



## MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS

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### AMENDMENT 3 LEGALIZING RECREATIONAL MARIJUANA DANGEROUS FOR MISSOURI



Picture a police officer stopping a car driven recklessly through your neighborhood by a person high on marijuana. Worse still, imagine that before the officer can stop him, the stoned driver, crashes his car into someone you love killing them. If that driver is charged and even convicted of driving under the influence of marijuana, Amendment 3 attempts to prohibit our courts from stopping that driver's continuing use of marijuana. Amendment 3 says a court cannot prohibit a person on bond, probation, or parole from continuing to use marijuana.<sup>1</sup> Further, in less serious cases involving medical marijuana users, if sentenced to participate in one of Missouri's treatment courts, Amendment 3 attempts to require courts to allow defendants to continue to get high on marijuana regardless of the circumstances or their addiction.<sup>2</sup> This is a threat to the safety of our communities and kids. We know from the Colorado experiment, recreational marijuana dramatically increases the threat posed by drivers high on marijuana – Colorado saw a 138% increase in traffic fatalities where the driver tested positive for marijuana.<sup>3</sup> Under Amendment 3, our legislature could not even set a maximum limit for marijuana in the bloodstream, while Colorado does. Amendment 3 is dangerous and makes drugged driving tougher to prosecute than drunk driving.

**For these reasons and many others,  
your Prosecuting Attorneys urge you to vote NO on Amendment 3.**

Amendment 3 contains more than thirty pages of rules and regulations on everything from licensing to taxes. The Missouri Constitution is only about one hundred and twenty pages long. Should legalizing recreational Marijuana occupy almost a fifth of our Constitution. This is nothing more than thirty pages of mischief. Amendment 3 is bad government and does not belong in the Missouri Constitution. Think how often you have heard about a law that had a problem and had to be fixed or changed – it happens all the time. If any part of the law is invalid or does not do what it was supposed to do, our legislature is powerless to fix it except to send the Amendment back for an expensive state-wide election.

In California the high taxes on marijuana are driving out small farmers in favor of large corporate farms and allowing the dangerous black market to thrive. In a desperate move, California has repealed some taxes in an effort to keep the legalized marijuana trade alive.<sup>4</sup> In contrast, our legislature will not have the ability to fix any mistakes in the thirty pages of mischief of Amendment 3 if those mistakes are enshrined in the Constitution.

Amendment 3 fails to protect our children from dealers in black market marijuana. While a person under 21 is not to possess recreational Marijuana, a dealer can give or sell to middle schoolers and face only a “civil penalty” of \$100. Prosecutors do not enforce civil penalties. Amendment 3 is silent on who would. Parents may be responsible for suing violators for this “civil penalty.” This is not a deterrent. It is an incentive to ignore the safety of our kids. Prohibit smoking marijuana in public? Again Amendment 3 says just a “civil penalty.” Further if your local city or town wants to ban the sale of recreational marijuana, it can only do so in presidential election years and then only by a vote of at least sixty percent (60%).<sup>5</sup>

What do we know about marijuana? Today’s marijuana is much more potent. The National Academy of Sciences tells us marijuana use raises important public health concerns including heart attacks; respiratory diseases; mental health diseases like schizophrenia, other psychoses, social anxiety disorders and depression; and long-term impairment in learning, memory, and attention—even after use stops.<sup>6</sup> States that have legalized recreational marijuana have seen spikes in violent and nonviolent crime. They have also seen an increase in illegal marijuana trade as illegal marijuana will always be cheaper, there are no taxes or regulations on it, and no practical ways to trace its origin. Meanwhile in Colorado, for example, “driving while high” deaths are up 138%, suicides with positive toxicology for marijuana are up 29%, and tax revenue is offset by increased social program costs. Amendment 3 is a bad idea badly done.

For more information on the adverse effects of legalization:

<https://learnaboutsam.org/wp-content/uploads/2021/06/Quick-Facts-copy-v4.pdf>

For a summary of the link between the opening of dispensaries and crime:

<https://learnaboutsam.org/wp-content/uploads/2022/03/DispensaryLocalImpact.pdf>

For more information on the rising potency of marijuana and adverse mental and physical health:

<https://learnaboutsam.org/wp-content/uploads/2021/04/Final-Marijuana-Potency-Handout.pdf>

<https://www.psychologytoday.com/us/blog/abcs-child-psychiatry/202209/houston-we-have-cannabis-problem>

For more information about how legalization exacerbates the opioid epidemic:

<https://learnaboutsam.org/wp-content/uploads/2019/02/November-2018-Opioid-One-Pager2.pdf>

To learn more about why legalization fails to advance racial equity:

<https://learnaboutsam.org/wp-content/uploads/2019/03/Social-Justice-one-pager.pdf>

To learn more about the myths of tax revenues:

<https://learnaboutsam.org/wp-content/uploads/2022/02/Revenues-vs-Reality.pdf>

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<sup>1</sup>See, the identical portions of Amendment 3, Section 5(12) for medical marijuana users and Section 7(6) for recreational marijuana users “Lawful marijuana related activities cannot be the basis for a violation of parole, probation, or any type of supervised release.” See also, Amendment 3, Section 5(13), “Registered qualifying patients on bond for pre-trial release, on probation, or other form of supervised release shall not be prohibited from legally using a lawful marijuana product as a term or condition of release, probation, or parole.”

<sup>2</sup> See, Amendment 3, Section 5(12), “An alternative sentencing drug court program may not prohibit individuals under its jurisdiction from using a lawful marijuana product as long as the individual is a registered qualifying patient.” Also note, Amendment 3 attempts to require Missouri judges ignore the fact that the possession of marijuana is against federal law which amounts to a violation of the general condition of probation that a defendant obey all laws.

<sup>3</sup> THE LEGALIZATION OF MARIJUANA IN COLORADO: THE IMPACT, Volume 8 September 2021 Rocky Mountain High Intensity Drug Trafficking Area. <https://www.rmhidta.org/publications>

<sup>4</sup> <https://www.washingtonpost.com/nation/2022/08/21/california-marijuana-farms-failing/>

<sup>5</sup> See, Amendment 3, Section 5(b).

<sup>6</sup> See, <https://nap.nationalacademies.org/read/24625/chapter/1>