

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI  
21st JUDICIAL CIRCUIT**

ROBUST MISSOURI )  
DISPENSARY 3, LLC, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ST. LOUIS COUNTY, et. al., )  
 )  
 )  
Defendants, )  
 )  
v. )  
 )  
ST. CHARLES COUNTY, )  
MISSOURI )  
 )  
Intervenor/Cross-Plaintiff )

**FILED**

MAY 02 2024

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

Cause No. 23SL-CC04301

Div. 1

April 22, 2024

**ORDER AND JUDGMENT**

Presently before the Court are Plaintiff's Motion for Summary Judgment ("Plaintiff's Motion"), Defendant St. Louis County's Motion for Summary Judgment ("St. Louis County's Motion") and Intervenor/Cross-Plaintiff St. Charles County's Motion for Summary Judgment ("St. Charles County's Motion").

The Motions were called, heard and submitted on April 9, 2024. The parties appeared by counsel on that date.

The Court, having read all of the pleadings of the parties, reviewed the applicable state statutes and constitution provisions, the Rules of Civil Procedure and caselaw, heard and considered the arguments of counsel and being now fully advised, hereby finds that the Plaintiff's Motion is without merit and that St. Louis County's Motion and St. Charles County's Motion are with merit.

This lawsuit involves a tax on retail sales of adult use marijuana occurring at a Missouri dispensary facility located in Florissant. Plaintiff argues that the definition of local government contained in Article XVI of the Missouri Constitution {“Article”} does not authorize St. Louis County to enact a tax in an incorporated area. The Court respectfully disagrees.

“Words used in constitutional provisions must be viewed in context; their use is presumed intended, and not meaningless surplusage.” *Buechner v. Bond*, 650 S.W.2d 611, 613 (Mo. banc 1983). Courts must give statutory terms a meaning that avoids an absurd result that would defeat the purpose of the legislative act. *See Yount v. Keller Motors, Inc.*, 639 S.W.3d 458 (Mo. App. E.D. 2021). When interpreting statutes, courts are obligated to construe the statute as a whole and not in isolated parts. *Id.*

It must be noted at the outset that the this is a matter of first impression and there is a lack of legislative intent since the Article is a product of the initiative petition process. Thus, the Court looks to the Article’s stated purpose for guidance. The Article provides that it is designed in part to make marijuana legal under state and local law for adults and to control the commercial production and distribution system while protecting public health. *Mo. Const. art. XIV, § 2.1.*

Therefore, the Court cannot accept Plaintiff’s interpretation of “*Local Government*” from Section 2(12) given the language found in sections 5(3) and 5(4) of Article XVI §2 of the Missouri Constitution.

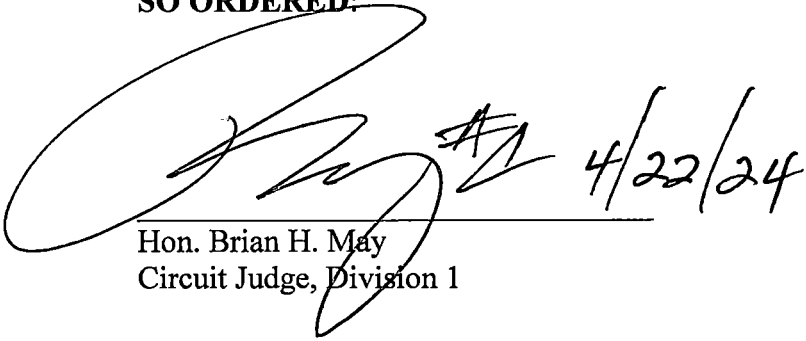
If Plaintiff's interpretation were accepted then a municipality or city would essentially be given carte blanche to ignore any County ordinance or regulation, including those related to public health and safety wholly unrelated to the taxing issue.<sup>1</sup> For example, Section 5(4) would allow Florissant to place a dispensary within less than 1000 feet of any then-existing school, and the County, and other cities in the Ferguson-Florissant<sup>2</sup> school district would have no say in that decision. This absurd outcome would directly contradict the stated purpose of the Article.

The Court finds that the definition of "*Local Government*" should be read to include the County as to incorporated and unincorporated areas so as to avoid an absurd and inconsistent result.

As such, St. Louis County and St. Charles County are constitutionally authorized to enact a retail tax.

Accordingly, Plaintiff's Motion for Summary Judgment is hereby **DENIED**, Defendant St. Louis County's Motion for Summary Judgment is hereby **GRANTED** and Intervenor/Cross-Plaintiff St. Charles County's Motion for Summary Judgment is hereby **GRANTED**.

**SO ORDERED:**



Hon. Brian H. May  
Circuit Judge, Division 1

<sup>1</sup> The definition of "*Local Government*" cannot be said to have one meaning in the context of taxing and then another in other portions of the Article. Its definition is applicable to the entire Article.

<sup>2</sup> The Court notes that Ferguson-Florissant School District covers all or part of 11 municipalities in St. Louis County, serving more than 11,000 students. Ferguson-Florissant School District, About FSSD, [Welcome to Ferguson-Florissant School District / We are FergFlor](#) (last visited April. 21, 2024).