

COMMITTEE OF ORIGIN: Committee on General Laws

This bill changes the laws regarding hemp. In its main provisions, the bill:

(1) Specifies that the Department of Health and Senior Services may issue a hemp extract registration card to individuals that meet certain criteria, including a signed statement from a neurologist that indicates the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract and is consistent with a record from the neurologist concerning the individual contained in the department's database. The department may issue a hemp extract registration card to a parent of a minor who meets certain criteria;

(2) Requires the department to maintain a record of the name of each person to whom the department issues a hemp extract registration card and the name of each minor receiving care from a registrant;

(3) Requires the department to establish the information the applicant is required to provide to the department; working with the Department of Public Safety, establish the form and content of the hemp extract registration card; and establish fees no greater than the amount necessary to cover the cost the department incurs to implement the program;

(4) Specifies that the registration cards are valid for one year and renewable if at the time of renewal the registrant meets specified requirements;

(5) Requires the neurologist who signs the statement to keep a record of the evaluation and observation of a patient, including the patient's response to hemp extract, and transmit the record to the department;

(6) Requires the department to maintain a database of the records and treat the records as identifiable health data. The department may share the records with a higher education institution for the purpose of studying hemp extract;

(7) Defines "hemp extract" as an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

(a) Is composed of no more than .3% tetrahydrocannabinol by weight;

(b) Is composed of at least 5% cannabidiol by weight; and

(c) Contains no other psychoactive substance;

(8) Specifies that an individual who possesses or uses hemp extract is not subject to the penalties for possession or use of the hemp extract if the individual possesses or uses the hemp extract only to treat intractable epilepsy; 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; possesses, in close proximity to the hemp extract, a certificate of analysis that contains specific information about the extract; and has a current hemp extract registration card issued by the department;

(9) Specifies that an individual who possesses hemp extract lawfully and administers hemp extract to a minor suffering from intractable epilepsy is not subject to the penalties for administering the hemp extract to the minor if the individual is the minor's parent or legal guardian and is registered with the department as the minor's parent;

(10) Specifies that an individual who possesses up to 20 ounces of hemp extract is not subject to the penalties for possession or use of hemp extract. 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, 20 ounces is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with the medical condition;

(11) Defines "Cannabidiol oil care center," the premises specified in an application for a license in which the licensee is authorized to distribute processed hemp extract to consumers, including persons possessing a hemp extract registration card;

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

(13) Defines "Cultivation and production facility license" as a license that authorizes the licensee to grow, cultivate, process, possess, and distribute to its cannabidiol oil care center;

(14) Defines "Grower" as a nonprofit entity licensed by the Department of Agriculture that produces hemp extract for the treatment of intractable epilepsy;

(15) Defines "Hemp monitoring system" as an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract;

(16) Specifies that all growers must keep records in accordance with rules adopted by the department. Upon at least three days notice, the director of the department may audit the required records during normal business hours. The director may conduct an audit for the purpose of ensuring compliance with this section;

(17) Allows the Director of the Department of Agriculture to inspect independently, or in cooperation with the State Highway Patrol or a local law enforcement agency, any hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lessor of:

(a) .3% on a dry weight basis; or

(b) The percent based on a dry weight basis determined by the federal Controlled Substance Act under 21 U.S.C. Section 801 et seq.;

(18) Specifies that a grower may produce, manufacture, and distribute hemp extract as defined in these provisions for the treatment of persons suffering from intractable epilepsy consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of the product. The Department of Agriculture and the Department of Health and Senior Services must establish rules and regulations regarding the manufacture, storage, transportation, and distribution of hemp extract under this section which will be in addition to any other state or federal regulations;

(19) Specifies that up to two licenses in the state may be granted by the department and a licensee may have up to three cannabidiol oil care centers;

(20) Specifies that all hemp waste from the production of hemp extract must either be destroyed, recycled by the licensee at the hemp cultivation and production facility, or donated to the department or an institution of higher education for research purposes, and must not be used for commercial purposes;

(21) Requires the Department of Agriculture to license a grower to grow or cultivate the cannabis plant used to make hemp extract as

defined in these provisions or hemp on its property if the grower has submitted to the department a specified application;

(22) Requires the Department of Agriculture to maintain a list of cultivation and production facility licensees; and

(23) Requires the Department of Agriculture to promulgate rules including, but not limited to, application requirements for licensing, security requirements for cultivation and production facility premises, including, at a minimum, lighting, physical security, video and alarm requirements, hemp monitoring systems as defined in this section, and other procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications of the premises.

The bill contains an emergency clause.