



JOHN R. ASHCROFT
 SECRETARY OF STATE
 STATE OF MISSOURI

JAMES C. KIRKPATRICK
 STATE INFORMATION CENTER
 (573) 751-4936

ELECTIONS DIVISION
 (573) 751-2301

January 23, 2020

The Honorable Nicole Galloway
 State Auditor
 State Capitol Building
 Jefferson City, MO 65101

RECEIVED
 JAN 23 2020
 STATE AUDITORS OFFICE

RECEIVED
 JAN 23 2020
 STATE AUDITORS OFFICE

RE: Petition approval request from Mark Parachini regarding a proposed constitutional amendment to Article XV (2020-147)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Mark Parachini on January 23, 2020.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
 Sheri Hoffman
 Trish Vincent

STICK HERE

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri: Page No. _____

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 3rd day of November, 2020, and each for himself or herself says: I have personally signed this petition. I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

RECEIVED

2020 JAN 23 AM 11:01

John R. Ashcroft
MO. SEC. OF STATE

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____, I, _____, being first duly sworn, say (print names of signers)

Signature	Date Signed	Registered Voting Address	Zip Code	Cong. District	Printed First and Last Name
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis). FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY; I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for circulating this petition. If paid, list the payer: _____

Signature of Affiant (Person obtaining signatures)	Street Address of Affiant	Subscribed and sworn to before me this _____ day of _____, A.D. _____
Printed Name of Affiant	City, State and Zip Code of Affiant	Signature of Notary
		Address of Notary

(Seal)

Be it resolved by the People of this State of Missouri that the Constitution be amended:

To enact a new Article XV of this Constitution as follows:

XV Section 1. Right of adults to possess and use cannabis – 1. Purposes.

The purposes of this Section 1 are to establish the rights of adults in this State to possess and use cannabis. These rights include, but are not limited to, the rights of consuming, smoking, ingesting, selling, purchasing, storing, testing, processing, engineering, transporting, cultivating, and transferring cannabis in this State. Cannabis includes, but is not limited to, any and all variations and varieties of hemp, hemp-infused products, marijuana, marijuana-infused products, and any other derivative or product made therefrom. This Article XV shall have no impact on Article XIV of this Constitution. This Article XV shall have no impact on any enacted or proposed hemp laws and regulations in existence on the effective date of this Article XV. Except as provided in subsection (2) of this Article XV, the administration, regulation and enforcement of this Section 1 shall use the same method, or a similar method, implemented by this State for the administration, regulation and enforcement of tabaco and tabaco-infused products. Only entities and natural persons licensed, certified, and otherwise authorized by the department of health and senior services shall have the right to use quantities of processed and usable marijuana and marijuana-infused products in excess of eight ounces.

2. Administration, Regulation and Enforcement; Taxes; Criminal and Civil Implications; and Effective Date

(a) The department of health and senior services shall regulate marijuana and marijuana-infused products in this State and shall emphasize the importance of public health, welfare and safety. The department of health and senior services shall promulgate emergency rules and rules necessary for the administration, regulation and enforcement of this Article XV. The department of health and senior services shall have sole authority for administration, regulation and enforcement of this Article XV. Consumer protection laws in existence on the effective date of this Article XV shall remain effective, regardless of subsequent changes in state or federal law. Nothing in this Article XV shall impact the rights, duties and obligations of individuals and entities regulated under Article XIV of this Constitution.

(b) Taxes levied pursuant to this Section 1 shall be at a rate of five percent on final retail sales or shall be the existing tax rate assessed against tabaco and tabaco-infused products as of the effective date of this Article XV, whichever is less. All taxes collected pursuant to this Article XV shall be divided annually and equally into five fund accounts to be established by the department of health and senior services. The five fund accounts shall be used for: 1) funding for State and local road and infrastructure projects, with half going to the State for such purposes; 2) funding for programs assisting veterans of this State; 3) funding for local non-profit corporations and organizations dedicated to assisting local communities with drug-addiction relief and prevention programs, local housing and food programs, and any other local programs assisting disadvantaged families, children and individuals, including the homeless; 4) funding for public schools in economically disadvantaged districts; and 5) funding paid equally to local law enforcement agencies and organizations for combatting dangerous and illegal drug markets in

their jurisdictions, excluding cannabis. No additional taxes shall be assessed on marijuana or marijuana-infused products. All fees required and assessed pursuant to this Section 1, as determined as necessary by the department of health and senior services, shall be reasonable and shall be used exclusively for the administration, regulation and enforcement of this Article XV.

