

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 380,  
2 Page 9, Section 192.926, Line 47, by inserting immediately after said line the following:

3  
4 "192.945. 1. As used in this section, the following terms shall mean:

5 (1) "Department", the department of health and senior services;

6 (2) "Hemp extract", as such term is defined in section 195.207;

7 (3) "Hemp extract registration card", a card issued by the department under this section;

8 (4) "Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to  
9 three or more treatment options overseen by the neurologist;

10 (5) "Neurologist", a physician who is licensed under chapter 334 and board certified in  
11 neurology;

12 (6) "Parent", a parent or legal guardian of a minor who is responsible for the minor's medical  
13 care;

14 (7) "Practitioner", a practitioner who is a physician licensed by the state board of registration  
15 for the healing arts and practicing within this state and, by training or experience, is qualified to treat  
16 a serious condition;

17 [(7)] (8) "Registrant", an individual to whom the department issues a hemp extract  
18 registration card under this section;

19 (9) "Serious condition":

20 (a) Cancer, positive status for human immunodeficiency virus or acquired immune  
21 deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage  
22 to the nervous tissue of the spinal cord with objective neurological indication of intractable  
23 spasticity, inflammatory bowel disease, neuropathies, Huntington's disease, post-traumatic stress  
24 disorder; or

25 (b) Any of the following conditions that is clinically associated with, or a complication of, a  
26 condition under this paragraph or its treatment: cachexia or wasting syndrome; severe or chronic  
27 pain; severe nausea; seizures; severe or persistent muscle spasms.

28 2. The department shall issue a hemp extract registration card to an individual who:

29 (1) Is eighteen years of age or older;

30 (2) Is a Missouri resident;

31 (3) Provides the department with a [statement] recommendation signed by a neurologist or

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 practitioner that:

2 (a) Indicates that the individual suffers from intractable epilepsy or a serious condition and  
3 may benefit from treatment with hemp extract; and

4 (b) Is consistent with a record from the neurologist or practitioner concerning the individual  
5 contained in the database described in subsection [9] 10 of this section;

6 (c) Indicates the practitioner or neurologist by training or experience is qualified to treat the  
7 serious condition;

8 (d) States that the individual is under the practitioner or neurologist's continuing care for the  
9 serious condition or intractable epilepsy; and

10 (e) Recommends the form of hemp extract the patient may consume, including the method  
11 of consumption and any particular strain, variety, or quantity;

12 (4) Pays the department a fee in an amount established by the department under subsection 6  
13 of this section; and

14 (5) Submits an application to the department on a form created by the department that  
15 contains:

16 (a) The individual's name and address;

17 (b) A copy of the individual's valid photo identification; and

18 (c) Any other information the department considers necessary to implement the provisions of  
19 this section.

20 3. The department shall issue a hemp extract registration card to a parent who:

21 (1) Is eighteen years of age or older;

22 (2) Is a Missouri resident;

23 (3) Provides the department with a [statement] recommendation signed by a neurologist or  
24 practitioner that:

25 (a) Indicates that a minor in the parent's care suffers from intractable epilepsy or a serious  
26 condition and may benefit from treatment with hemp extract; [and]

27 (b) Is consistent with a record from the neurologist or practitioner concerning the minor  
28 contained in the database described in subsection [9] 10 of this section;

29 (c) The practitioner or neurologist by training or experience is qualified to treat the serious  
30 condition;

31 (d) The minor is under the practitioner or neurologist's continuing care for the serious  
32 condition; and

33 (e) Recommends the form of hemp extract the patient may consume, including the method  
34 of consumption and any particular strain, variety, or quantity;

35 (4) Pays the department a fee in an amount established by the department under subsection 6  
36 of this section; and

37 (5) Submits an application to the department on a form created by the department that  
38 contains:

39 (a) The parent's name and address;

40 (b) The minor's name;

41 (c) A copy of the parent's valid photo identification; and

1 (d) Any other information the department considers necessary to implement the provisions  
2 of this section.

3 4. The department shall maintain a record of the name of each registrant and the name of  
4 each minor receiving care from a registrant.

5 5. The department may promulgate rules to authorize clinical trials involving hemp extract  
6 and shall promulgate rules to:

7 (1) Implement the provisions of this section including establishing the information the  
8 applicant is required to provide to the department and establishing in accordance with  
9 recommendations from the department of public safety the form and content of the hemp extract  
10 registration card; and

11 (2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a  
12 registrant, which shall be in addition to any other state or federal regulations[; and  
13 The department may promulgate rules to authorize clinical trials involving hemp extract].

14 6. The department shall establish fees that are no greater than the amount necessary to cover  
15 the cost the department incurs to implement the provisions of this section.

16 7. The registration cards issued under this section shall be valid for one year and renewable  
17 if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this  
18 section. The practitioner or neurologist may state in the recommendation provided to the department  
19 that, in the practitioner or neurologist's professional opinion, the patient would benefit from hemp  
20 extract only until a specified earlier date and the registration card shall expire on the date provided in  
21 the recommendation.

