

SECOND REGULAR SESSION

# HOUSE BILL NO. 1989

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLINGTON.

5566H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 579.015 and 579.055, RSMo, and to enact in lieu thereof three new sections relating to marijuana.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 579.015 and 579.055, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 195.2190, 579.015, and 579.055, to read as follows:

**195.2190. 1. Notwithstanding any other provision of law, it shall be lawful for any person twenty-one years of age or older to:**

**(1) Possess, use, purchase, or transport marijuana weighing less than two ounces;**

**(2) Possess, grow, harvest, or process within the interior of the person's principal residence, whether it be a house, building, or rental unit, six or fewer cannabis plants, provided that:**

**(a) Three or fewer plants are mature, flowering plants; and**

**(b) All persons residing within such principal residence do not possess, grow, harvest, or process more than twelve cannabis plants in the aggregate, with six or fewer being mature, flowering plants; and**

**(3) Possess within the interior of the person's principal residence the marijuana produced by a cannabis plant described under subdivision (2) of this section.**

**Nothing in this subsection shall make it lawful to sell, offer for sale, or make available for sale any marijuana or cannabis plants.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **2. As used in this chapter and chapter 579, the term "controlled substance" shall**  
17 **not include marijuana if it complies with a provision under subsection 1 of this section.**  
18 **"Controlled substance" shall include any marijuana or cannabis plant sold, offered for**  
19 **sale, or made available for sale.**

20           **3. Notwithstanding any other provision, no government entity shall limit or refuse**  
21 **to provide any service, program, or benefit to any person based upon or by reason of**  
22 **conduct that is made lawful by this section.**

23           **4. Nothing in this section shall be construed to require any government entity or**  
24 **any employer to permit or accommodate the use, consumption, possession, transfer,**  
25 **display, transportation, sale, or growing of marijuana in the workplace or to affect the**  
26 **ability of any such government entity or employer to establish and enforce policies**  
27 **restricting the use of marijuana by employees.**

28           **5. Nothing in this section shall be construed to permit driving while intoxicated by**  
29 **marijuana or driving while impaired by use or ingestion of marijuana.**

30           **6. Nothing in this section shall be construed to prohibit any business, corporation,**  
31 **government entity, organization, person, or other entity that occupies, owns, or controls**  
32 **any real property from prohibiting or regulating the possession, consumption, use, display,**  
33 **transfer, distribution, sale, transportation, or growing of marijuana on or in that property.**

          579.015. 1. A person commits the offense of possession of a controlled substance if he  
2 or she knowingly possesses a controlled substance, except as authorized by this chapter or  
3 chapter 195.

4           2. The offense of possession of any controlled substance except thirty-five grams or less  
5 of marijuana or any synthetic cannabinoid is a class D felony, **except as provided in section**  
6 **195.2190.**

7           3. The offense of possession of more than ten grams but thirty-five grams or less of  
8 marijuana or any synthetic cannabinoid is a class A misdemeanor, **except as provided in section**  
9 **195.2190.**

10           4. The offense of possession of not more than ten grams of marijuana or any synthetic  
11 cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any  
12 offense of the laws related to controlled substances of this state, or of the United States, or any  
13 state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be  
14 pleaded and proven in the same manner as required by section 558.021. **The provisions of this**  
15 **subsection shall not apply to any person in compliance with the provisions of section**  
16 **195.2190.**

17           5. In any complaint, information, or indictment, and in any action or proceeding brought  
18 for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to

19 include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195,  
20 and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the  
21 defendant.

579.055. 1. A person commits the offense of manufacture of a controlled substance if,  
2 except as authorized in this chapter or chapter 195, he or she:  
3 (1) Knowingly manufactures, produces, or grows a controlled substance;  
4 (2) Attempts to manufacture, produce, or grow a controlled substance; or  
5 (3) Knowingly possesses a controlled substance with the intent to manufacture, produce,  
6 or grow any amount of controlled substance.

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8 **The provisions of this subsection shall not apply to any person in compliance with the**  
9 **provisions of section 195.2190.**

10 2. The offense of manufacturing or attempting to manufacture any amount of controlled  
11 substance is a class B felony when committed within two thousand feet of the real property  
12 comprising a public or private elementary, vocational, or secondary school, community college,  
13 college, or university. It is a class A felony if a person has suffered serious physical injury or has  
14 died as a result of a fire or explosion started in an attempt by the defendant to produce  
15 methamphetamine. **The provisions of this subsection shall not apply to any person in**  
16 **compliance with the provisions of section 195.2190.**

17 3. The offense of manufacturing or attempting to manufacture any amount of a controlled  
18 substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C  
19 felony, **except as provided in section 195.2190.**

20 4. The offense of manufacturing thirty-five grams or less of marijuana or synthetic  
21 cannabinoid is a class E felony, **except as provided in section 195.2190.**

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