(c) The department of health and senior services may issue any emergency rule, rule or program necessary for accomplishing the purposes of this Section 1.

(d) This Article XV shall not be subject to or impacted by the laws of other jurisdictions. No out-of-state entity or individual may participate in the Missouri cannabis market, unless authorized as necessary by the department of health and senior services. The department of health and senior services shall be responsible for overseeing any licensing and authorizations issued pursuant to this paragraph (d).

(e) All entities holding a license, certificate and/or any other form of authorization issued pursuant to this Section 1 shall be owned and directly controlled by natural persons that have been residents of this State for at least the last three years. Any entity in compliance with this Section 1, shall have the right to apply for and obtain any such license, permit, certification, and/or authorization issued or required to be issued by the department of health and senior services. The department of health and senior services shall recognize the rights of all legal people of this State to participate in their cannabis industry.

(f) Any emergency rules, rules, limits, requirements, duties, obligations, fees, and any other necessities and responsibilities established by the department of health and senior services pursuant to this Section 1 shall be fair, reasonable and in accordance with any other laws and regulations not impacted by the implementation and adoption of this Article XV.

(g) Residents of this State, whether residing in this State voluntarily, involuntarily, temporarily or otherwise, shall have the right to be free of any criminal punishment, criminal allegation, criminal requirement, criminal charge, criminal conviction, criminal sentence, criminal record and/or any other criminal enforcement actions or allegations for actual, direct, conspired, suspected and/or indirect involvement with nonviolent cannabis related crimes or civil violations, unless such use or possession involved more than fifty ounces of marijuana and/or marijuana-infused products at any one moment in time. The department of health and senior services shall establish civil penalties for illegally using and/or possessing more than twenty but less than thirty-five ounces of marijuana and/or marijuana-infused products at any one moment in time, not to exceed \$50,000.00. The department of health and senior services shall establish civil penalties for illegally using and/or possessing thirty-five to fifty ounces of marijuana and/or marijuana-infused products at any one moment in time, not to exceed \$250,000.00. The department of health and senior services shall not charge more than \$1,000.00 for the illegal possession and/or use of twenty or less ounces of marijuana and/or marijuana-infused products at any one moment in time. No individual or entity licensed under the laws, regulations and/or rules of this State shall be subject to criminal or civil liability solely for engaging in activities, conduct, acts, and/or omissions involving or related to cannabis, unless doing so would violate the quantity and nonviolence related requirements of this Article XV. Any individual or entity

impacted by this paragraph (i) shall have the right to seek immediate relief, and such relief shall be granted immediately if available under this paragraph (i).

(h) The department of health and senior services shall continue administration, regulation and enforcement of Article XIV, regardless of the adoption of this Article XV.

(i) The department of health and senior services shall be the sole authority of administration, regulation and enforcement of this Article XV. All emergency rules and rules promulgated under this Article XV shall be fair and reasonable to all people of this State. Public health, safety and welfare, including the safety of marijuana and marijuana-infused products, shall be considered when promulgating and enforcing emergency rules, rules, regulations, and any other actions taken pursuant to this Article XV.

(j) If the department of health and senior services is no longer in existence, its successor, or another governing body, shall have and must use full authority to administer, regulate and enforce this Article XV.

(k) Nothing in Article XV shall impact the rights of persons and entities licensed, certified, and/or regulated in any way under Article XIV of this Constitution.

(l) If any section, subsection, paragraph, term, and/or any provision of this Article XV is determined illegal by the highest court of this State, all others will remain in full force and effect, regardless of any act of congress or otherwise.

(m) The effective date of this Article XV shall be January 1, 2021, or shall be the effective date as determined by existing law, or shall be the effective date as established by the department of health and senior services if it so chooses, whichever one is earliest.