22 8. Only a neurologist or practitioner may recommend hemp extract and sign the statement  
23 described in subsection 2 or 3 of this section as part of the treatment plan of a patient diagnosed with  
24 intractable epilepsy or a serious condition.

25 9. The neurologist or practitioner who signs the [statement] recommendation described in  
26 subsection 2 or 3 of this section shall:

27 (1) Keep a record of the practitioner or neurologist's evaluation and observation of a patient  
28 who is a registrant or minor under a registrant's care including the patient's response to hemp extract;  
29 [and]

30 (2) Transmit the record described in subdivision (1) of this subsection to the department; and

31 (3) Notify the patient, or the patient's parent or guardian if the patient is a minor, prior to  
32 providing a recommendation, that hemp extract has not been approved by the Federal Drug  
33 Administration and by using such treatment the patient or parent is accepting the risks involved in  
34 using an unapproved product.

35 [9.] 10. The department shall maintain a database of the records described in subsection [8]  
36 9 of this section and treat the records as identifiable health data.

37 [10.] 11. The department may share the records described in subsection [9] 10 of this section  
38 with a higher education institution for the purpose of studying hemp extract.

39 [11.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
40 created under the authority delegated in this section shall become effective only if it complies with  
41 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section

1 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
2 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
4 adopted after July 14, 2014, shall be invalid and void.

5 192.947. 1. No individual or health care entity organized under the laws of this state shall be  
6 subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil  
7 or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative  
8 penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if  
9 such individual or health care entity, in its normal course of business and within its applicable  
10 licenses and regulations, acts in good faith upon or in furtherance of any order, recommendation, or  
11 statement by a neurologist or practitioner authorized under section 192.945 relating to the medical  
12 use and administration of hemp extract with respect to an eligible patient.

13 2. The provisions of subsection 1 of this section shall apply to the possession, handling,  
14 storage, transfer, destruction, dispensing, or administration of hemp extract, including any act in  
15 preparation of such dispensing or administration.

16 195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term "hemp  
17 extract" shall mean an extract from a cannabis plant or a mixture or preparation containing cannabis  
18 plant material that:

- 19 (1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;
- 20 (2) Is composed of at least five percent cannabidiol by weight; and
- 21 (3) Contains no other psychoactive substance.

22 2. Notwithstanding any other provision of this chapter or chapter 579, an individual who has  
23 been issued a valid hemp extract registration card under section 192.945, or is a minor under a  
24 registrant's care, and possesses or uses hemp extract is not subject to the penalties described in this  
25 chapter or chapter 579 for possession or use of the hemp extract if the individual:

26 (1) Possesses or uses the hemp extract only to treat intractable epilepsy or a serious condition  
27 as defined in section 192.945;

28 (2) Originally obtained the hemp extract from a sealed container with a label indicating the  
29 hemp extract's place of origin and a number that corresponds with a certificate of analysis;

30 (3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:

31 (a) Has a number that corresponds with the number on the label described in subdivision (2)  
32 of this subsection;

33 (b) Indicates the hemp extract's ingredients including its percentages of tetrahydrocannabinol  
34 and cannabidiol by weight;

35 (c) Is created by a laboratory that is not affiliated with the producer of the hemp extract and  
36 is licensed in the state where the hemp extract was produced; and

37 (d) Is transmitted by the laboratory to the department of health and senior services; and

38 (4) Has a current hemp extract registration card issued by the department of health and  
39 senior services under section 192.945;

40 (5) Possesses a form of hemp extract that is in compliance with any recommendation or  
41 limitation by the practitioner or neurologist as stated in the recommendation provided to the

1 department.

2 3. Notwithstanding any other provision of this chapter or chapter 579, an individual who  
3 possesses hemp extract lawfully under subsection 2 of this section and administers hemp extract to a  
4 minor suffering from intractable epilepsy or a serious condition is not subject to the penalties  
5 described in this chapter or chapter 579 for administering the hemp extract to the minor if:

6 (1) The individual is the minor's parent or legal guardian; and

7 (2) The individual is registered with the department of health and senior services as the  
8 minor's parent under section 192.945.

9 4. An individual who has [been issued] a valid hemp extract registration card under section  
10 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract  
11 pursuant to this section. Subject to any rules or regulations promulgated by the department of health  
12 and senior services, an individual may apply for a waiver if a physician provides a substantial  
13 medical basis in a signed, written statement asserting that, based on the patient's medical history, in  
14 the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate  
15 the patient's medical condition or symptoms associated with such medical condition.

