

FIRST REGULAR SESSION

HOUSE BILL NO. 490

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

1268H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, and to enact in lieu thereof forty new sections relating to the compassionate use of medical cannabis pilot program act, with penalty provisions.

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

Section A. Sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, are
2 repealed and forty new sections enacted in lieu thereof, to be known as sections 195.202,
3 195.211, 195.222, 195.223, 195.700, 195.703, 195.706, 195.709, 195.712, 195.715, 195.718,
4 195.721, 195.724, 195.727, 195.730, 195.733, 195.736, 195.739, 195.742, 195.745, 195.748,
5 195.751, 195.754, 195.757, 195.760, 195.763, 195.766, 195.769, 195.772, 195.775, 195.778,
6 195.781, 195.784, 195.787, 195.790, 195.793, 195.796, 195.798, 195.799, and 263.250, to read
7 as follows:

195.202. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.700**
2 **to 195.799**, it is unlawful for any person to possess or have under his control a controlled
3 substance.

4 2. Any person who violates this section with respect to any controlled substance except
5 thirty-five grams or less of marijuana or any synthetic cannabinoid is guilty of a class C felony.

6 3. Any person who violates this section with respect to not more than thirty-five grams
7 of marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.

195.211. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.700**
2 **to 195.799**, and except as provided in section 195.222, it is unlawful for any person to distribute,
3 deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a

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.

4 controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a
5 controlled substance.

6 2. Any person who violates or attempts to violate this section with respect to
7 manufacturing or production of a controlled substance of any amount except for five grams or
8 less of marijuana in a residence where a child resides or within two thousand feet of the real
9 property comprising a public or private elementary or public or private elementary or secondary
10 school, public vocational school or a public or private community college, college or university,
11 or any school bus is guilty of a class A felony.

12 3. Any person who violates or attempts to violate this section with respect to any
13 controlled substance except five grams or less of marijuana is guilty of a class B felony.

14 4. Any person who violates this section with respect to distributing or delivering not
15 more than five grams of marijuana is guilty of a class C felony.

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except
2 as authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers,
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than
4 thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of
5 this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
13 produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty
14 grams of a mixture or substance containing a detectable amount of coca leaves, except coca
15 leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or
16 their salts have been removed; cocaine salts and their optical and geometric isomers, and salts
17 of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,
18 mixture, or preparation which contains any quantity of any of the foregoing substances.
19 Violations of this subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
28 produces or attempts to distribute, deliver, manufacture or produce more than eight grams of a
29 mixture or substance described in subsection 2 of this section which contains cocaine base.
30 Violations of this subsection shall be punished as follows:

31 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
32 person shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is twenty-four grams or more the person shall be sentenced
34 to the authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
38 produces or attempts to distribute, deliver, manufacture or produce more than five hundred
39 milligrams of a mixture or substance containing a detectable amount of lysergic acid
40 diethylamide (LSD). Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the
44 authorized term of imprisonment for a class A felony which term shall be served without
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as
47 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
48 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a
49 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this
50 subsection shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
54 authorized term of imprisonment for a class A felony which term shall be served without
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as
57 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,

58 produces or attempts to distribute, deliver, manufacture or produce more than four grams of
59 phencyclidine. Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
63 authorized term of imprisonment for a class A felony which term shall be served without
64 probation or parole.

65 7. A person commits the crime of trafficking drugs in the first degree if, except as
66 authorized by sections 195.005 to 195.425[he] **and sections 195.700 to 195.799, such person**
67 distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or
68 produce more than thirty kilograms of a mixture or substance containing marijuana. Violations
69 of this subsection shall be punished as follows:

70 (1) If the quantity involved is more than thirty kilograms but less than one hundred
71 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
72 felony;

73 (2) If the quantity involved is one hundred kilograms or more the person shall be
74 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
75 without probation or parole.

76 8. A person commits the crime of trafficking drugs in the first degree if, except as
77 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
78 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
79 material, compound, mixture or preparation which contains any quantity of the following
80 substances having a stimulant effect on the central nervous system: amphetamine, its salts,
81 optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and
82 salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this
83 subsection or attempts to violate this subsection shall be punished as follows:

84 (1) If the quantity involved is more than thirty grams but less than ninety grams the
85 person shall be sentenced to the authorized term of imprisonment for a class A felony;

86 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
87 grams or more and the location of the offense was within two thousand feet of a school or public
88 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
89 structure or building which contains rooms furnished for the accommodation or lodging of
90 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
91 accommodations are sought for pay or compensation to transient guests or permanent guests, the
92 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
93 shall be served without probation or parole.

94 9. A person commits the crime of trafficking drugs in the first degree if, except as
95 authorized by sections 195.005 to 195.425, [he or she] **such person** distributes, delivers,
96 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than
97 thirty grams of any material, compound, mixture or preparation which contains any quantity of
98 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
99 subsection shall be punished as follows:

100 (1) If the quantity involved is more than thirty grams but less than ninety grams the
101 person shall be sentenced to the authorized term of imprisonment for a class A felony;

102 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
103 grams or more and the location of the offense was within two thousand feet of a school or public
104 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
105 structure or building which contains rooms furnished for the accommodation or lodging of
106 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
107 accommodations are sought for pay or compensation to transient guests or permanent guests, the
108 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
109 shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,
2 except as authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under
3 his **or her** control, purchases or attempts to purchase, or brings into this state more than thirty
4 grams of a mixture or substance containing a detectable amount of heroin. Violations of this
5 subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
9 A felony.

10 2. A person commits the crime of trafficking drugs in the second degree if, except as
11 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
12 control, purchases or attempts to purchase, or brings into this state more than one hundred fifty
13 grams of a mixture or substance containing a detectable amount of coca leaves, except coca
14 leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or
15 their salts have been removed; cocaine salts and their optical and geometric isomers, and salts
16 of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,
17 mixture, or preparation which contains any quantity of any of the foregoing substances.
18 Violations of this subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty
22 of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as
24 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
25 control, purchases or attempts to purchase, or brings into this state more than eight grams of a
26 mixture or substance described in subsection 2 of this section which contains cocaine base.
27 Violations of this subsection shall be punished as follows:

28 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
29 person shall be guilty of a class B felony;

30 (2) If the quantity involved is twenty-four grams or more the person shall be guilty of
31 a class A felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as
33 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
34 control, purchases or attempts to purchase, or brings into this state more than five hundred
35 milligrams of a mixture or substance containing a detectable amount of lysergic acid
36 diethylamide (LSD). Violations of this subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as
42 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
43 control, purchases or attempts to purchase, or brings into this state more than thirty grams of a
44 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this
45 subsection shall be punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
49 A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as
51 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
52 control, purchases or attempts to purchase, or brings into this state more than four grams of
53 phencyclidine. Violations of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class
57 A felony.

58 7. A person commits the crime of trafficking drugs in the second degree if, except as
59 authorized by sections 195.005 to 195.425[, he] **and sections 195.700 to 195.799, such person**
60 possesses or has under his **or her** control, purchases or attempts to purchase, or brings into this
61 state more than thirty kilograms or more of a mixture or substance containing marijuana.
62 Violations of this subsection shall be punished as follows:

63 (1) If the quantity involved is more than thirty kilograms but less than one hundred
64 kilograms the person shall be guilty of a class B felony;

65 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty
66 of a class A felony.

67 8. A person commits the class A felony of trafficking drugs in the second degree if,
68 except as authorized by sections 195.005 to 195.425[, he] **and sections 195.700 to 195.799, such**
69 **person** possesses or has under his **or her** control, purchases or attempts to purchase, or brings
70 into this state more than five hundred marijuana plants.

71 9. A person commits the crime of trafficking drugs in the second degree if, except as
72 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
73 control, purchases or attempts to purchase, or brings into this state more than thirty grams of any
74 material, compound, mixture or preparation which contains any quantity of the following
75 substances having a stimulant effect on the central nervous system: amphetamine, its salts,
76 optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of
77 its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or
78 attempts to violate this subsection shall be punished as follows:

79 (1) If the quantity involved is more than thirty grams but less than ninety grams the
80 person shall be guilty of a class B felony;

81 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
82 grams, the person shall be guilty of a class A felony;

83 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
84 of a class A felony and the term of imprisonment shall be served without probation or parole.

85 10. A person commits the crime of trafficking drugs in the second degree if, except as
86 authorized by sections 195.005 to 195.425, [he or she] **such person** possesses or has under his
87 or her control, purchases or attempts to purchase, or brings into this state more than thirty grams
88 of any material, compound, mixture or preparation which contains any quantity of
89 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
90 subsection shall be punished as follows:

91 (1) If the quantity involved is more than thirty grams but less than ninety grams the
92 person shall be guilty of a class B felony;

93 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
94 grams, the person shall be guilty of a class A felony;

95 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
96 of a class A felony and the term of imprisonment shall be served without probation or parole.

**195.700. 1. Sections 195.700 to 195.799 shall be known and may be cited as the
2 "Compassionate Use of Medical Cannabis Pilot Program Act".**

3 2. As used in sections 195.700 to 195.799, the following terms shall mean:

4 (1) "Adequate supply":

**5 (a) Two and one-half ounces of usable cannabis during a period of fourteen days
6 and that is derived solely from an intrastate source;**

**7 (b) Subject to the rules of the department of health and senior services, a patient
8 may apply for a waiver if a physician provides a substantial medical basis in a signed
9 written statement asserting that, based on the patient's medical history and in the
10 physician's professional judgment, two and one-half ounces is an insufficient adequate
11 supply for a fourteen-day period to properly alleviate the patient's debilitating medical
12 condition or symptoms associated with the debilitating medical condition;**

**13 (c) This subdivision shall not be construed to authorize the possession of more than
14 two and one-half ounces at any time without authority from the department of health and
15 senior services;**

**16 (d) The premixed weight of medical cannabis used in making a cannabis infused
17 product shall apply toward the limit on the total amount of medical cannabis a registered
18 qualifying patient may possess at any one time;**

**19 (2) "Cannabis", includes marijuana, hashish, and other substances which are
20 identified as including any parts of the plant Cannabis Sativa, whether growing; the seeds
21 thereof, the resin extracted from any part of such plant; and any compound, manufacture,
22 salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including
23 tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally
24 occurring or synthetically produced ingredients, whether produced directly or indirectly
25 by extraction, or independently by means of chemical synthesis or by a combination of
26 extraction and chemical synthesis; but shall not include the mature stalks of such plant,
27 fiber produced from such stalks, oil or cake made from the seeds of such plant, any other
28 compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks
29 except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant
30 which is incapable of germination;**

31 (3) "Cannabis plant monitoring system", a system that includes, but is not limited
32 to, testing and data collection established and maintained by the registered cultivation
33 center and available to the department of agriculture for the purposes of documenting each
34 cannabis plant and for monitoring plant development throughout the life cycle of a
35 cannabis plant cultivated for the intended use by a qualifying patient from seed planting
36 to final packaging;

37 (4) "Cardholder", a qualifying patient or a designated caregiver who has been
38 issued and possesses a valid registry identification card by the department of health and
39 senior services;

40 (5) "Cultivation center", a facility operated by an organization or business that is
41 registered by the department of agriculture to perform necessary activities to provide only
42 registered medical cannabis dispensing organizations with usable medical cannabis;

43 (6) "Cultivation center agent", a principal officer, board member, employee, or
44 agent of a registered cultivation center who is twenty-one years of age or older and has not
45 been convicted of an excluded offense;

46 (7) "Cultivation center agent identification card", a document issued by the
47 department of agriculture that identifies a person as a cultivation center agent;

48 (8) "Debilitating medical condition", one or more of the following:

49 (a) Cancer; glaucoma; positive status for human immunodeficiency virus (HIV);
50 acquired immune deficiency syndrome; hepatitis C; amyotrophic lateral sclerosis (ALS);
51 Crohn's disease; agitation of Alzheimer's disease; cachexia or wasting syndrome; muscular
52 dystrophy; severe fibromyalgia; spinal cord disease including, but not limited to,
53 arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, rheumatoid arthritis, fibrous
54 dysplasia, spinal cord injury, traumatic brain injury, and post-concussion syndrome;
55 multiple sclerosis; Arnold-Chiari malformation and syringomyelia; Spinocerebellar Ataxia
56 (SCA); Parkinson's; Tourette's; myoclonus; dystonia; reflex sympathetic dystrophy (RSD);
57 complex regional pain syndrome (CRPS); causalgia; neurofibromatosis; chronic
58 inflammatory demyelinating polyneuropathy; Sjogren's syndrome; lupus; interstitial
59 cystitis; myasthenia gravis; hydrocephalus; nail-patella syndrome; residual limb pain; or
60 the treatment of such conditions; or

61 (b) Any other debilitating medical condition or its treatment that is added by the
62 department of health and senior services by rule under section 195.721;

63 (9) "Designated caregiver", a person who:

64 (a) Is at least twenty-one years of age;

65 (b) Has agreed to assist with a patient's medical use of cannabis;

66 (c) Has not been convicted of an excluded offense; and

67 (d) Assists no more than one registered qualifying patient with his or her medical
68 use of cannabis;

69 (10) "Dispensing organization agent identification card", a document issued by the
70 department of insurance, financial institutions and professional registration that identifies
71 a person as a medical cannabis dispensing organization agent;

72 (11) "Enclosed locked facility", a room, greenhouse, building, or other enclosed
73 area equipped with locks or other security devices that permit access only by a cultivation
74 center agent or a dispensing organization agent working for the registered cultivation
75 center or the registered dispensing organization to cultivate, store, and distribute cannabis
76 for registered qualifying patients;

77 (12) "Excluded offense":

78 (a) A violent crime or a substantially similar offense that was classified as a felony
79 in the jurisdiction where the person was convicted. For purposes of this paragraph,
80 "violent crime" means any felony in which force or threat of force was used against the
81 victim; any offense involving sexual exploitation, sexual conduct, or sexual penetration;
82 any offense involving child pornography; domestic assault; any violation of an order of
83 protection; stalking; any misdemeanor which results in death or great bodily harm to the
84 victim; a violation of section 565.024; a violation of section 195.793; any violation for
85 driving while intoxicated, driving with excessive blood alcohol content, or driving under
86 the influence of drugs or alcohol; or any similar provision of a local ordinance if the
87 violation resulted in personal injury or death and includes any action committed by a
88 juvenile that would be a violent crime if committed by an adult. For the purposes of this
89 paragraph, "personal injury" includes any injury as indicated on a traffic accident report
90 completed by a law enforcement officer that requires immediate professional attention in
91 either a doctor's office or medical facility including, but not limited to, severely bleeding
92 wounds, distorted extremities, and injuries that require the injured party to be carried
93 from the scene; or

94 (b) A violation of a state or federal controlled substance law that was classified as
95 a felony in the jurisdiction where the person was convicted; except that, the registering
96 department may waive such restriction if the person demonstrates to the registering
97 department's satisfaction that his or her conviction was for the possession, cultivation,
98 transfer, or delivery of a reasonable amount of cannabis intended for medical use. Such
99 exception shall not apply if the conviction was under state law and involved a violation of
100 an existing medical cannabis law;

101 (13) "Medical cannabis container", a sealed, traceable, food-compliant, tamper-
102 resistant, tamper-evident container or package used for the purpose of containment of
103 medical cannabis from a cultivation center to a dispensing organization;

104 (14) "Medical cannabis cultivation center registration", a registration issued by the
105 department of agriculture;

106 (15) "Medical cannabis dispensing organization", "dispensing organization", or
107 "dispensary organization", a facility operated by an organization or business that is
108 registered by the department of insurance, financial institutions and professional
109 registration to acquire medical cannabis from a registered cultivation center for the
110 purpose of dispensing cannabis, paraphernalia, or related supplies and educational
111 materials to registered qualifying patients;

112 (16) "Medical cannabis dispensing organization agent" or "dispensing organization
113 agent", a principal officer, board member, employee, or agent of a registered medical
114 cannabis dispensing organization who is twenty-one years of age or older and has not been
115 convicted of an excluded offense;

116 (17) "Medical cannabis infused product", food, oils, ointments, or other products
117 containing usable cannabis that are not smoked;

118 (18) "Medical use", the acquisition, administration, delivery, possession, transfer,
119 transportation, or use of cannabis to treat or alleviate a registered qualifying patient's
120 debilitating medical condition or symptoms associated with the patient's debilitating
121 medical condition;

122 (19) "Physician", a physician licensed to practice under chapter 334. Physician
123 does not include a licensed practitioner under any other state law including, but not limited
124 to, a dentist or veterinarian;

125 (20) "Qualifying patient", a person who has been diagnosed by a physician as
126 having a debilitating medical condition;

127 (21) "Registered", licensed, permitted, or otherwise certified by the department of
128 agriculture, department of health and senior services, or department of insurance,
129 financial institutions and professional registration;

130 (22) "Registry identification card", a document issued by the department of health
131 and senior services that identifies a person as a registered qualifying patient or registered
132 designated caregiver;

133 (23) "Usable cannabis", the seeds, leaves, buds, and flowers of the cannabis plant
134 and any mixture or preparation thereof, but does not include the stalks and roots of the
135 plant. Usable cannabis does not include the weight of any noncannabis ingredients

136 combined with cannabis, such as ingredients added to prepare a topical administration,
137 food, or drink;

138 (24) "Verification system", an internet-based system established and maintained
139 by the department of health and senior services that is available to the department of
140 agriculture, the department of insurance, financial institutions and professional
141 registration, law enforcement personnel, and registered medical cannabis dispensing
142 organization agents on a twenty-four-hour basis for the verification of registry
143 identification cards, the tracking of delivery of medical cannabis to medical cannabis
144 dispensing organizations, and the tracking of the date of sale, amount, and price of medical
145 cannabis purchased by a registered qualifying patient;

146 (25) "Written certification", a document dated and signed by a physician stating:

147 (a) That in the physician's professional opinion the patient is likely to receive
148 therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the
149 patient's debilitating medical condition or symptoms associated with the debilitating
150 medical condition;

151 (b) That the qualifying patient has a debilitating medical condition and specifying
152 the debilitating medical condition the qualifying patient has; and

153 (c) That the patient is under the physician's care for the debilitating medical
154 condition. A written certification shall be made only in the course of a bona fide physician-
155 patient relationship, after the physician has completed an assessment of the qualifying
156 patient's medical history, reviewed relevant records related to the patient's debilitating
157 condition, and conducted a physical examination. A veteran who has received treatment
158 at a VA hospital shall be deemed to have a bona fide physician-patient relationship with
159 a VA physician if the patient has been seen for his or her debilitating medical condition at
160 the VA hospital in accordance with VA hospital protocols. A bona fide physician-patient
161 relationship under this subdivision is a privileged communication and shall not be subject
162 to disclosure except as otherwise provided by law.

195.703. 1. The department of health and senior services shall enforce the following
2 provisions of sections 195.700 to 195.799 unless otherwise provided for under sections
3 195.700 to 195.799:

4 (1) Establish and maintain a confidential registry of qualifying patients authorized
5 to engage in the medical use of cannabis and their caregivers;

6 (2) Distribute educational materials about the health risks associated with the abuse
7 of cannabis and prescription medications;

8 (3) Adopt rules to administer the patient and caregiver registration program; and

9 **(4) Adopt rules establishing food handling requirements for cannabis-infused**
10 **products that are prepared for human consumption.**

11 **2. The department of agriculture shall enforce the provisions of sections 195.700**
12 **to 195.799 relating to the registration and oversight of cultivation centers unless otherwise**
13 **provided for in sections 195.700 to 195.799.**

14 **3. The department of insurance, financial institutions and professional registration**
15 **shall enforce the provisions of sections 195.700 to 195.799 relating to the registration and**
16 **oversight of dispensing organizations unless otherwise provided for in sections 195.700 to**
17 **195.799.**

18 **4. The department of health and senior services, the department of agriculture, or**
19 **the department of insurance, financial institutions and professional registration shall enter**
20 **into intergovernmental agreements, as necessary, to implement the provisions of sections**
21 **195.700 to 195.799 including, but not limited to, the provisions relating to the registration**
22 **and oversight of cultivation centers, dispensing organizations, and qualifying patients and**
23 **caregivers.**

24 **5. The department of health and senior services, the department of agriculture, or**
25 **the department of insurance, financial institutions and professional registration may**
26 **suspend or revoke a registration for violations of sections 195.700 to 195.799 and any rules**
27 **adopted thereunder. The suspension or revocation of a registration is a final agency action**
28 **subject to judicial review.**

195.706. 1. There is hereby created in the state treasury the "Compassionate Use
2 **of Medical Cannabis Fund", which shall consist of moneys collected under sections 195.700**
3 **to 195.799. The state treasurer shall be custodian of the fund. In accordance with sections**
4 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**
5 **dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the**
6 **administration of sections 195.700 to 195.799.**

7 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
8 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
9 **general revenue fund.**

10 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
11 **funds are invested. Any interest and moneys earned on such investments shall be credited**
12 **to the fund.**

195.709. 1. A registered qualifying patient shall not be subject to arrest,
2 **prosecution, or denial of any right or privilege including, but not limited to, civil penalty**
3 **or disciplinary action by an occupational or professional licensing board, for the medical**
4 **use of cannabis in accordance with sections 195.700 to 195.799, if the registered qualifying**

5 patient possesses an amount of cannabis that does not exceed an adequate supply, as
6 defined in subsection 2 of section 195.700, of usable cannabis and, if the registered
7 qualifying patient is a licensed professional, the use of cannabis does not impair such
8 licensed professional when he or she is engaged in the practice of the profession for which
9 he or she is licensed.

10 2. A registered designated caregiver shall not be subject to arrest, prosecution, or
11 denial of any right or privilege including, but not limited to, civil penalty or disciplinary
12 action by an occupational or professional licensing board, for acting in accordance with
13 sections 195.700 to 195.799 to assist a registered qualifying patient to whom he or she is
14 connected through the department's registration process with the medical use of cannabis
15 if the designated caregiver possesses an amount of cannabis that does not exceed an
16 adequate supply, as defined in subsection 2 of section 195.700, of usable cannabis. The
17 total amount possessed between the qualifying patient and caregiver shall not exceed the
18 patient's adequate supply, as defined in subsection 2 of section 195.700.

19 3. A registered qualifying patient or registered designated caregiver shall not be
20 subject to arrest, prosecution, or denial of any right or privilege including, but not limited
21 to, civil penalty or disciplinary action by an occupational or professional licensing board
22 for possession of cannabis that is incidental to medical use, but is not usable cannabis as
23 defined in subsection 2 of section 195.700.

24 4. (1) There is a rebuttable presumption that a registered qualifying patient is
25 engaged in or a designated caregiver is assisting with the medical use of cannabis in
26 accordance with sections 195.700 to 195.799 if the qualifying patient or designated
27 caregiver:

28 (a) Is in possession of a valid registry identification card; and

29 (b) Is in possession of an amount of cannabis that does not exceed the amount
30 allowed under section 195.700.

31 (2) The presumption may be rebutted by evidence that conduct related to cannabis
32 was not for the purpose of treating or alleviating the qualifying patient's debilitating
33 medical condition or symptoms associated with the debilitating medical condition in
34 compliance with sections 195.700 to 195.799.

35 5. A physician shall not be subject to arrest, prosecution, or penalty in any manner,
36 or denied any right or privilege including, but not limited to, civil penalty or disciplinary
37 action by the state board of healing arts or by any other occupational or professional
38 licensing board, solely for providing written certifications or for otherwise stating that in
39 the physician's professional opinion a patient is likely to receive therapeutic or palliative
40 benefit from the medical use of cannabis to treat or alleviate the patient's debilitating

41 **medical condition or symptoms associated with the debilitating medical condition, provided**
42 **that nothing shall prevent a professional licensing or disciplinary board from sanctioning**
43 **a physician for:**

44 **(1) Issuing a written certification to a patient who is not under the physician's care**
45 **for a debilitating medical condition; or**

46 **(2) Failing to properly evaluate a patient's medical condition or otherwise violating**
47 **the standard of care for evaluating medical conditions.**

48 **6. No person shall be subject to arrest, prosecution, or denial of any right or**
49 **privilege including, but not limited to, civil penalty or disciplinary action by an**
50 **occupational or professional licensing board, solely for:**

51 **(1) Selling cannabis paraphernalia to a cardholder upon presentation of an**
52 **unexpired registry identification card in the recipient's name, if employed and registered**
53 **as a dispensing agent by a registered dispensing organization;**

54 **(2) Being in the presence or vicinity of the medical use of cannabis as allowed under**
55 **sections 195.700 to 195.799; or**

56 **(3) Assisting a registered qualifying patient with the act of administering cannabis.**

57 **7. A registered cultivation center shall not be subject to prosecution; search or**
58 **inspection, except by the department of agriculture, department of health and senior**
59 **services, or state or local law enforcement under section 195.769; seizure; or penalty in any**
60 **manner; or be denied any right or privilege including, but not limited to, civil penalty or**
61 **disciplinary action by a business licensing board or entity, for acting under sections**
62 **195.700 to 195.799 and department of agriculture rules to acquire, possess, cultivate,**
63 **manufacture, deliver, transfer, transport, supply, or sell cannabis to registered dispensing**
64 **organizations.**

65 **8. A registered cultivation center agent shall not be subject to prosecution, search,**
66 **or penalty in any manner, or be denied any right or privilege including, but not limited to,**
67 **civil penalty or disciplinary action by a business licensing board or entity, for working or**
68 **volunteering for a registered cannabis cultivation center under sections 195.700 to 195.799**
69 **and department of agriculture rules, including to perform the actions listed under**
70 **subsection 7 of this section.**

71 **9. A registered dispensing organization shall not be subject to prosecution; search**
72 **or inspection, except by the department of insurance, financial institutions and professional**
73 **registration or state or local law enforcement under section 195.769; seizure; or penalty in**
74 **any manner; or be denied any right or privilege including, but not limited to, civil penalty**
75 **or disciplinary action by a business licensing board or entity, for acting under sections**
76 **195.700 to 195.799 and department of insurance, financial institutions and professional**

77 registration rules to acquire, possess, or dispense cannabis, or related supplies, and
78 educational materials to registered qualifying patients or registered designated caregivers
79 on behalf of registered qualifying patients.

80 **10. A registered dispensing organization agent shall not be subject to prosecution,**
81 **search, or penalty in any manner, or be denied any right or privilege including, but not**
82 **limited to, civil penalty or disciplinary action by a business licensing board or entity, for**
83 **working or volunteering for a dispensing organization under sections 195.700 to 195.799**
84 **and department of insurance, financial institutions and professional registration rules,**
85 **including to perform the actions listed under subsection 9 of this section.**

86 **11. Any cannabis, cannabis paraphernalia, illegal property, or interest in legal**
87 **property that is possessed, owned, or used in connection with the medical use of cannabis**
88 **as allowed under sections 195.700 to 195.799, or acts incidental to such use, shall not be**
89 **seized or forfeited. The provisions of sections 195.700 to 195.799 shall not be construed to**
90 **prevent the seizure or forfeiture of cannabis exceeding the amounts allowed under sections**
91 **195.700 to 195.799, nor prevent seizure or forfeiture if the basis for the action is unrelated**
92 **to the cannabis that is possessed, manufactured, transferred, or used under sections**
93 **195.700 to 195.799.**

94 **12. Mere possession of or application for a registry identification card or**
95 **registration certificate does not constitute probable cause or reasonable suspicion, nor shall**
96 **it be used as the sole basis to support the search of the person, property, or home of the**
97 **person possessing or applying for the registry identification card. The possession of or**
98 **application for a registry identification card does not preclude the existence of probable**
99 **cause if probable cause exists on other grounds.**

100 **13. Nothing in sections 195.700 to 195.799 shall preclude state or local law**
101 **enforcement agencies from searching a registered cultivation center or registered**
102 **dispensing organization if there is probable cause to believe that the criminal laws of this**
103 **state have been violated and the search is conducted in conformity with the Missouri**
104 **Constitution, the Constitution of the United States, and all applicable state laws.**

105 **14. No individual employed by the state of Missouri shall be subject to criminal or**
106 **civil penalties for taking any action in accordance with the provisions of sections 195.700**
107 **to 195.799, if the action is within the scope of his or her employment.**

195.712. 1. Sections 195.700 to 195.799 shall not permit any person to engage in
2 **and shall not prevent the imposition of any civil, criminal, or other penalties for engaging**
3 **in the following conduct:**

4 **(1) Undertaking any task under the influence of cannabis when doing so would**
5 **constitute negligence, professional malpractice, or professional misconduct;**

- 6 **(2) Possessing cannabis:**
7 **(a) In a school bus;**
8 **(b) On the grounds of any preschool or primary or**
9 **secondary school;**
10 **(c) In any correctional facility;**
11 **(d) In a vehicle in violation of section 195.796;**
12 **(e) In a vehicle not open to the public unless the medical cannabis is in a medical**
13 **cannabis container and reasonably inaccessible while the vehicle is moving; or**
14 **(f) In a private residence that is used at any time to provide licensed child care or**
15 **other similar social service care on the premises;**
16 **(3) Using cannabis:**
17 **(a) In a school bus;**
18 **(b) On the grounds of any preschool or primary or secondary school;**
19 **(c) In any correctional facility;**
20 **(d) In any motor vehicle;**
21 **(e) In a private residence that is used at any time to provide licensed child care or**
22 **other similar social service care on the premises;**
23 **(f) In any public place. As used in this paragraph, "public place" means any place**
24 **where an individual could reasonably be expected to be observed by others. A public place**
25 **includes all parts of buildings owned, in whole or in part, or leased by the state or political**
26 **subdivision of the state. A public place does not include a private residence unless the**
27 **private residence is used to provide licensed child care, foster care, or other similar social**
28 **service care on the premises, or a health care facility. For purposes of this paragraph, a**
29 **health care facility includes but is not limited to hospitals, nursing homes, hospice care**
30 **centers, and long-term care facilities; or**
31 **(g) Knowingly in close physical proximity to any person under the age of eighteen;**
32 **(4) Smoking medical cannabis in any public place where an individual could**
33 **reasonably be expected to be observed by others, in a health care facility, or any other**
34 **place where smoking is prohibited under state law;**
35 **(5) Operating, navigating, or being in actual physical control of any motor vehicle,**
36 **aircraft, or motorboat while intoxicated, with excessive blood alcohol content, or under the**
37 **influence or in violation of section 195.796;**
38 **(6) Using or possessing cannabis if such person does not have a debilitating medical**
39 **condition and is not a registered qualifying patient or caregiver;**

40 **(7) Allowing any person who is not allowed to use cannabis under sections 195.700**
41 **to 195.799 to use cannabis that a cardholder is allowed to possess under sections 195.700**
42 **to 195.799;**

43 **(8) Transferring cannabis to any person contrary to the provisions of sections**
44 **195.700 to 195.799;**

45 **(9) The use of medical cannabis by an active duty law enforcement officer,**
46 **correctional officer, correctional probation officer, or firefighter; or**

47 **(10) The use of medical cannabis by a person who has a school bus permit or a**
48 **commercial driver's license.**

49 **2. Nothing in sections 195.700 to 195.799 shall be construed to prevent the arrest**
50 **or prosecution of a registered qualifying patient for reckless driving or driving under the**
51 **influence where probable cause exists.**

52 **3. Notwithstanding any other criminal penalties related to the unlawful possession**
53 **of cannabis, knowingly making a misrepresentation to a law enforcement official of any**
54 **fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution**
55 **is a class A misdemeanor, which shall be in addition to any other penalties that may apply**
56 **for making a false statement or for the use of cannabis other than use undertaken under**
57 **sections 195.700 to 195.799.**

58 **4. Notwithstanding any other criminal penalties related to the unlawful possession**
59 **of cannabis, any person who makes a misrepresentation of a medical condition to a**
60 **physician or fraudulently provides material misinformation to a physician in order to**
61 **obtain a written certification is guilty of a class A misdemeanor.**

62 **5. Any cardholder or registered caregiver who sells cannabis shall have his or her**
63 **registry identification card revoked and shall be subject to any other penalties for the**
64 **unauthorized sale of cannabis.**

65 **6. Any registered qualifying patient who commits a violation of section 195.796 or**
66 **refuses a properly requested test related to operating a motor vehicle while under the**
67 **influence of alcohol or drugs shall have his or her registry identification card revoked.**

68 **7. No registered qualifying patient or designated caregiver shall knowingly obtain,**
69 **seek to obtain, or possess, individually or collectively, an amount of usable cannabis from**
70 **a registered medical cannabis dispensing organization that would cause him or her to**
71 **exceed the authorized adequate supply under section 195.700.**

72 **8. Nothing in sections 195.700 to 195.799 shall prevent a private business from**
73 **restricting or prohibiting the medical use of cannabis on its property.**

74 **9. Nothing in sections 195.700 to 195.799 shall prevent a university, college, or other**
75 **institution of higher education from restricting or prohibiting the use of medical cannabis**
76 **on its property.**

195.715. 1. A physician who certifies a debilitating medical condition for a
2 **qualifying patient shall comply with all of the following requirements:**

3 **(1) The physician shall be currently licensed under chapter 334 to practice medicine**
4 **in all its branches and in good standing, and shall have prescriptive authority for**
5 **controlled substances;**

6 **(2) A physician making a medical cannabis recommendation shall comply with**
7 **generally accepted standards of medical practice, the provisions of chapter 334, and all**
8 **applicable rules;**

9 **(3) The physical examination required by sections 195.700 to 195.799 shall not be**
10 **performed by remote means, including telemedicine;**

11 **(4) The physician shall maintain a record-keeping system for all patients for whom**
12 **the physician has recommended the medical use of cannabis. Such records shall be**
13 **accessible to and subject to review by the department of health and senior services and the**
14 **department of insurance, financial institutions and professional registration upon request.**

15 **2. A physician shall not:**

16 **(1) Accept, solicit, or offer any form of remuneration from or to a qualifying**
17 **patient, primary caregiver, cultivation center, or dispensing organization, including each**
18 **principal officer, board member, agent, and employee other than accepting payment from**
19 **a patient for the fee associated with the examination required prior to certifying a**
20 **qualifying patient;**

21 **(2) Offer a discount of any other item of value to a qualifying patient who uses or**
22 **agrees to use a particular primary caregiver or dispensing organization to obtain medical**
23 **cannabis;**

24 **(3) Conduct a personal physical examination of a patient for purposes of diagnosing**
25 **a debilitating medical condition at a location where medical cannabis is sold or distributed**
26 **or at the address of a principal officer, agent, or employee or a medical cannabis**
27 **organization;**

28 **(4) Hold a direct or indirect economic interest in a cultivation center or dispensing**
29 **organization if he or she recommends the use of medical cannabis to qualified patients or**
30 **is in a partnership or other fee or profit-sharing relationship with a physician who**
31 **recommends medical cannabis;**

32 **(5) Serve on the board of directors or as an employee of a cultivation center or**
33 **dispensing organization;**

34 **(6) Refer patients to a cultivation center, a dispensing organization, or a registered**
35 **designated caregiver; or**

36 **(7) Advertise in a cultivation center or a dispensing organization.**

37 **3. The department of health and senior services may, with reasonable cause, refer**
38 **a physician who has certified a debilitating medical condition of a patient to the**
39 **department of insurance, financial institutions and professional registration for potential**
40 **violations of this section.**

195.718. 1. (1) No school, employer, or landlord shall refuse to enroll, lease to, or
2 **otherwise penalize a person solely for his or her status as a registered qualifying patient**
3 **or a registered designated caregiver, unless failing to do so would put the school, employer,**
4 **or landlord in violation of federal law or unless failing to do so would cause it to lose a**
5 **monetary or licensing-related benefit under federal law or rules. Nothing in this**
6 **subdivision shall prevent a landlord from prohibiting the smoking of cannabis on the**
7 **premises.**

8 **(2) For the purposes of medical care, including organ transplants, a registered**
9 **qualifying patient's authorized use of cannabis in accordance with sections 195.700 to**
10 **195.799 is considered the equivalent of the authorized use of any other medication used at**
11 **the direction of a physician and shall not constitute the use of an illicit substance or**
12 **otherwise disqualify a qualifying patient from needed medical care.**

13 **2. A person otherwise entitled to custody of or visitation or parenting time with a**
14 **minor shall not be denied such right, and there is no presumption of neglect or child**
15 **endangerment for conduct allowed under sections 195.700 to 195.799, unless the person's**
16 **actions in relation to cannabis were such that they created an unreasonable danger to the**
17 **safety of the minor as established by clear and convincing evidence.**

18 **3. No school, landlord, or employer shall be penalized or denied any benefit under**
19 **state law for enrolling, leasing to, or employing a cardholder.**

20 **4. Nothing in sections 195.700 to 195.799 shall be construed to require a**
21 **government medical assistance program or private health insurer to reimburse a person**
22 **for costs associated with the medical use of cannabis.**

23 **5. Nothing in sections 195.700 to 195.799 shall be construed to require any person**
24 **or establishment in lawful possession of property to allow a guest, client, customer, or**
25 **visitor who is a registered qualifying patient to use cannabis on or in such property.**

195.721. Any citizen of this state may request that the department of health and
2 **senior services add a debilitating condition or treatment to the list of debilitating medical**
3 **conditions listed in subdivision (8) of subsection 2 of section 195.700. The department of**
4 **health and senior services shall consider such requests in the manner required by**

5 department rule, including public notice and hearing. The department shall approve or
6 deny a request within one hundred eighty days of its submission and, upon approval, shall
7 proceed to add such condition by rule. The approval or denial of any request is a final
8 decision of the department subject to judicial review.

195.724. 1. Nothing in sections 195.700 to 195.799 shall:

2 (1) Prohibit an employer from adopting reasonable rules concerning the
3 consumption, storage, or timekeeping requirements for qualifying patients related to the
4 use of medical cannabis;

5 (2) Prohibit an employer from enforcing a policy concerning drug testing, zero-
6 tolerance, or a drug free workplace provided the policy is applied in a nondiscriminatory
7 manner;

8 (3) Limit an employer from disciplining a registered qualifying patient for violating
9 a workplace drug policy;

10 (4) Limit an employer's ability to discipline an employee for failing a drug test if
11 failing to do so would put the employer in violation of federal law or cause the employer
12 to lose a federal contract or funding;

13 (5) Be construed to create a defense for a third party who fails a drug test;

14 (6) Be construed to create or imply a cause of action for any person against an
15 employer for:

16 (a) Actions based on the employer's good faith belief that a registered qualifying
17 patient used or possessed cannabis while on the employer's premises or during the hours
18 of employment;

19 (b) Actions based on the employer's good faith belief that a registered qualifying
20 patient was impaired while working on the employer's premises during the hours of
21 employment; or

22 (c) Injury or loss to a third party if the employer neither knew nor had reason to
23 know that the employee was impaired; or

24 (7) Be construed to interfere with any federal restrictions on employment, including
25 but not limited to the United States Department of Transportation regulation 49 CFR
26 40.151(e).

27 2. An employer may consider a registered qualifying patient to be impaired when
28 he or she manifests specific articulable symptoms while working that decrease or lessen his
29 or her performance of the duties or tasks of the employee's job position, including
30 symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor,
31 irrational or unusual behavior, negligence or carelessness in operating equipment or
32 machinery, disregard for the safety of the employee or others, or involvement in an

33 accident that results in serious damage to equipment or property, disruption of a
34 production or manufacturing process, or carelessness that results in any injury to the
35 employee or others. If an employer elects to discipline a qualifying patient under this
36 subsection, the employer shall afford the employee a reasonable opportunity to contest the
37 basis of the determination.

195.727. The department of health and senior services shall issue registry
2 identification cards to qualifying patients and designated caregivers who submit a
3 completed application, and at minimum, the following in accordance with department
4 rules:

5 (1) A written certification, on a form developed by the department and issued by
6 a physician, within nine days immediately preceding the date of an application;

7 (2) Upon the execution of applicable privacy waivers, the patient's medical
8 documentation related to his or her debilitating condition and any other information that
9 may be reasonably required by the department to confirm that the physician and patient
10 have a bona fide physician-patient relationship, that the qualifying patient is in the
11 physician's care for his or her debilitating medical condition, and to substantiate the
12 patient's diagnosis;

13 (3) The application or renewal fee as set by rule;

14 (4) The name, address, date of birth, and Social Security number of the qualifying
15 patient; except that, if the applicant is homeless, no address is required;

16 (5) The name, address, and telephone number of the qualifying patient's physician;

17 (6) The name, address, and date of birth of the designated caregiver, if any, chosen
18 by the qualifying patient;

19 (7) The name of the registered medical cannabis dispensing organization the
20 qualifying patient designates;

21 (8) Signed statements from the patient and designated caregiver asserting that they
22 will not divert medical cannabis; and

23 (9) Completed background checks for the qualifying patient and designated
24 caregiver.

195.730. 1. Except as provided in subsection 2 of this section, the department of
2 health and senior services shall:

3 (1) Verify the information contained in an application or renewal for a registry
4 identification card submitted under sections 195.700 to 195.799 and approve or deny an
5 application or renewal within thirty days of receiving a completed application or renewal
6 application and all supporting documentation specified in section 195.727;

7 (2) Issue registry identification cards to a qualifying patient and his or her
8 designated caregiver, if any, within fifteen business days of approving the application or
9 renewal;

10 (3) Enter the registry identification number of the registered dispensing
11 organization the patient designates into the verification system; and

12 (4) Allow for an electronic application process and provide a confirmation by
13 electronic or other methods that an application has been submitted.

14 2. The department shall not issue a registry identification card to a qualifying
15 patient who is under eighteen years of age.

16 3. A veteran who has received treatment at a VA hospital is deemed to have a bona
17 fide physician-patient relationship with a VA physician if the patient has been seen for his
18 or her debilitating medical condition at the VA hospital in accordance with VA hospital
19 protocols. All reasonable inferences regarding the existence of a bona fide physician-
20 patient relationship shall be drawn in favor of an applicant who is a veteran and has
21 undergone treatment at a VA hospital.

 195.733. 1. The department of health and senior services may deny an application
2 or renewal of a qualifying patient's registry identification card only if the applicant:

3 (1) Does not provide the required information and materials;

4 (2) Previously had a registry identification card revoked;

5 (3) Does not meet the requirements of sections 195.700 to 195.799; or

6 (4) Provides false or falsified information.

7 2. No person who has been convicted of a felony under this chapter or similar
8 provision in a local ordinance or other jurisdiction is eligible to receive a registry
9 identification card.

10 3. The department of health and senior services may deny an application or
11 renewal for a designated caregiver chosen by a qualifying patient whose registry
12 identification card was granted only if:

13 (1) The designated caregiver does not meet the requirements of subdivision (9) of
14 subsection 2 of section 195.700;

15 (2) The applicant does not provide the information required;

16 (3) The prospective patient's application is denied;

17 (4) The designated caregiver previously had a registry identification card revoked;

18 or

19 (5) The applicant or the designated caregiver provides false or falsified
20 information.

21 **4. The department of health and senior services, through the state highway patrol,**
22 **shall conduct a criminal background check of the prospective qualifying patient and**
23 **designated caregiver. The state highway patrol shall be reimbursed for the cost of the**
24 **background check by the department of health and senior services. Each person applying**
25 **as a qualifying patient or a designated caregiver shall submit a full set of fingerprints to**
26 **the department for the purpose of obtaining a state and federal criminal records check.**
27 **The department may exchange such data with the state highway patrol and the Federal**
28 **Bureau of Investigation without disclosing that the records check is related to sections**
29 **195.700 to 195.799. The department shall destroy each set of fingerprints after the criminal**
30 **records check is completed. The department may waive the submission of a qualifying**
31 **patient's complete fingerprints based on the severity of the patient's illness and the**
32 **inability of the qualifying patient to obtain such fingerprints, provided that a complete**
33 **criminal background check is conducted by the state highway patrol prior to the issuance**
34 **of a registry identification card.**

35 **5. The department of health and senior services shall notify the qualifying patient**
36 **who has designated someone to serve as his or her designated caregiver if a registry**
37 **identification card will not be issued to the designated caregiver.**

38 **6. Denial of an application or renewal is considered a final department action**
39 **subject to judicial review.**

195.736. 1. A registered qualifying patient or designated caregiver shall keep his
2 **or her registry identification card in his or her possession at all times when engaging in the**
3 **medical use of cannabis.**

4 **2. A registry identification card shall contain the following:**

5 **(1) The name of the cardholder;**

6 **(2) A designation of whether the cardholder is a designated caregiver or qualifying**
7 **patient;**

8 **(3) The date of issuance and expiration date of the registry identification card;**

9 **(4) A random alphanumeric identification number that is unique to the cardholder;**

10 **(5) If the cardholder is a designated caregiver, the random alphanumeric**
11 **identification number of the registered qualifying patient the designated caregiver is**
12 **receiving the registry identification card to assist; and**

13 **(6) A photograph of the cardholder, if required by department of health and senior**
14 **services rules.**

15 **3. To maintain a valid registration identification card, a registered qualifying**
16 **patient and registered designated caregiver shall annually resubmit, at least forty-five days**
17 **prior to the expiration date stated on the registry identification card, a completed renewal**

18 application, renewal fee, and accompanying documentation as required by department
19 rules. The department of health and senior services shall send a notification to a registered
20 qualifying patient or registered designated caregiver ninety days prior to the expiration of
21 the registered qualifying patient's or registered designated caregiver's identification card.
22 If the department fails to grant or deny a renewal application received in accordance with
23 this section, the renewal is deemed granted and the registered qualifying patient or
24 registered designated caregiver may continue to use the expired identification card until
25 the department denies the renewal or issues a new identification card.

26 4. Except as otherwise provided in this section, the expiration date of an
27 identification card is one year after the date of issuance.

28 5. The department may electronically store in the card any or all of the information
29 listed in subsection 2 of this section, along with the address and date of birth of the
30 cardholder and the qualifying patient's designated dispensary organization, to allow it to
31 be read by law enforcement agents.

195.739. 1. The following notifications to the department of health and senior
2 services shall be required:

3 (1) A registered qualifying patient shall notify the department of any change in his
4 or her name or address, or if the registered qualifying patient ceases to have his or her
5 debilitating medical condition, within ten days of the change;

6 (2) A registered designated caregiver shall notify the department of any change in
7 his or her name or address, or if the designated caregiver becomes aware the registered
8 qualifying patient passed away, within ten days of the change;

9 (3) Before a registered qualifying patient changes his or her designated caregiver,
10 the qualifying patient shall notify the department; and

11 (4) If a cardholder loses his or her registry identification card, he or she shall notify
12 the department within ten days of becoming aware the card has been lost.

13 2. When a cardholder notifies the department of items listed in subsection 1 of this
14 section but remains eligible under sections 195.700 to 195.799, the department shall issue
15 the cardholder a new registry identification card with a new random alphanumeric
16 identification number within fifteen business days of receiving the updated information
17 and a fee as specified in department rules. If the person notifying the department is a
18 registered qualifying patient, the department shall also issue his or her registered
19 designated caregiver, if any, a new registry identification card within fifteen business days
20 of receiving the updated information.

21 3. If a registered qualifying patient ceases to be a registered qualifying patient or
22 changes his or her registered designated caregiver, the department shall promptly notify

23 the designated caregiver. The registered designated caregiver's protections under sections
24 195.700 to 195.799 as to that qualifying patient shall expire fifteen days after notification
25 by the department.

26 4. A cardholder who fails to make a notification to the department that is required
27 by this section is subject to a civil fine of no more than one hundred fifty dollars.

28 5. A registered qualifying patient shall notify the department of any change to his
29 or her designated registered dispensing organization. Registered dispensing organizations
30 shall comply with all requirements of sections 195.700 to 195.799.

31 6. If the registered qualifying patient's certifying physician notifies the department
32 in writing that either the registered qualifying patient has ceased to suffer from a
33 debilitating medical condition or that the physician no longer believes the patient would
34 receive therapeutic or palliative benefit from the medical use of cannabis, the card shall
35 become null and void. However, the registered qualifying patient shall have fifteen days
36 to destroy his or her remaining medical cannabis and related paraphernalia.

195.742. 1. Notwithstanding any other provision of law, neither the department of
2 health and senior services nor the department of agriculture nor the health department of
3 a unit of local government shall regulate the service of food by a registered cultivation
4 center or registered dispensing organization provided that all of the following conditions
5 are met:

6 (1) No medical cannabis-infused products requiring refrigeration or hot-holding
7 shall be manufactured at a cultivation center for sale or distribution at a dispensing
8 organization due to the potential for foodborne illness;

9 (2) Baked products infused with medical cannabis such as brownies, bars, cookies,
10 or cakes, tinctures, and other nonrefrigerated items are acceptable for sale at dispensing
11 organizations. The products are allowable for sale only at registered dispensing
12 organizations;

13 (3) All items shall be individually wrapped at the original point of preparation.
14 The packaging of the medical cannabis-infused product shall conform to the labeling
15 requirements under state law and shall include the following information on each product
16 offered for sale or distribution:

17 (a) The name and address of the registered cultivation center where the item was
18 manufactured;

19 (b) The common or usual name of the item;

20 (c) All ingredients of the item, including any colors, artificial flavors, and
21 preservatives, listed in descending order by predominance of weight shown with common
22 or usual names;

23 (d) The following phrase: "This product was produced in a medical cannabis
24 cultivation center not subject to public health inspection that may also process common
25 food allergens.";

26 (e) Allergen labeling as specified in the Federal Food, Drug and Cosmetics Act,
27 Federal Fair Packaging and Labeling Act, and under state law;

28 (f) The premixed total weight, in ounces or grams, of usable cannabis in the
29 package;

30 (g) A warning that the item is a medical cannabis-infused product and not a food
31 shall be distinctly and clearly legible on the front of the package;

32 (h) A clearly legible warning emphasizing that the product contains medical
33 cannabis and is intended for consumption by registered qualifying patients only; and

34 (i) Date of manufacture and use by date;

35 (4) Any dispensing organization that sells edible medical cannabis-infused products
36 shall display a placard that states the following: "Edible medical cannabis-infused
37 products were produced in a kitchen not subject to public health inspections that may also
38 process common food allergens.". The placard shall be no smaller than twenty-four inches
39 tall by thirty-six inches wide, with typed letters no smaller than two inches. The placard
40 shall be clearly visible and readable by customers and shall be written in English;

41 (5) Medical cannabis-infused products for sale or distribution at a dispensing
42 organization shall be prepared by an approved staff member of a registered cultivation
43 center; and

44 (6) A cultivation center that prepares medical cannabis-infused products for sale
45 or distribution at a dispensing organization shall be under the operational supervision of
46 the department of health and senior services.

47 2. The department of health and senior services shall adopt rules for the
48 manufacture of medical cannabis-infused products and shall enforce such provisions and,
49 for such purpose, the department may at all times enter every building, room, basement,
50 enclosure, or premises occupied or used or suspected of being occupied or used for the
51 production, preparation, manufacture for sale, storage, sale, distribution or transportation
52 of edible medical cannabis-infused products, to inspect the premises and all utensils,
53 fixtures, furniture, and machinery used for the preparation of such products.

54 3. If a local health organization has a reasonable belief that a cultivation center's
55 medical cannabis-infused product poses a public health hazard, it may refer the cultivation
56 center to the department of health and senior services. If the department finds that a
57 medical cannabis-infused product poses a health hazard, it may bring an action for

58 **immediate injunctive relief to require that action be taken as the court may deem necessary**
59 **to meet the hazard of the cultivation center.**

195.745. 1. The department of agriculture shall register up to nine cultivation
2 **centers for operation. The department shall not issue more than one registration within**
3 **the geographic boundary of each of the nine state highway patrol designated troop**
4 **headquarters. The department shall not issue less than the nine registrations if there are**
5 **qualified applicants who have applied with the department.**

6 **2. The registrations shall be issued and renewed annually as determined by**
7 **administrative rule.**

8 **3. The department of agriculture shall determine a registration fee by rule.**

9 **4. A cultivation center shall only operate if it has been issued a valid registration**
10 **from the department of agriculture. When applying for a cultivation center registration,**
11 **the applicant shall submit the following in accordance with department rules:**

12 **(1) The proposed legal name of the cultivation center;**

13 **(2) The proposed physical address of the cultivation center and description of the**
14 **enclosed locked facility as it applies to cultivation centers where medical cannabis will be**
15 **grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a**
16 **dispensing organization;**

17 **(3) The name, address, and date of birth of each principal officer and board**
18 **member of the cultivation center, provided that all those individuals shall be at least**
19 **twenty-one years of age;**

20 **(4) Any instance in which a business that any of the prospective board members of**
21 **the cultivation center had managed or served on the board of the business and was**
22 **convicted, fined, censured, or had a registration or license suspended or revoked in any**
23 **administrative or judicial proceeding;**

24 **(5) Cultivation, inventory, and packaging plans;**

25 **(6) Proposed operating bylaws that include procedures for the oversight of the**
26 **cultivation center, development and implementation of a plant monitoring system, medical**
27 **cannabis container tracking system, accurate record keeping, staffing plan, and security**
28 **plan reviewed by the state highway patrol that are in accordance with the rules issued by**
29 **the department of agriculture under sections 195.700 to 195.799. A physical inventory**
30 **shall be performed of all plants and medical cannabis containers on a weekly basis;**

31 **(7) Experience with agricultural cultivation techniques and industry standards;**

32 **(8) Any academic degrees, certifications, or relevant experience with related**
33 **businesses;**

34 **(9) The identity of every person, association, trust, or corporation having any direct**
35 **or indirect pecuniary interest in the cultivation center operation with respect to which the**
36 **registration is sought. If the disclosed entity is a trust, the application shall disclose the**
37 **names and addresses of the beneficiaries; if a corporation, the names and addresses of all**
38 **stockholders and directors; if a partnership, the names and addresses of all partners, both**
39 **general and limited;**

40 **(10) Verification from the state highway patrol that all background checks of the**
41 **principal officer, board members, and registered agents have been conducted and such**
42 **individuals have not been convicted of an excluded offense;**

43 **(11) Provide a copy of the current local zoning ordinance to the department of**
44 **agriculture and verify that proposed cultivation center is in compliance with the local**
45 **zoning rules issued in accordance with section 195.775;**

46 **(12) An application fee set by the department of agriculture by rule; and**

47 **(13) Any other information required by department of agriculture rules including,**
48 **but not limited to, a cultivation center applicant's experience with the cultivation of**
49 **agricultural or horticultural products, operating an agriculturally related business, or**
50 **operating a horticultural business.**

51 **5. An application for a cultivation center permit shall be denied if any of the**
52 **following conditions are met:**

53 **(1) The applicant fails to submit the materials required by this section including**
54 **if the applicant's plans do not satisfy the security, oversight, inventory, or record-keeping**
55 **rules issued by the department;**

56 **(2) The applicant is not in compliance with local zoning rules issued in accordance**
57 **with section 195.775;**

58 **(3) One or more of the prospective principal officers or board members has been**
59 **convicted of an excluded offense;**

60 **(4) One or more of the prospective principal officers or board members has served**
61 **as a principal officer or board member for a registered dispensing organization or**
62 **cultivation center that has had its registration revoked;**

63 **(5) One or more of the principal officers or board members is under twenty-one**
64 **years of age;**

65 **(6) A principal officer or board member of the cultivation center has been convicted**
66 **of a felony under the laws of this state, any other state, or the United States;**

67 **(7) A principal officer or board member of the cultivation center has been convicted**
68 **of any violation of chapter 572 or substantially similar laws of any other jurisdiction; or**

69 **(8) The person has submitted an application for a certificate under sections 195.700**
70 **to 195.799 which contains false information.**

71 **6. Registrations shall be renewed annually. The registered cultivation center shall**
72 **receive written notice ninety days prior to the expiration of its current registration that the**
73 **registration will expire. The department of agriculture shall grant a renewal application**
74 **within forty-five days of its submission if the following conditions are satisfied:**

75 **(1) The registered cultivation center submits a renewal application and the**
76 **required renewal fee established by the department by rule; and**

77 **(2) The department has not suspended the registration of the cultivation center or**
78 **suspended or revoked the registration for violation of sections 195.700 to 195.799 or rules**
79 **adopted thereunder.**

195.748. 1. The department of agriculture, through the state highway patrol, shall
2 **conduct a background check of the prospective cultivation center agents. The state**
3 **highway patrol shall be reimbursed for the cost of the background check by the**
4 **department of agriculture. In order to carry out this provision, each person applying as**
5 **a cultivation center agent shall submit a full set of fingerprints to the department of**
6 **agriculture for the purpose of obtaining a state and federal criminal records check. The**
7 **department may exchange such data with the state highway patrol and the Federal Bureau**
8 **of Investigation without disclosing that the records check is related to sections 195.700 to**
9 **195.799. The department shall destroy each set of fingerprints after the criminal records**
10 **check is complete.**

11 **2. When applying for the initial permit, the background checks for the principal**
12 **officer, board members, and registered agents shall be completed prior to submitting the**
13 **application to the department.**

195.751. 1. The department of agriculture shall:

2 **(1) Verify the information contained in an application or renewal for a cultivation**
3 **center identification card submitted under sections 195.700 to 195.799 and approve or deny**
4 **an application or renewal within thirty days of receiving a completed application or**
5 **renewal application and all supporting documentation required by rule;**

6 **(2) Issue a cultivation center agent identification card to a qualifying agent within**
7 **fifteen business days of approving the application or renewal;**

8 **(3) Enter the registry identification number of the cultivation center where the**
9 **agent works; and**

10 **(4) Allow for an electronic application process and provide a confirmation by**
11 **electronic or other methods that an application has been submitted.**

12 **2. A cultivation center agent shall keep his or her identification card visible at all**
13 **times when on the property of a cultivation center and during the transportation of**
14 **medical cannabis to a registered dispensary organization.**

15 **3. The cultivation center agent identification cards shall contain the following:**

16 **(1) The name of the cardholder;**

17 **(2) The date of issuance and expiration date of cultivation center agent**
18 **identification cards;**

19 **(3) A random ten-digit alphanumeric identification number containing at least four**
20 **numbers and at least four letters, that is unique to the holder; and**

21 **(4) A photograph of the cardholder.**

22 **4. The cultivation center agent identification cards shall be immediately returned**
23 **to the cultivation center upon termination of employment.**

24 **5. Any card lost by a cultivation center agent shall be reported to the state highway**
25 **patrol and the department of agriculture immediately upon discovery of the loss.**

26 **6. An applicant shall be denied a cultivation center agent identification card if he**
27 **or she has been convicted of an excluded offense.**

195.754. 1. The operating documents of a registered cultivation center shall include
2 **procedures for the oversight of the cultivation center, a cannabis plant monitoring system**
3 **including a physical inventory recorded weekly, a cannabis container system including a**
4 **physical inventory recorded weekly, accurate record keeping, and a staffing plan.**

5 **2. A registered cultivation center shall implement a security plan reviewed by the**
6 **state highway patrol and including, but not limited to, facility access controls, perimeter**
7 **intrusion detection systems, personnel identification systems, twenty-four-hour surveillance**
8 **system to monitor the interior and exterior of the registered cultivation center facility and**
9 **accessible to authorized law enforcement and the department of insurance, financial**
10 **institutions and professional registration in realtime.**

11 **3. A registered cultivation center shall not be located within two thousand five**
12 **hundred feet of the property line of a preexisting public or private preschool or elementary**
13 **or secondary school or daycare center, daycare home, group daycare home, part-day child**
14 **care facility, or an area zoned for residential use.**

15 **4. All cultivation of cannabis for distribution to a registered dispensing**
16 **organization shall take place in an enclosed locked facility as it applies to cultivation**
17 **centers at the physical address provided to the department of agriculture during the**
18 **registration process. The cultivation center location shall only be accessed by the**
19 **cultivation center agents working for the registered cultivation center, department of**
20 **agriculture staff performing inspections, department of health and senior services staff**

21 performing inspections, law enforcement or other emergency personnel, and contractors
22 working on jobs unrelated to medical cannabis, such as installing or maintaining security
23 devices or performing electrical wiring.

24 5. A cultivation center shall not sell or distribute any cannabis to any individual or
25 entity other than a dispensary organization registered under sections 195.700 to 195.799.

26 6. All harvested cannabis intended for distribution to a dispensing organization
27 shall be packaged in a labeled medical cannabis container and entered into a data
28 collection system.

29 7. No person who has been convicted of an excluded offense shall be a cultivation
30 center agent.

31 8. Registered cultivation centers shall be subject to random inspection by the state
32 highway patrol.

33 9. Registered cultivation centers shall be subject to random inspections by the
34 department of agriculture and the department of health and senior services.

35 10. A cultivation center agent shall notify local law enforcement, the state highway
36 patrol, and the department of agriculture within twenty-four hours of the discovery of any
37 loss or theft. Notification shall be made by phone or in-person, or by written or electronic
38 communication.

39 11. A cultivation center shall comply with all state and federal rules regarding the
40 use of pesticides.

195.757. 1. The department of agriculture may suspend or revoke a registration
2 for violations of sections 195.700 to 195.799 and rules adopted thereunder.

3 2. The suspension or revocation of a certificate is a final department of agriculture
4 action subject to judicial review.

195.760. 1. The department of insurance, financial institutions and professional
2 registration shall issue up to sixty dispensing organization registrations for operation. The
3 department shall not issue less than the sixty registrations if there are qualified applicants
4 who have applied with the department. The organizations shall be geographically
5 dispersed throughout the state to allow all registered qualifying patients reasonable
6 proximity and access to a dispensing organization.

7 2. A dispensing organization shall only operate if it has been issued a registration
8 from the department. The department shall adopt rules establishing the procedures for
9 applicants for dispensing organizations.

10 3. When applying for a dispensing organization registration, the applicant shall,
11 at a minimum, submit the following in accordance with department rules:

12 (1) A nonrefundable application fee established by rule;

- 13 **(2) The proposed legal name of the dispensing organization;**
14 **(3) The proposed physical address of the dispensing organization;**
15 **(4) The name, address, and date of birth of each principal officer and board**
16 **member of the dispensing organization, provided that all such individuals shall be at least**
17 **twenty-one years of age;**
18 **(5) Information, in writing, regarding any instances in which a business or not-for-**
19 **profit that any of the prospective board members managed or for which the prospective**
20 **board member served on the board was convicted, fined, censured, or had a registration**
21 **suspended or revoked in any administrative or judicial proceeding;**
22 **(6) Proposed operating bylaws that include procedures for the oversight of the**
23 **medical cannabis dispensing organization and procedures to ensure accurate record**
24 **keeping and security measures that are in accordance with the rules applied by the**
25 **department under sections 195.700 to 195.799. The bylaws shall include a description of**
26 **the enclosed locked facility where medical cannabis will be stored by the dispensing**
27 **organization; and**
28 **(7) Signed statements from each dispensing organization agent stating that the**
29 **agent shall not divert medical cannabis.**
30 **4. The department, through the state highway patrol, shall conduct a background**
31 **check of the prospective dispensing organization agents. The state highway patrol shall**
32 **be reimbursed for the cost of the background check by the department. Each person**
33 **applying as a dispensing organization agent shall submit a full set of fingerprints to the**
34 **department for the purpose of obtaining a state and federal criminal records check. The**
35 **department may exchange such data with the state highway patrol and the Federal Bureau**
36 **of Investigation without disclosing that the records check is related to sections 195.700 to**
37 **195.799. The department shall destroy each set of fingerprints after the criminal records**
38 **check is completed.**
39 **5. A dispensing organization shall pay a registration fee set by the department by**
40 **rule.**
41 **6. An application for a medical cannabis dispensing organization registration shall**
42 **be denied if any of the following conditions are met:**
43 **(1) The applicant fails to submit the materials required by this section, including**
44 **if the applicant's plans do not satisfy the security, oversight, or record-keeping rules issued**
45 **by the department;**
46 **(2) The applicant is not in compliance with local zoning rules issued in accordance**
47 **with section 195.775;**
48 **(3) The applicant does not meet the requirements of section 195.769;**

49 (4) One or more of the prospective principal officers or board members has been
50 convicted of an excluded offense;

51 (5) One or more of the prospective principal officers or board members has served
52 as a principal officer or board member for a registered medical cannabis dispensing
53 organization that has had its registration revoked;

54 (6) One or more of the principal officers or board members is under twenty-one
55 years of age; and

56 (7) One or more of the principal officers or board members is a registered qualified
57 patient or a registered caregiver.

195.763. 1. The department of insurance, financial institutions and professional
2 registration shall:

3 (1) Verify the information contained in an application or renewal for a dispensing
4 organization agent identification card submitted under sections 195.700 to 195.799, and
5 approve or deny an application or renewal within thirty days of receiving a completed
6 application or renewal application and all supporting documentation required by rule;

7 (2) Issue a dispensing organization agent identification card to a qualifying agent
8 within fifteen business days of approving the application or renewal;

9 (3) Enter the registry identification number of the dispensing organization where
10 the agent works; and

11 (4) Allow for an electronic application process and provide a confirmation by
12 electronic or other methods that an application has been submitted.

13 2. A dispensing agent shall keep his or her identification card visible at all times
14 when on the property of a dispensing organization.

15 3. The dispensing organization agent identification cards shall contain the
16 following:

17 (1) The name of the cardholder;

18 (2) The date of issuance and expiration date of the dispensing organization agent
19 identification cards;

20 (3) A random ten-digit alphanumeric identification number, containing at least
21 four numbers and at least four letters, that is unique to the holder; and

22 (4) A photograph of the cardholder.

23 4. The dispensing organization agent identification cards shall be immediately
24 returned to the cultivation center upon termination of employment.

25 5. Any card lost by a dispensing organization agent shall be reported to the state
26 highway patrol and the department of agriculture immediately upon discovery of the loss.

27 **6. An applicant shall be denied a dispensing organization agent identification card**
28 **if he or she has been convicted of an excluded offense.**

195.766. 1. The registered dispensing organization shall receive written notice
2 **ninety days prior to the expiration of its current registration that the registration will**
3 **expire. The department of insurance, financial institutions and professional registration**
4 **shall grant a renewal application within forty-five days of its submission if the following**
5 **conditions are satisfied:**

6 **(1) The registered dispensing organization submits a renewal application and the**
7 **required renewal fee established by the department by rule; and**

8 **(2) The department has not suspended the registered dispensing organization or**
9 **suspended or revoked the registration for violation of sections 195.700 to 195.799 or rules**
10 **adopted thereunder.**

11 **2. If a dispensing organization fails to renew its registration prior to expiration, the**
12 **dispensing organization shall cease operations until registration is renewed.**

13 **3. If a dispensing organization agent fails to renew his or her registration prior to**
14 **its expiration, he or she shall cease to work or volunteer at a dispensing organization until**
15 **his or her registration is renewed.**

16 **4. Any dispensing organization that continues to operate or dispensing agent that**
17 **continues to work or volunteer at a dispensing organization that fails to renew its**
18 **registration shall be subject to penalty as provided in section 195.769.**

195.769. 1. The department of insurance, financial institutions and professional
2 **registration shall implement the provisions of this section by rule.**

3 **2. A dispensing organization shall maintain operating documents which shall**
4 **include procedures for the oversight of the registered dispensing organization and**
5 **procedures to ensure accurate record keeping.**

6 **3. A dispensing organization shall implement appropriate security measures, as**
7 **provided by rule, to deter and prevent the theft of cannabis and unauthorized entrance**
8 **into areas containing cannabis.**

9 **4. A dispensing organization shall not be located within one thousand feet of the**
10 **property line of a preexisting public or private preschool or elementary or secondary**
11 **school or daycare center, daycare home, group daycare home, or part-day child care**
12 **facility. A registered dispensing organization shall not be located in a house, apartment,**
13 **condominium, or an area zoned for residential use.**

14 **5. A dispensing organization is prohibited from acquiring cannabis from any**
15 **person or place other than a registered cultivation center. A dispensing organization is**
16 **prohibited from obtaining cannabis from outside the state of Missouri.**

17 **6. A registered dispensing organization is prohibited from dispensing cannabis for**
18 **any purpose except to assist registered qualifying patients with the medical use of cannabis**
19 **directly or through the qualifying patients' designated caregivers.**

20 **7. The area in a dispensing organization where medical cannabis is stored shall only**
21 **be accessed by dispensing organization agents working for the dispensing organization,**
22 **department staff performing inspections, law enforcement or other emergency personnel,**
23 **and contractors working on jobs unrelated to medical cannabis, such as installing or**
24 **maintaining security devices or performing electrical wiring.**

25 **8. A dispensing organization shall not dispense more than two and one-half ounces**
26 **of cannabis to a registered qualifying patient, directly or via a designated caregiver, in any**
27 **fourteen- day period unless the qualifying patient has a quantity waiver approved by the**
28 **department of health and senior services.**

29 **9. Before medical cannabis is dispensed to a designated caregiver or a registered**
30 **qualifying patient, a dispensing organization agent shall determine that the individual is**
31 **a current cardholder in the verification system and shall verify each of the following:**

32 **(1) That the registry identification card presented to the registered dispensing**
33 **organization is valid;**

34 **(2) That the person presenting the card is the person identified on the registry**
35 **identification card presented to the dispensing organization agent;**

36 **(3) That the dispensing organization is the designated dispensing organization for**
37 **the registered qualifying patient who is obtaining the cannabis directly or via his or her**
38 **designated caregiver; and**

39 **(4) That the registered qualifying patient has not exceeded his or her adequate**
40 **supply.**

41 **10. Dispensing organizations shall ensure compliance with such limitation by**
42 **maintaining internal confidential records that include records specifying how much**
43 **medical cannabis is dispensed to the registered qualifying patient and whether it was**
44 **dispensed directly to the registered qualifying patient or to the designated caregiver. Each**
45 **entry shall include the date and time the cannabis was dispensed. Additional record**
46 **keeping requirements shall be set by rule.**

47 **11. The physician-patient privilege shall apply between a qualifying patient and a**
48 **registered dispensing organization and its agents with respect to communications and**
49 **records concerning qualifying patients' debilitating conditions.**

50 **12. A dispensing organization shall not permit any person to consume cannabis on**
51 **the property of a medical cannabis organization.**

52 **13. A dispensing organization shall not share office space with or refer patients to**
53 **a physician.**

54 **14. Notwithstanding any other criminal penalties related to the unlawful possession**
55 **of cannabis, the department may revoke, suspend, place on probation, reprimand, refuse**
56 **to issue or renew, or take any other disciplinary or nondisciplinary action as the**
57 **department may deem proper with regard to the registration of any person issued under**
58 **sections 195.700 to 195.799 to operate a dispensing organization or act as a dispensing**
59 **organization agent, including imposing fines not to exceed ten thousand dollars for each**
60 **violation, for any violations of sections 195.700 to 195.799 and rules adopted thereunder.**
61 **The procedures for disciplining a registered dispensing organization shall be determined**
62 **by rule. All final administrative decisions of the department are subject to judicial review.**

63 **15. Dispensing organizations shall be subject to random inspection and cannabis**
64 **testing by the department and state highway patrol as provided by rule.**

195.772. Nothing contained in sections 195.700 to 195.799 shall be construed to
2 **prohibit a dispensing organization registered in this state from filling or refilling a valid**
3 **written certification for medical cannabis that is on file with the department of health and**
4 **senior services and the designation has been transferred from one dispensing organization**
5 **to another under sections 195.700 to 195.799 upon the following conditions and exceptions:**

6 **(1) Prior to dispensing medical cannabis under any written certification and the**
7 **requirements of sections 195.700 to 195.799, the dispensing organization agent shall:**

8 **(a) Advise the patient that the designated dispensing organization on file with the**
9 **department is required to be changed before he or she is be able to dispense any quantity**
10 **of medical cannabis;**

11 **(b) Determine that the patient is registered and in compliance with the department**
12 **under the requirements of sections 195.700 to 195.799;**

13 **(c) Notify the dispensing organization designated by the registered qualifying**
14 **patient that the registered qualifying patient is changing his or her designation and the**
15 **patient shall no longer purchase medical cannabis at the original dispensing organization;**
16 **and**

17 **(d) Notify the department of a patient's change in designation and receive**
18 **confirmation from the department that it has updated the registered qualifying patient**
19 **database;**

20 **(2) The department's electronically accessible database created under sections**
21 **195.700 to 195.799 shall maintain a registered qualified patient's designated dispensary**
22 **information. The department may promulgate rules to implement the provisions of this**
23 **section;**

24 **(3) Medical cannabis shall in no event be dispensed more frequently or in larger**
25 **amounts than permitted under sections 195.700 to 195.799.**

195.775. A unit of local government may enact reasonable zoning ordinances or
2 **resolutions, not in conflict with sections 195.700 to 195.799 or with department of**
3 **agriculture or department of health and senior services rules, regulating registered medical**
4 **cannabis cultivation centers or medical cannabis dispensing organizations. No unit of local**
5 **government, including a school district, shall regulate registered medical cannabis**
6 **organizations other than as provided in sections 195.700 to 195.799, or unreasonably**
7 **prohibit the cultivation, dispensing, and use of medical cannabis authorized by sections**
8 **195.700 to 195.799.**

195.778. 1. The following information received and records kept by the department
2 **of health and senior services, department of insurance, financial institutions and**
3 **professional registration, department of agriculture, and state highway patrol under their**
4 **rules for purposes of administering sections 195.700 to 195.799 are subject to all applicable**
5 **federal privacy laws, confidential, and exempt from the Freedom of Information Act, and**
6 **not subject to disclosure to any individual or public or private entity except as necessary**
7 **for authorized employees of those authorized agencies to perform official duties under**
8 **sections 195.700 to 195.799; except that, the information received and records kept by such**
9 **departments and the state highway patrol may disclose such information and records to**
10 **each other upon request:**

11 **(1) Applications and renewals, their contents, and supporting information**
12 **submitted by qualifying patients and designated caregivers, including information**
13 **regarding their designated caregivers and physicians;**

14 **(2) Applications and renewals, their contents, and supporting information**
15 **submitted by or on behalf of cultivation centers and dispensing organizations in**
16 **compliance with sections 195.700 to 195.799, including their physical addresses;**

17 **(3) The individual names and other information identifying persons to whom the**
18 **department of health and senior services has issued registry identification cards;**

19 **(4) Any dispensing information required to be kept under section 195.772, section**
20 **195.781, or department rules shall identify cardholders and registered cultivation centers**
21 **by their registry identification numbers and medical cannabis dispensing organizations by**
22 **their registration number and not contain names or other personal identifying**
23 **information; and**

24 **(5) All medical records provided to the department of health and senior services**
25 **in connection with an application for a registry card.**

26 **2. Nothing in this section precludes the following:**

27 **(1) Department of agriculture, department of insurance, financial institutions and**
28 **professional registration, and department of health and senior services employees shall**
29 **notify law enforcement about falsified or fraudulent information submitted to the**
30 **departments if the employee who suspects that falsified or fraudulent information has been**
31 **submitted conferred with his or her supervisor and both agree that circumstances exist**
32 **that warrant reporting;**

