

ORDINANCE NUMBER _____

An ordinance amending Title 8 the Missoula Municipal Code, to add a new Chapter 8.39 entitled “Restrictions on the Sale or Transaction of Cannabis Products” intended to impose additional regulations concerning the sale or transaction of cannabis products in the City, including imposing a new criminal sanction for those that sell or give cannabis products to individuals under 21 years of age.

The City Council hereby makes the following findings:

WHEREAS, based on the most reliable and up-to-date scientific evidence, the City of Missoula finds that the rapid introduction of newly legalized adult-use cannabis (“cannabis”), presents a significant potential threat to the public health, safety, and welfare of the residents of Missoula, and particularly to youth.

WHEREAS, the City of Missoula has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products, and improve compliance among cannabis retailers with laws prohibiting the sale or marketing of cannabis products to minors.

WHEREAS, after the November 2016 election, medical marijuana was broadly available in Montana and as of January 1, 2021, recreational marijuana sales were legal within Missoula County.

WHEREAS, state law prohibits the sale or distribution of recreational cannabis to minors, MCA Title 45-5-623.

WHEREAS, in 2022 the Montana Prevention Needs Assessment evaluated youth responses and concluded that Missoula youth are more likely to use marijuana than their peers in the state and across the nation (Healthy Missoula Youth Cannabis and Missoula Youth Report 2023, “2023 Youth Cannabis Report”).

WHEREAS, Missoula youth perceive marijuana use as less risky than other Montana students, and research shows that a youth’s perception of harm influences their decision to use or abstain from a substance. 2023 Youth Cannabis Report.

WHEREAS, Missoula youth who use marijuana are initiating use at a younger age than their statewide peers, and early initiation puts youth at increased risk of developing a future substance abuse disorder and other related physical and mental harms. 2023 Youth Cannabis Report.

WHEREAS, University of Montana students comprise a substantial portion of the Missoula community, and many are younger than 21 years of age; in 2020 3 month use rates for UM males were 36.6%, females 37.3 %; by 2023 the 3 month use for males was 47.1% and for females 41.2%, significant increases for a mostly underage population. 2023 Youth Cannabis Report.

WHEREAS, In the medical journal The Lancet, Volume 32, 100708, April 2024, in a systematic and extensive review of literature, the authors found that the literature suggests

that greater cannabis retail store access is associated with increased cannabis-related health harms.

WHEREAS, the Tetrahydrocannabinol (THC) level in current cannabis products is far stronger than the cannabis prior generations used, as illustrated with an average potency of 5% in the year 2000; currently flower potency is limited to 35% per Montana State law, and there are no limits on the potency of concentrates, so concentrates such as edibles can be up to 99% with the dosage for the size of edibles at 10mg/serving. <https://cannwechat.org/todays-cannabis/>

WHEREAS, The many different effects of cannabis on the developing brain can change the way a young brain produces hormones (like dopamine & serotonin), and marijuana usage in youth can: lower IQ; impact memory; impact the ability to do well in school and limit one's attention span; inhibits emotional development and ability to regulate; and could potentially trigger serious mental health or behavioral health issues. <https://cannwechat.org/todays-cannabis/>

WHEREAS, Marijuana use has been linked to a range of mental health problems, such as depression and social anxiety. People who use marijuana are more likely to develop temporary psychosis (not knowing what is real, hallucinations, and paranoia) and long-lasting mental disorders, including schizophrenia (a type of mental illness where people might see or hear things that aren't there).⁵ The association between marijuana and schizophrenia is stronger in people who start using marijuana at an earlier age and use marijuana more frequently. (Centers for Disease Control and Prevention).

WHEREAS, symptoms of overconsumption seen in Emergency Room visits include agitation, panic attacks, fast heart rate, chest pain, uncontrollable shaking or seizures, sudden high blood pressure with a headache, cannabinoid hyperemesis syndrome or unresponsiveness. 2023 Youth Cannabis Report.

