AN ACT

To amend chapters 192, 195, and 261, RSMo, by adding thereto four new sections relating to hemp, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 192, 195, and 261, RSMo, are amended by adding thereto four new sections, to be known as sections 192.945, 195.207, 261.265, and 261.267, to read as follows:

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

(1) “Department”, the department of health and senior services;

(2) “Hemp extract”, as such term is defined in section 192.207;

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

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

(5) “Neurologist”, a physician who is licensed under chapter 334 and board certified in neurology;

(6) “Parent”, a parent or legal guardian of a minor who is responsible for the minor’s medical care;

(7) “Registrant”, an individual to whom the department issues a hemp extract registration card under this section.

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

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist that:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
(a) Indicates that the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract; and
(b) Is consistent with a record from the neurologist concerning the individual contained in the database described in subsection 9 of this section;
(4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and
(5) Submits an application to the department on a form created by the department that contains:
   (a) The individual’s name and address;
   (b) A copy of the individual’s valid photo identification; and
   (c) Any other information the department considers necessary to implement the provisions of this section.

3. The department shall issue a hemp extract registration card to a parent who:
   (1) Is eighteen years of age or older;
   (2) Is a Missouri resident;
   (3) Provides the department with a statement signed by a neurologist that:
      (a) Indicates that a minor in the parent’s care suffers from intractable epilepsy and may benefit from treatment with hemp extract; and
      (b) Is consistent with a record from the neurologist concerning the minor contained in the database described in subsection 9 of this section;
   (4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and
   (5) Submits an application to the department on a form created by the department that contains:
      (a) The parent’s name and address;
      (b) The minor’s name;
      (c) A copy of the parent’s valid photo identification; and
      (d) Any other information the department considers necessary to implement the provisions of this section.

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

5. The department shall promulgate rules to implement the provisions of this section including establishing the information the applicant is required to provide to the department and establishing in accordance with recommendations from the department of public safety the form and content of the hemp extract registration card.
6. The department shall establish fees that are no greater than the amount necessary to cover the cost the department incurs to implement the provisions of this section.

7. The registration cards issued under this section shall be valid for one year and renewable if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this section.

8. The neurologist who signs the statement described in subsection 2 or 3 of this section shall:

   (1) Keep a record of the neurologist’s evaluation and observation of a patient who is a registrant or minor under a registrant’s care including the patient’s response to hemp extract; and

   (2) Transmit the record described in subdivision (1) of this subsection to the department.

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

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

195.207. 1. As used in section 192.945 and this section, the term “hemp extract” shall mean an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

   (1) Is composed of no more than three tenths percent tetrahydrocannabinol by weight;

   (2) Is composed of at least five percent cannabidiol by weight; and

   (3) Contains no other psychoactive substance.

2. Notwithstanding any other provision of this chapter, an individual who possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

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

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

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

       (a) Has a number that corresponds with the number on the label described in subdivision (2) of this subsection;
(b) Indicates the hemp extract’s ingredients including its percentages of tetrahydrocannabinol and cannabidiol by weight;

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

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

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

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

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

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

4. Notwithstanding any other provision of this chapter, an individual who possesses up to twenty ounces of hemp extract is not subject to the penalties described in this chapter for possession or use of hemp extract. Subject to any rules or regulations promulgated by the department of health and senior services, an individual may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient’s medical history, in the physician’s professional judgment, twenty ounces is an insufficient amount to properly alleviate the patient’s medical condition or symptoms associated with such medical condition.

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

(1) “Department”, the department of agriculture;

(2) “Industrial hemp”, any part of a cannabis plant, whether growing or not, with an average concentration of less than three tenths percent tetrahydrocannabinol by weight;

(3) “Industrial hemp certificate”, a certificate issued by the department to a higher education institution to grow or cultivate industrial hemp under this section.

2. The department may import the seed, root, oil, or any other part of the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207, or any other item necessary for the production of hemp extract. The department may grow or collaborate with a licensed not-for-profit entity to grow or cultivate such plant or industrial hemp on its property for the purpose of agricultural or academic research. The department may produce, manufacture, and distribute hemp extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy as defined in
section 192.945 consistent with any and all state or federal regulations regarding the
production, manufacture, or distribution of such product. The department of agriculture
and the department of health and senior services shall establish rules and regulations
regarding the manufacture, storage, transportation, and distribution of hemp extract
under this section which shall be in addition to any other state or federal regulations.

3. The department shall certify a higher education institution to grow or cultivate
the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207
or industrial hemp on its property for the purpose of agricultural or academic research if
the higher education institution submits to the department:

(1) The location where the higher education institution intends to grow or cultivate
industrial hemp;

(2) The higher education institution’s research plan; and

(3) The name of an employee of the higher education institution who will supervise
the industrial hemp growth, cultivation, and research.

4. The department shall maintain a list of industrial hemp certificate holders.

5. The department shall promulgate rules to implement the provisions of this
section to ensure any industrial hemp project meets the standards of an agricultural pilot
project, as defined by Section 7606 of the Agricultural Act of 2014. Any rule or portion of
a rule, as that term is defined in section 536.010, that is created under the authority
delegated in this section shall become effective only if it complies with and is subject to all
of the provisions of chapter 536 and, if applicable, section 536.028. This section and
chapter 536 are nonseverable, and if any of the powers vested with the general assembly
under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
are subsequently held unconstitutional, then the grant of rulemaking authority and any
rule proposed or adopted after August 28, 2014, shall be invalid and void.

261.267. The department of agriculture shall adopt rules and regulations requiring
any hemp extract received from a legal source to be submitted to a testing facility
designated by the department to ensure that such hemp extract complies with the
provisions of section 195.207 and to ensure that the hemp extract does not contain any
pesticides. Any hemp extract that is not submitted for testing or which after testing is
found not to comply with the provisions of section 195.207 shall not be distributed or used
and shall be submitted to the department for destruction. Any rule or portion of a rule,
as that term is defined in section 536.010, that is created under the authority delegated in
this section shall become effective only if it complies with and is subject to all of the
provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
are nonseverable, and if any of the powers vested with the general assembly under chapter
536 to review, to delay the effective date, or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of rulemaking authority and any rule
proposed or adopted after August 28, 2014, shall be invalid and void.

Section B. Because immediate action is necessary to provide individuals suffering from
epilepsy with access to medical treatment, section A of this act is deemed necessary for the
immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
to be an emergency act within the meaning of the constitution, and section A of this act shall be
in full force and effect upon its passage and approval.