

ORDINANCE NO. 200455

Amending Code of Ordinances Section 50-10 "Possession or control of marijuana" to eliminate the possession or control of marijuana as a violation of the Code of Ordinances.

WHEREAS, Code of Ordinances Section 50-10 makes possession or control of marijuana a violation of the Code; and

WHEREAS, the voters of Kansas City, by a 75% to 25% margin, decided in 2017 to decriminalize possession of 35 grams or less of marijuana, imposing instead a \$25.00 fine; and

WHEREAS, Code of Ordinances Section 50-10(c) imposes certain penalties for possession of marijuana; and

WHEREAS, Code of Ordinances Section 50-10(c)(1) provides for a fine of no more than \$25.00 for possession or control of 35 grams or less of marijuana and (2) provides for a fine of no more than \$500.00 for possession or control of more than 35 grams of marijuana; and

WHEREAS, the population of Kansas City is 30% black, and Black Americans have been nearly four times more likely than white Americans to be arrested for marijuana possession;

WHEREAS, on February 18, 2020, the Mayor of Kansas City announced a pardon program for prior Kansas City marijuana possession and marijuana paraphernalia convictions; and

WHEREAS, the purpose of the Mayor's pardon program conflicts with Code of Ordinances Section 50-10 because such Section continues to make unlawful the possession or control of marijuana causing valuable city resources to be spent in a manner which no longer makes sense; and

WHEREAS, the City Council believes future resources should be focused on the prevention, investigation, and prosecution of violent crime in Kansas City; and

WHEREAS, the City Council desires to remove possession of marijuana from the Kansas City Code of Ordinances as a code violation; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50 of the Code of Ordinances of the City of Kansas City, Missouri, "Possession or control of Marijuana," is hereby amended by repealing Section 50-10 and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

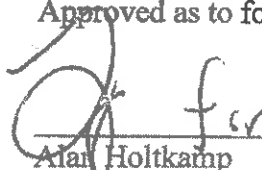
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Sec. 50-10 Possession or control of marijuana

(a) As used in this section "marijuana" shall mean all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to, Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(b) Possession or control of marijuana is not a violation of the Code of Ordinances.

Approved as to form and legality:



Alan Holtkamp
Assistant City Attorney



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

JUL 09 2020

Date Passed