

AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI, IMPOSING A MINIMUM AGE FOR THE PURCHASE AND SALE OF HEMP-DERIVED INTOXICANTS WITHIN THE CITY, AND ENACTING A NEW SECTION OF CHAPTER 210 RELATED THERETO.

WHEREAS, the City of Chesterfield, Missouri (the "City") recognizes that the federal 2018 Farm Bill, Missouri 2018 House Bill 2034, and Missouri 2019 Senate Bill 133 (collectively the "Hemp Legalization Laws") have legalized the cultivation, production, distribution, and sale of hemp by removing hemp from the Controlled Substances Act so long as the hemp and hemp-derived products contain no more than 0.3 percent THC by dry weight; and,

WHEREAS, these hemp-derived products, while less than 0.3 percent THC by dry weight, can still contain enough intoxicating cannabinoids, such as Delta 8, Delta 9, or Delta 10 THC, to cause psychoactive effects (i.e., impairing or mind-altering) in those that consume these hemp-derived products; and,

WHEREAS, hemp-derived products which contain intoxicating cannabinoids, unlike medical and adult-use marijuana products which are comprehensively regulated by the State, are unregulated with respect to product testing, minimum age to purchase, and where these products may be sold, which has resulted in hemp-derived products being sold at CBD stores, tobacco stores, vape shops, gas stations, and liquor stores; and,

WHEREAS, certain hemp-derived products have been designed to resemble popular snacks and candy brands and are being marketed primarily to minors while containing upwards of 5,000 mg of THC per container (more than double the legal limit for THC found in adult-use marijuana); and,

WHEREAS, hemp-derived products can pose a threat to the health and safety of minors, that can result in hospitalization of users, by causing uncoordinated movements, changes in heart rate, low blood pressure, difficulty breathing, sedation, and other adverse effects; and,

WHEREAS, the City finds it necessary to enact regulations related to the sale of intoxicating cannabinoids found in hemp-derived products to protect the general public health, safety, and welfare, and specifically to protect those under the age of twenty-one from the adverse effects associated with the consumption of intoxicating cannabinoids; and,

WHEREAS, the City, by this Ordinance, does not condone, authorize, or approve of the sale of intoxicating hemp-derived products to adults, but recognizes the need to engage in greater study of their effects on adults prior to regulation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section I: Section 210.1940 of the City of Chesterfield Municipal Code shall be adopted as follows:

A. As used in this section, the following definitions shall apply:

CBD

Cannabidiol, a nonintoxicating cannabinoid found in cannabis and hemp.

CANNABINOIDS

Ligands that are either plant-derived, synthetic, or semisynthetic, and have an affinity for and activity at cannabinoid receptors.

HEMP

The plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

HEMP-DERIVED INTOXICANTS

Any Intoxicating Cannabinoids which have been derived, developed, processed, manipulated, converted, isomerized, and/or otherwise created from Hemp.

INTOXICATING CANNABINOIDS

Any cannabinoid, however derived or created, that has an intoxicating effect when consumed or otherwise ingested, irrespective of whether the cannabinoid was created or developed through natural means or through chemical conversion, isomerization, synthetic derivation, heat, or any other process by which molecules may be manipulated or any cannabinoid, semisynthetic or synthetic cannabinoid, or precursor to an intoxicating cannabinoid that may become intoxicating when heated, decarboxylated, or otherwise manipulated, excluding, without limitation, CBD.

INTOXICATING HEMP-DERIVED PRODUCTS

Any product which contains Hemp-Derived Intoxicants, excluding, without limitation, CBD.

B. Providing Intoxicating Hemp-Derived Products To Minors - Unlawful.

- 1.** No person shall procure for, sell, vend, give away or otherwise supply any Intoxicating Hemp-Derived Products in any quantity whatsoever to any person under the age of twenty-one (21) years.
- 2.** It shall be a defense to prosecution under Section 210.1940(B)(1) that the defendant sold the Intoxicating Hemp-Derived Products to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age and the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was at least twenty-one (21) years of age.

C. Misrepresentation Of Age To Obtain Intoxicating Hemp-Derived Products.

- 1.** No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any Intoxicating Hemp-Derived Products, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
- 2.** In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any Intoxicating Hemp-Derived Products.

D. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any Intoxicating Hemp-Derived Products.

E. Intoxicating Hemp-Derived Products may only be displayed for sale in such a manner that a person cannot have possession of the Intoxicating Hemp-Derived Product prior to the sale of the Intoxicating Hemp-Derived Product.

F. It is the intent that each and every subsection of Section 210.1940 shall be severable from every other section.

Section II: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section III: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 15th day of July, 2024.

Bob Nation
Presiding Officer

Bob Nation
Bob Nation, Mayor

ATTEST:

Vickie McGownd
Vickie McGownd

FIRST READING HELD: 7/15/2024