

Substitute Bill No. 5133

Ordinance No. _____

Requested by: Steve Ehlmann

Sponsored by: Nancy Schneider

AN ORDINANCE PROVIDING FOR THE AUTHORIZATION OF AN ADDITIONAL SALES TAX IN AN AMOUNT OF THREE PERCENT ON RETAIL SALES OF ADULT USE (RECREATIONAL) MARIJUANA TO BE PLACED ON THE APRIL 4, 2023 BALLOT FOR A VOTE OF THE PEOPLE

WHEREAS, On November 8, 2022 voters of the State of Missouri enacted a ballot measure to amend Article XIV of the Constitution of the State of Missouri to legalize retail sale of marijuana for adult recreational use by enacting a new Section 2 of Article XIV; and

WHEREAS, Section 2 of Article XIV removed state prohibitions on the purchase, possession, consumption, use, delivery, manufacture and sale of marijuana for personal use for adults over the age of 21, and in Section 2.6(5) of Article XIV, as enacted by Amendment 3, further authorized local governments to impose a sales tax on the retail purchase of recreational marijuana, separate from and in addition to any and all other tangible personal property retail sales taxes allowed by law, upon the approval of a majority of the voters of the county; and

WHEREAS, a part of that ballot provision enacted by the voters states, in pertinent part, *“Pursuant to Article III, section 49 of this Constitution, the governing body of*

any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax. Any additional local retail sales tax shall be collected pursuant to general laws for the collection of local sales taxes.”; and

WHEREAS, Amendment 3 therefore authorizes this county to tax all retail sales of adult use marijuana sold in St. Charles County at the rate of three percent, in addition to the County’s general retail sales tax of 1.725 percent, if approved by the voters of this county; and

WHEREAS, the revenues which result from the authorization of this sales tax will be used to support regulatory administration, enforcement, public safety and community quality of life in St. Charles County; and

WHEREAS, Section 115.121.3 of the Missouri Revised Statutes provides that the “general municipal election day” is

on the first Tuesday following the first Monday in April each year; and

WHEREAS, the next general municipal election day is April 4, 2023;

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. It is hereby directed that this Ordinance be forwarded to the St. Charles County Election Authority and that the question of enactment of a three percent sales tax on all retail sales of adult use marijuana sold in St. Charles County be placed before the qualified voters of St. Charles County at the April 4, 2023 election.

Section 2. The proposition shall be submitted in substantially the following form:

PROPOSITION

Shall the County of St. Charles, separate from and in addition to the existing St. Charles County General Retail Sales Tax of 1.725 percent, tax all retail sales of adult use marijuana sold in St. Charles County at the rate of three percent as authorized by Amendment 3 to the Constitution of Missouri as enacted by the voters at the November 8, 2022 election. This would tax only recreational marijuana and would not allow the taxation of medical marijuana.

YES

NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

Section 3. The Chair of the Council is authorized to transmit a certified copy of this ordinance to the St. Charles County Election Authority for his information and guidance and to direct him to place the proposition set out in Section 2 on the April 4, 2023 ballot.

Section 4. The Election Authority is authorized and directed to take all necessary steps and execute all necessary documents to implement this ordinance.

Section 5. Should the voters of St. Charles County approve the proposition set forth in Section 2 of this Ordinance, then, separate from and in addition to the existing St. Charles County General Retail Sales Tax of 1.725 percent, a sales tax upon retail sales of adult use marijuana shall be established at the rate of three percent on the retail sales of adult use marijuana within St. Charles County as authorized by Article XIV Section 2 of the Constitution of Missouri and Sections 144.010 to 144.525 RSMo.

Section 6. This ordinance shall be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY THE COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR