

INITIATIVE PETITION

Enacting Section 134.04. entitled “Marijuana laws and penalties” to the City of Folly Beach Code of Ordinances. Any existing ordinance or subsections of ordinances in conflict with this Ordinance are hereby repealed or invalid.

To the City Clerk and the City Council of the City of Folly Beach, Charleston County, South Carolina:

We, the undersigned qualified voters of the City of Folly Beach, Charleston County, South Carolina, hereby present by initiative petition, a request for full enactment or that there be submitted for consideration of the people and electors of the City of Folly Beach, South Carolina for their approval or rejection, at an election in accordance with the laws of the State of South Carolina, the following Ordinance. A full and correct copy of the title and text of said Ordinance is as follows:

THE SENSIBLE MARIJUANA ORDINANCE

Be it ordained by the people of the City of Folly Beach, that:

The new Folly Beach City Code Section 134.04 be enacted to read as follows:

Section 134.04 . MARIJUANA LAWS AND PENALTIES.

Definitions

(a) "Marijuana" means:

- (1) all species or variety of the marijuana plant and all parts thereof whether growing or not;
- (2) the seeds of the marijuana plant;
- (3) the resin extracted from any part of the marijuana plant; or
- (4) every compound, manufacture, salt, derivative, mixture, or preparation of the marijuana plant, marijuana seeds, or marijuana resin.

(b) "Marijuana" does not mean:

- (1) the mature stalks of the marijuana plant or fibers produced from these stalks;
- (2) oil or cake made from the seeds of the marijuana plant, including cannabidiol derived from the seeds of the marijuana plant;

(3) any other compound, manufacture, salt, derivatives, mixture, or preparation of the mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks;

(4) the sterilized seed of the marijuana plant which is incapable of germination;

(5) for persons participating in a clinical trial or in an expanded access program related to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Article 18, Chapter 53, Title 44 of the South Carolina Code of Laws, a drug or substance approved for the use of those participants by the federal Food and Drug Administration; or

(6) for persons, or the persons' parents, legal guardians, or other caretakers, who have received a written certification from a physician licensed in this State that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as "severe myoclonic epilepsy of infancy", or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, the substance cannabidiol, a nonpsychoactive cannabinoid, or any compound, manufacture, salt, derivative, mixture, or preparation of any plant of the genus cannabis that contains nine-tenths of one percent or less of tetrahydrocannabinol and more than fifteen percent of cannabidiol.

(c) "Paraphernalia" as used in this section means any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, manufacturing, or preparing marijuana and does not include cigarette papers and tobacco pipes but includes, but is not limited to:

(1) metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana or hashish pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) water pipes designed for use or intended for use with marijuana, hashish, hashish oil;

(3) carburetion tubes and devices;

(4) smoking and carburetion masks;

(5) roach clips;

(6) separation gins designed for use or intended for use in cleaning marijuana;

(7) chamber pipes;

(8) carburetor pipes;

(9) electric pipes;

(10) air-driven pipes;

(11) chilams;

(12) bongs;

(13) ice pipes or chillers.

Prohibited acts, laws and penalties

(a) Tetrahydrocannabinol (THC) and Marijuana are controlled substances included as Schedule I.

(b) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.

(c) A person who violates subsection (b) with respect to:

(1) possession of more than: twenty-eight grams or one ounce of marijuana, ten grams of hashish is not covered under this subsection. A person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, shall not be imprisoned and fined one hundred dollars; the total fine shall be suspended unconditionally. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one day or fined two hundred dollars or both; the one day jail sentence and total fine shall be suspended unconditionally

(d) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to deliver, or sell paraphernalia.

(1) Any person found guilty of violating the provisions of subsection (d) shall be subject to a civil fine of zero dollars and corporation shall be subject to a civil fine of zero dollars. Imposition of such fine shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

(e) All court costs shall be zero dollars for all violations of this subsection.

(f) All marijuana charges inside city limits to be issued a municipal ordinance ticket to be tried at the city municipal court.

(g) Severability. The individual items of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections. Invalid sections shall be revised to the minimum extent necessary to maintain validity and enforceability.

The form of the ballot by which this ordinance shall be submitted to the electors of the City of Folly Beach shall be substantially as follows:

“Shall the City of Folly Beach adopt the sensible marihuana ordinance, which lowers the penalty for misdemeanor marijuana possession to the lowest penalty allowed by State Law.”

	For the Ordinance
	Against the Ordinance

Each of the undersigned qualified voters hereby request that said ordinance hereinbefore set forth be certified to the proper election authorities and submitted to the electors of the City of Folly Beach, South Carolina for approval or rejection, and the proper notices be published, all as required by law of the State of South Carolina:

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AFFIDAVIT OF CIRCULATOR

The State of South Carolina, Charleston County, ss,

I, _____, being duly sworn, deposes and say that
(Printed name of Circulator)

I reside at the address appearing below my signature hereto: that I am the circulator of the forgoing paper containing _____ signatures: that I witnessed the affixing of each signature on the date specified: that it is the genuine signature of the person whose name it purports to be and that such person is to the best of my knowledge and belief a qualified voter of the City of Folly Beach.

Signed _____

Address _____
