planting, cultivation, growing, or harvesting of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia.

(22) "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

(23) "State law" means any state or local law, regulation, rule, charter, ordinance, or other governmental action.

(24) "Tax" means any income, gross receipts, excise, stamp, property, windfall profit, personal property, sales, use, transfer, value added, concession, add on minimum, or other tax, fee, assessment, levy, tariff, charge, or duty of any kind whatsoever imposed, assessed, or collected by or under the authority of any governmental body.

(25) "Usable marijuana" means dried marijuana flowers and dried marijuana leaves, and any mixture or preparation thereof.

5. Except as otherwise provided in this section, no state law shall:

(1) Prohibit the possession or use of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia by persons twenty-one years of age and older;

(2) Prohibit the transportation or delivery of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia by persons twenty-one years of age and older to persons twenty-one years of age and older;

(3) Prohibit the purchase, sale, manufacturing, production, and processing of marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia by persons twenty-one years of age and older;

(4) Prohibit the purchase, sale, manufacturing, production, processing, transportation, or delivery of industrial hemp; or

(5) Provide for the seizure or forfeiture of any property used in connection with any purchase, sale, manufacturing, production, processing, transportation, delivery, possession, or use of marijuana, marijuana products, marijuana paraphernalia, or industrial hemp if such manufacture, production, delivery, possession, or use is lawful under state law.

6. Notwithstanding subsection 5 of this section, a state law may:

(1) Prohibit the importation and exportation of marijuana, marijuana products, and marijuana extracts into and from this state;

(2) Prohibit the purchase, sale, manufacturing, production, processing, or delivery of marijuana, marijuana products, and marijuana extracts in or on, or within one thousand feet of, real property comprising a public or private elementary or secondary school, public vocational school, or a public or private community college, college, or university attended primarily by individuals under twenty-one years of age;

(3) Prohibit the operation of a vehicle, watercraft, aircraft, railroad train, or any similar device while using or under the influence of marijuana;

(4) Prohibit the use of marijuana, marijuana products, and marijuana extracts in a public place, provided however that the penalty for violation of such law may not exceed that for an infraction;

(5) Prohibit the purchase, sale, manufacturing, production, processing, transportation, delivery, or possession of marijuana, marijuana products, and marijuana extracts by any person that does not comply with any rules, regulations, and laws promulgated and enacted in accordance with subsection 7 of this section;

(6) Classify the penalties for violations of such laws;

(7) Impose an excise tax on the first fair market sale of all marijuana produced in this state at a rate of twenty-five percent of the purchase price.

7. Subject to the provisions of subsection 8 of this section, on or before June 1, 2015, the division shall promulgate rules and regulations that control and regulate the purchase, sale, manufacturing, production, processing, transportation, delivery, possession, and use of marijuana, marijuana products, marijuana extracts, and marijuana paraphernalia, including but not limited to rules, regulations, and laws that:

(1) Require a person to obtain a marijuana license to purchase, sell, manufacture, produce, process, transport, or deliver marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia;

(2) Provide for the collection of the excise tax provided in paragraph 7 of subsection 6 of this section;

(3) Provide for the enforcement of such laws and for the examination and inspection of the books, records, and premises of licensees;

(4) Regulate the advertising of marijuana, marijuana products, marijuana extracts, and marijuana paraphernalia;

(5) Provide for the receipt and transfer of all funds received by the state from the excise taxes and license and other fees collected under such laws, as follows:

(a) First, to the division, an amount that the general assembly deems necessary for the division to carry out the division's obligations under such laws, including a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out such obligations;

(b) Next, the remainder of such funds, to such specific transferees as the general assembly may determine, for the following purposes: (i) for state and local law enforcement and firefighter pensions and retirement plans, twenty-five percent; (ii) for public institutions of elementary and secondary education, twenty-five percent; (iii) for mental health and substance abuse programs, twenty percent; (iv) for cities and counties, fifteen percent; and (v) for public institutions of higher education or for scholarships to attend such institutions, fifteen percent; and

(c) All moneys appropriated by the general assembly from the excise taxes authorized in paragraph 7 of subsection 6 of this section shall provide additional funds for the purposes enumerated above and not replace existing funding.

(6) Limit the amount of marijuana, marijuana products, or marijuana extracts that a person other than a licensee may possess at any given time, provided however that the penalty for violation of such law may not exceed that for an infraction for the first violation and a misdemeanor for any second or subsequent violation.