16 261.265. 1. For purposes of this section, the following terms shall mean:

17 (1) "Cannabidiol oil care center", the premises specified in an application for a cultivation  
18 and production facility license in which the licensee is authorized to distribute processed hemp  
19 extract to persons possessing a hemp extract registration card issued under section 192.945;

20 (2) "Cultivation and production facility", the land and premises specified in an application  
21 for a cultivation and production facility license on which the licensee is authorized to grow, cultivate,  
22 process, and possess hemp and hemp extract;

23 (3) "Cultivation and production facility license", a license that authorizes the licensee to  
24 grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its  
25 cannabidiol oil care centers;

26 (4) "Department", the department of agriculture;

27 (5) "Grower", a nonprofit entity issued a cultivation and production facility license by the  
28 department of agriculture that produces hemp extract for the treatment of intractable epilepsy or a  
29 serious condition as such terms are defined under section 192.945;

30 (6) "Hemp":

31 (a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that  
32 contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the  
33 lesser of:

34 a. Three-tenths of one percent on a dry weight basis; or

35 b. The percent based on a dry weight basis determined by the federal Controlled Substances  
36 Act under 21 U.S.C. Section 801, et seq.;

37 (b) Any cannabis sativa seed that is:

38 a. Part of a growing crop;

39 b. Retained by a grower for future planting; or

40 c. For processing into or use as agricultural hemp seed.

41 This term shall not include industrial hemp commodities or products;

1 (7) "Hemp monitoring system", an electronic tracking system that includes, but is not limited  
2 to, testing and data collection established and maintained by the cultivation and production facility  
3 and is available to the department for the purposes of documenting the hemp extract production and  
4 retail sale of the hemp extract.

5 2. The department shall issue a cultivation and production facility license to a nonprofit  
6 entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1 of  
7 section 195.207 or hemp on the entity's property if the entity has had its domicile in the state for at  
8 least five years, has submitted to the department an application as required by the department under  
9 subsection 7 of this section, the entity meets all requirements of this section and the department's  
10 rules, and there are fewer than [two] the maximum number of licensed cultivation and production  
11 facilities operating in the state as provided under subsection 3 of this section. Any cultivation and  
12 production facility license issued before August 28, 2015, shall continue to be valid even if the  
13 licensed entity does not meet the domicile requirement under this subsection.

14 3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp  
15 extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy  
16 [as defined in section 192.945] or a serious condition, consistent with any and all state or federal  
17 regulations regarding the production, manufacture, or distribution of such product. The department  
18 shall not issue more than:

19 (1) Two cultivation and production facility licenses for the operation of such facilities at any  
20 one time in the year 2015;

21 (2) Five cultivation and production facility licenses for the operation of such facilities at any  
22 one time in the year 2016;

23 (3) Eight cultivation and production facility licenses for the operation of such facilities at  
24 any one time in the year 2017;

25 (4) Ten cultivation and production facility licenses for the operation of such facilities at any  
26 one time in the year 2018 and every year thereafter.

27 4. The department shall maintain a list of growers.

28 5. All growers shall keep records in accordance with rules adopted by the department. Upon  
29 at least three days' notice, the director of the department may audit the required records during  
30 normal business hours. The director may conduct an audit for the purpose of ensuring compliance  
31 with this section.

32 6. In addition to an audit conducted in accordance with subsection 5 of this section, the  
33 director may inspect independently, or in cooperation with the state highway patrol or a local law  
34 enforcement agency, any hemp crop during the crop's growth phase and take a representative  
35 composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC)  
36 concentration exceeding the lesser of:

37 (1) Three-tenths of one percent on a dry weight basis; or

38 (2) The percent based on a dry weight basis determined by the federal Controlled Substances  
39 Act under 21 U.S.C. Section 801, et seq.,  
40 the director may detain, seize, or embargo the crop.

41 7. The department shall promulgate rules including, but not limited to:

1 (1) Application requirements for licensing, including requirements for the submission of  
2 fingerprints and the completion of a criminal background check;

3 (2) Security requirements for cultivation and production facility premises, including, at a  
4 minimum, lighting, physical security, video and alarm requirements;

5 (3) Rules relating to hemp monitoring systems as defined in this section;

6 (4) Other procedures for internal control as deemed necessary by the department to properly  
7 administer and enforce the provisions of this section, including reporting requirements for changes,  
8 alterations, or modifications of the premises;

9 (5) Requirements that any hemp extract received from a legal source be submitted to a  
10 testing facility designated by the department to ensure that such hemp extract complies with the  
11 provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides.  
12 Any hemp extract that is not submitted for testing or which after testing is found not to comply with  
13 the provisions of section 195.207 shall not be distributed or used and shall be submitted to the  
14 department for destruction; and

15 (6) Rules regarding the manufacture, storage, and transportation of hemp and hemp extract,  
16 which shall be in addition to any other state or federal regulations.

17 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
18 under the authority delegated in this section shall become effective only if it complies with and is  
19 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
20 chapter 536 are nonseverable, and if any of the powers vested with the general assembly under  
21 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
22 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
23 July 14, 2014, shall be invalid and void.

24 9. All hemp waste from the production of hemp extract shall either be destroyed, recycled by  
25 the licensee at the hemp cultivation and production facility, or donated to the department or an  
26 institution of higher education for research purposes, and shall not be used for commercial purposes.

27 10. In addition to any other liability or penalty provided by law, the director may revoke or  
28 refuse to issue or renew a cultivation and production facility license and may impose a civil penalty  
29 on a grower for any violation of this section, or section 192.945 or 195.207. The director may not  
30 impose a civil penalty under this section that exceeds two thousand five hundred dollars."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.