WHEREAS, in Montana marijuana is the most commonly used drug among ages 12-17 who visit treatment centers for drug misuse or abuse, as 52% of youth being treated are seen for cannabis related issues. 2023 Youth Cannabis Report, 2019 Montana DPHHS Medicaid Treatment Data.

WHEREAS, Cannabis related DUI's have more than doubled in the last seven years in Missoula; multiple studies have shown that the presence of THC metabolite in blood, saliva or urine is associated with a 20-30% higher odds of a motor vehicle crash. 2023 Youth Cannabis Report.

WHEREAS, Public Health recommendations are that based on the size of the population in Missoula, Missoula should have between 5 to 12 recreational marijuana dispensaries; currently, Missoula has 53 dispensaries within city limits. 2023 Youth Cannabis Report, www.gettingitrightfromthestart.org.

WHEREAS, Missoula County youth hospitalizations and Emergency Room Visits for cannabis use for youths ages 0-14 have gone up 142% from 2016 to 2022. - Montana Hospital Association in partnership with The Center for Population Health Research at U of M.

WHEREAS, statewide, hospitalizations and Emergency Room visits for cannabis poisonings went up 200% between 2016-2022 for youths aged 0-17. - Montana Hospital Discharge Data Systems (MHDDS).

Now therefore, based on the foregoing recitals, BE IT ORDAINED THAT Chapter 8.39 is hereby added to the Missoula Municipal Code as follows:

Chapter 8.39

Restrictions on the Sale or Transaction of Marijuana or Cannabis Products

8.39.010 Findings. Since the legalization of adult-use cannabis (with this term intending to include all cannabis and marijuana and marijuana products) there have been some significant adverse impacts on some sectors of our community. While impacts from adult cannabis use may be more limited, the impacts on youth cannabis use is significant. Studies have shown that youth cannabis use can damage the developing brain and is tied to reduced IQ and school failure, and can lead to increased risk of anxiety, depression, and suicide. Local studies have shown an increase in Missoula County high schoolers using cannabis between 2019-2021. The data show that Missoula-area youth believe it is easy to obtain cannabis. This is borne out in a 40% increase in cannabis-related hospitalizations for ages 0-19 in Missoula from 2016-2021. The City of Missoula believes it is important to enact additional regulations concerning cannabis sale or transactions, including sanctions for those selling or otherwise giving cannabis to underage persons.

8.39.020 Unlawful Transactions Of Cannabis Products With Persons Too Young To Legally Possess Such Products. Montana state law, section 45-9-102 prohibits a person under 21 years of age to knowingly possess cannabis or a cannabis product. A person commits the offense of unlawful transactions with persons too young to legally possess such products if the person knowingly sells, gives or provides a cannabis product to a person too young to legally possess such products under state law.

8.39.030 Enforcement Outside City Limits Upon Approval By County Commissioners. This chapter is adopted by the Missoula City Council for enforcement inside the city limits. If both the County commissioners and the local health board approve enforcement of this chapter extraterritorially within five miles of the city limits this chapter is thereafter enforceable outside the city limits, within five miles of the city limits.

8.39.100 Violations and Penalties. A person convicted violating this Chapter shall be fined an amount not to exceed \$250. A person convicted of a second or subsequent violation of this Chapter shall be fined an amount not to exceed \$500.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been for any reason declared invalid or unconstitutional. If any portion of this ordinance is declared invalid or unlawful, then the remaining ordinance provisions shall remain in full force and effect.

EFFECTIVE DATE

This ordinance will be effective 30 days from passage and adoption.

First reading and preliminary adoption on the xx day of _____, 2024, by a vote of: AYES: (xx):
NAYES: (xx) ABSENT:(xx) ABSTAIN: (xx)

Second and final reading and adoption on the xx day of _____, 2024, by a vote of: AYES: (xx):
NAYES: (xx) ABSENT:(xx) ABSTAIN: (xx)

ATTEST:

APPROVED:

Claire Trimble
City Clerk

Andrea Davis
Mayor

(S E A L)