8. No state law or combination of state laws shall:

(1) Except for the tax provided in paragraph (7) of subsection 6 of this section, impose any tax on marijuana, marijuana products, marijuana extracts, or transactions involving marijuana, marijuana products, or marijuana extracts that is not imposed on other products generally;

(2) Limit the amounts of marijuana, marijuana products, or marijuana extracts that a person other than a licensee may possess at any given time to amounts less than:

(a) Six marijuana plants and twelve ounces of usable marijuana;

(b) Sixteen ounces of marijuana products in solid form;

(c) Seventy-two ounces of marijuana products in liquid form; and

(d) One ounce of marijuana extracts.

(3) Limit the aggregate number of licensees that may hold marijuana licenses or the aggregate number of marijuana licenses that may be granted, provided however that the number of licensed marijuana retailers in a county may be limited to no fewer than one marijuana retailer per 2,500 inhabitants in such county, according to the most recent census of the United States;

(4) Limit the number of marijuana licenses that may be granted to or held by the same person;

(5) Prohibit the same person from being granted or holding one or more different types of marijuana licenses;

(6) Prohibit a person from being granted or holding a marijuana license because the person or any individual who owns a direct or indirect interest in the person is not organized in or a resident of this state;

(7) Prohibit a person from being granted or holding a marijuana license because the person or any individual who owns a direct or indirect interest in the person has been convicted of violating: (i) any non-discretionary expungeable marijuana offense in paragraph (1) or (2) of subsection (14) of this section; or (ii) any marijuana-related offense that has been expunged;

(8) Require an individual twenty-one years of age or older to obtain any license to possess or use marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia;

(9) Require a consumer twenty-one years of age or older to obtain any license to purchase marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia from a licensed marijuana retailer;

(10) Require an individual twenty-one years of age or older to obtain any license to deliver marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia for no consideration to an individual twenty-one years of age or older if:

(a) The marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia were purchased from a licensed marijuana retailer; or

(b) The marijuana or marijuana products were manufactured or processed by a person without a license in accordance with paragraph (12) of this subsection;

(11) Require any marijuana retailer to record the name or any other personally identifiable information of any consumer twenty-one years of age or older;

(12) Require a person twenty-one years of age or older to obtain any license or pay any tax to manufacture or process marijuana or marijuana products at a household for noncommercial personal use if the aggregate amounts of such marijuana and marijuana products at the household do not exceed the household exemption limits; or

(13) Provide that the penalty for manufacturing more than the number of marijuana plants that may be manufactured without a license under paragraph (12) of this subsection may not exceed that for:

(a) An infraction, if the violation is a first violation and the number of marijuana plants is not more than double the number of marijuana plants that may be manufactured without a license;

(b) A misdemeanor, if the violation is a first violation and the number of marijuana plants is more than double but not more than quadruple the number of marijuana plants that may be manufactured without a license; or

(c) A misdemeanor, if: (i) the violation is a second violation; (ii) with respect to the first violation, the number of marijuana plants was not more than double the number of marijuana plants that may be manufactured without a license; and (iii) with respect to the second violation, the number of marijuana plants is not more than double the number of marijuana plants that may be manufactured without a license; or

(14) Make the ownership or operation of a licensed business that manufactures, produces, or delivers marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia in this state so burdensome that it would be impracticable for a prudent business person to organize or conduct the business.

9. On or before June 1, 2015, the department shall promulgate rules and regulations, and the general assembly may enact laws, that:

(1) Permit individuals with a medical condition who may benefit from the medical use of marijuana, marijuana products, and marijuana extracts to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the benefit of their doctor's professional advice;

(2) Permit individuals suffering from a medical condition to be allowed to use marijuana, marijuana products, and marijuana extracts without being subject to civil or criminal penalties when their doctors advise that such use may provide a medical benefit to them and when other reasonable restrictions are met regarding that use; and

(3) Provide that no individual under eighteen years of age shall be allowed to use marijuana, marijuana products, or marijuana extracts for medical purposes unless the individual's custodial parent or legal guardian with responsibility for the individual's health care decisions consents to such use.

10. No licensed doctor may be subjected to any criminal or civil penalty, or to any discipline by any state licensing division, board, or commission, for:

(1) Advising a person whom the doctor has diagnosed as having a medical condition, or a person who the doctor knows has been so diagnosed by another licensed doctor, about the risks and benefits of medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition, provided the advice is based on the doctor's personal assessment of the person's medical history and current medical condition; or

(2) Providing any written documentation that evidences or confirms such advice and assessment.

11. The division is directed and authorized to enforce, administer, and make rules and regulations that are not inconsistent with this section.

12. The department is directed and authorized to enforce, administer, and make rules and regulations that are not inconsistent with this section.

13. The general assembly may enact laws that control, regulate, and tax the manufacture, production, and delivery of industrial hemp.

14. Convictions of marijuana offenses shall be expungeable as follows:

(1) An individual who has plead guilty to or has been convicted of violating any expungeable marijuana offense, and who was twenty-one years of age or older at the time of the offense, may apply to the court in which he or she was sentenced for an order to expunge all official records of his or her arrest, plea, trial, and conviction. If the court determines, upon review, that such individual has plead guilty to or has been convicted of an expungeable marijuana offense, the court shall enter an order of expungement. An individual shall be entitled to one or more expungements pursuant to this paragraph (1).

(2) After a period of not less than one year, an individual who has plead guilty to or has been convicted of violating any expungeable marijuana offense for the first time, and who was under twenty-one years of age at the time of the offense, and who since such conviction has not been convicted of any other marijuana-related offense, may apply to the court in which he or she was sentenced for an order to expunge all official records of his or her arrest, plea, trial and conviction. If the court determines, upon review, that such individual has not been convicted of any other marijuana-related offense at the time of the application for expungement, the court shall enter an order of expungement.

(3) An individual who has plead guilty to or has been convicted of violating any expungeable marijuana offense that is not expungeable under paragraphs (1) or (2) of this subsection may apply to the court in which he or she was sentenced for an order to expunge all official records of his or her arrest, plea, trial, and conviction. If the court determines, upon review, that an expungement is in the interests of justice, the court may enter an order of expungement. An individual may be entitled to one or more expungements pursuant to this paragraph (3).

(4) The effect of an order of expungement shall be to restore the applicable individual to the status he or she occupied prior to such arrest, plea or conviction, as if such event had never happened. No individual as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever.

15. No contract shall be unenforceable on the basis that manufacturing, producing, delivering, possessing, or using marijuana, marijuana products, marijuana extracts, marijuana paraphernalia, or industrial hemp is prohibited by federal law.

16. Nothing in this section shall be construed:

(1) To amend or affect in any way any state or federal law pertaining to employment matters;

(2) To amend or affect in any way any state or federal law pertaining to landlord-tenant matters;

(3) To amend or affect in any way any state or federal law that permits an owner, lessor, or lessee of real property or any other person who has a legal estate in real property from prohibiting the manufacture, production, delivery, possession, or use of marijuana on such real property;

(4) To amend or affect in any way any state law pertaining to the operation of a vehicle, watercraft, aircraft, railroad train, or any similar device while using or under the influence of marijuana;

(5) To require a person to violate a federal law; or

(6) To exempt a person from a federal law or obstruct the enforcement of a federal law.

17. If any subsections, paragraphs, phrases, or words of this section shall be held unconstitutional, void, or illegal, either on their face or as applied, the applicability, constitutionality, and legality of any and all other subsections, paragraphs, phrases, and words of this section shall not be affected. To that end, the subsections, paragraphs, phrases, and words of this section are intended to be severable. It is hereby declared to be the intent of this section that each and every subsection, paragraph, phrase, and word of this section would have been adopted regardless of whether one or more of the subsections, paragraphs, phrases, or words of this section is held unconstitutional, void, or illegal.

18. The provisions of subsections 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of this section and paragraphs (1), (2), and (5) of subsection 5 of this section shall become effective on January 1, 2015. The provisions of subsections 1 and 8 of this section and paragraphs (3) and (4) of subsection 5 of this section shall become effective on June 1, 2015. All state laws that are inconsistent with any provision of paragraph (1), (2), or (5) of subsection 5 of this section shall no longer remain in full force and effect on and after January 1, 2015. All state laws that are inconsistent with any provision of subsections 1 or 8 of this section or paragraph (3) or (4) of subsection 5 of this section shall no longer remain in full force and effect on and after June 1, 2015. All of the provisions of this section shall be self-enforcing.