33 **(2) If the employee confers with his or her supervisor and both agree that**
34 **circumstances exist that warrant reporting, department of health and senior services**
35 **employees shall notify the state board of registration for the healing arts if there is**
36 **reasonable cause to believe a physician:**

37 **(a) Issued a written certification without a bona fide physician-patient relationship**
38 **under sections 195.700 to 195.799;**

39 **(b) Issued a written certification to a person who was not under the physician's care**
40 **for the debilitating medical condition; or**

41 **(c) Failed to abide by the acceptable and prevailing standard of care when**
42 **evaluating a patient's medical condition;**

43 **(3) The departments shall notify state or local law enforcement about apparent**
44 **criminal violations of sections 195.700 to 195.799 if the employee who suspects the offense**
45 **has confers with his or her supervisor and both agree that circumstances exist that warrant**
46 **reporting;**

47 **(4) Medical cannabis cultivation center agents and medical cannabis dispensing**
48 **organizations shall notify the departments of a suspected violation or attempted violation**
49 **of sections 195.700 to 195.799 or rules issued thereunder;**

50 **(5) Each department shall verify registry identification cards under section**
51 **195.781;**

52 **(6) The submission of the report to the general assembly under subsection 1 of**
53 **section 195.784.**

54 **3. Any person, including an employee or official of the department of health and**
55 **senior services, department of insurance, financial institutions and professional**
56 **registration, or department of agriculture or another state agency or local government,**
57 **who breaches the confidentiality of information obtained under sections 195.700 to 195.799**
58 **is guilty of a class A misdemeanor.**

195.781. 1. The department of health and senior services shall maintain a
2 **confidential list of the persons to whom the department has issued registry identification**
3 **cards and their addresses, phone numbers, and registry identification numbers. Such**

4 confidential list shall not be combined or linked in any manner with any other list or
5 database except as provided in this section.

6 **2.** Within one hundred eighty days of the effective date of sections 195.700 to
7 **195.799**, the department of health and senior services, department of insurance, financial
8 institutions and professional registration, and department of agriculture shall together
9 establish a computerized database or verification system. The database or verification
10 system shall allow law enforcement personnel and medical cannabis dispensary
11 organization agents to determine whether the identification number corresponds with a
12 current valid registry identification card. The system shall only disclose whether the
13 identification card is valid, whether the cardholder is a registered qualifying patient or a
14 registered designated caregiver, the registry identification number of the registered
15 medical cannabis dispensing organization designated to serve the registered qualifying
16 patient who holds the card, and the registry identification number of the patient who is
17 assisted by a registered designated caregiver who holds the card. Notwithstanding any
18 other requirements established by this subsection, the department of health and senior
19 services shall issue registry cards to qualifying patients, the department of insurance,
20 financial institutions and professional registration may issue registration to medical
21 cannabis dispensing organizations for the period during which the database is being
22 established, and the department of agriculture may issue registration to medical cannabis
23 cultivation organizations for the period during which the database is being established.

195.784. 1. By September thirtieth of each year, the department of health and
2 senior services shall submit to the general assembly a report that does not disclose any
3 identifying information about registered qualifying patients, registered caregivers, or
4 physicians, but does contain, at a minimum, all of the following information based on the
5 fiscal year for reporting purposes:

6 **(1)** The number of applications and renewals filed for registry identification cards
7 or registrations;

8 **(2)** The number of qualifying patients and designated caregivers served by each
9 dispensary during the report year;

10 **(3)** The nature of the debilitating medical conditions of the qualifying patients;

11 **(4)** The number of registry identification cards or registrations revoked for
12 misconduct;

13 **(5)** The number of physicians providing written certifications for qualifying
14 patients; and

15 **(6)** The number of registered medical cannabis cultivation centers or registered
16 dispensing organizations.

17 **2. The department of health and senior services shall develop and disseminate**
18 **educational information about the health risks associated with the abuse of cannabis and**
19 **prescription medications.**

20 **3. Not later than one hundred twenty days after the effective date of sections**
21 **195.700 to 195.799, the department of health and senior services, department of**
22 **agriculture, and the department of insurance, financial institutions and professional**
23 **registration shall adopt rules in accordance to their responsibilities under sections 195.700**
24 **to 195.799.**

25 **4. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
26 **created under the authority delegated in section 195.700 to 195.799 shall become effective**
27 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
28 **applicable, section 536.028. Sections 195.700 to 195.799 and chapter 536 are nonseverable,**
29 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
30 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
31 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
32 **after August 28, 2015, shall be invalid and void.**

195.787. 1. All cannabis byproducts, scrap, and harvested cannabis not intended
2 **for distribution to a medical cannabis organization shall be destroyed and disposed of in**
3 **accordance with state law. Documentation of destruction and disposal shall be retained**
4 **at the cultivation center for a period of not less than five years.**

5 **2. Prior to destruction, a cultivation center shall notify the department of**
6 **agriculture and the state highway patrol.**

7 **3. The cultivation center shall keep record of the date of destruction and how much**
8 **was destroyed.**

9 **4. A dispensary organization shall destroy all cannabis, including medical cannabis-**
10 **infused products, that are not sold to registered qualifying patients. Documentation of**
11 **destruction and disposal shall be retained at the dispensary organization for a period of**
12 **not less than five years.**

13 **5. Prior to destruction, a dispensary organization shall notify the department of**
14 **insurance, financial institutions and professional registration and the state highway patrol.**

195.790. 1. This section shall be known and may be cited as the "Medical Cannabis
2 **Cultivation Privilege Tax Law".**

3 **2. (1) On and after January 1, 2016, a surcharge is hereby imposed upon the**
4 **privilege of cultivating medical cannabis at a rate of seven percent of the sales price per**
5 **ounce. The proceeds from such surcharge shall be deposited into the compassionate use**
6 **of medical cannabis fund created under section 195.706. Such surcharge shall be paid by**

7 a cultivation center and is not the responsibility of a dispensing organization or a
8 qualifying patient.

9 (2) The surcharge imposed under this section shall be in addition to all other
10 occupation or privilege surcharges and taxes imposed by the state of Missouri or by any
11 municipal corporation or political subdivision thereof.

12 3. The department of agriculture shall have full power to administer and enforce
13 this section, to collect all surcharges and penalties due hereunder, to dispose of surcharges
14 and penalties so collected in the manner hereinafter provided and to determine all rights
15 to credit memoranda arising on account of the erroneous payment of a surcharge or
16 penalty hereunder.

17 4. On or before the twentieth day of each calendar month, every cultivation center
18 subject to the surcharge imposed under this section during the preceding calendar month
19 shall file a return with the department, stating:

20 (1) The name of the cultivation center;

21 (2) The number of ounces of medical cannabis sold to a dispensary organization or
22 a registered qualifying patient during the preceding calendar month;

23 (3) The amount of surcharge due;

24 (4) The signature of the chief financial officer of the cultivation center; and

25 (5) Such other reasonable information as the department may require.

26

27 If a cultivation center fails to sign a return within thirty days after the proper notice and
28 demand for signature by the department, the return shall be considered valid and any
29 amount shown to be due on the return shall be deemed assessed. The cultivation center
30 shall remit the amount of the surcharge due to the department at the time the cultivation
31 center files his or her return.

32 5. The department may adopt rules to implement the provisions of this section.
33 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
34 under the authority delegated in this section shall become effective only if it complies with
35 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
36 This section and chapter 536 are nonseverable, and if any of the powers vested with the
37 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
38 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
39 rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be
40 invalid and void.

195.793. 1. No medical cannabis cultivation center or medical cannabis dispensary
2 organization or any political action committee created by any medical cannabis cultivation

3 center or dispensary organization shall make a campaign contribution to any political
4 committee established to promote the candidacy of a candidate or public official.

5 2. No candidate, political committee, or other person shall knowingly accept or
6 receive any contribution prohibited by this section.

7 3. No officer or agent of a medical cannabis cultivation center or dispensary
8 organization shall consent to any contribution or expenditure by the medical cannabis
9 organization that is prohibited by this section.

10 195.796. 1. No person who is a medical cannabis cardholder shall use medical
2 cannabis within the passenger area of any motor vehicle upon a highway in this state.

3 2. No person who is a medical cannabis cardholder, medical cannabis designated
4 caregiver, medical cannabis cultivation center agent, or dispensing organization agent shall
5 possess medical cannabis within any area of any motor vehicle upon a highway in this state
6 except in a medical cannabis container.

7 3. Any person who violates the provisions of this section is guilty of a class A
8 misdemeanor and shall be subject to revocation of such person's medical cannabis card or
9 such person's status as a medical cannabis caregiver, medical cannabis cultivation center
10 agent, or medical cannabis dispensing organization agent for a period of two years.

195.798. 1. The provisions of chapter 577 regarding the use and admissibility of
2 field sobriety tests for drivers suspected of driving under the influence of drugs or alcohol
3 shall apply to sections 195.700 to 195.799.

4 2. In cases where a law enforcement officer has reasonable grounds to believe a
5 person is driving under the influence of drugs or alcohol and that chemical testing is
6 warranted, such testing shall be conducted as provided in chapter 577. A chemical test
7 result indicating the presence of cannabis shall not be admissible for a person who is a
8 valid registry card holder under sections 195.700 to 195.799; except that, the presence of
9 any other drugs or alcohol shall be admissible.

10 3. If a person refuses to submit to such testing, the provisions of section 577.041
11 shall apply.

12 4. Nothing in this section shall be construed to prohibit law enforcement from
13 conducting a chemical analysis or test to determine the presence of alcohol or other drugs
14 as otherwise authorized by law.

195.799. Under section 23.253 of the Missouri sunset act:

2 (1) The provisions of sections 195.700 to 195.799 shall automatically sunset six years
3 after the effective date of sections 195.700 to 195.799 unless reauthorized by an act of the
4 general assembly;

5 **(2) If such program is reauthorized, the program authorized under sections 195.700**
6 **to 195.799 shall automatically sunset twelve years after the effective date of the**
7 **reauthorization of sections 195.700 to 195.799; and**

8 **(3) Sections 195.700 to 195.799 shall terminate on September first of the calendar**
9 **year immediately following the calendar year in which the program authorized under**
10 **sections 195.700 to 195.799 is sunset.**

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby
2 declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants
3 growing upon their land. Any person who knowingly allows such plants to grow on his land or
4 refuses to destroy such plants after being notified to do so shall allow any sheriff or such other
5 persons as designated by the county commission to enter upon any land in this state and destroy
6 such plants.

7 2. Entry to such lands shall not be made, by any sheriff or other designated person to
8 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or
9 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In
10 all such instances, the county commission shall bear the cost of destruction and notification.

11 **3. The provisions of this section shall not apply to the authorized production of**
12 **cannabis plants for purposes of providing medical cannabis under sections 195.700 to**
13 **195.799.**

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