

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2038, Page 58, Section 195.199, Lines 1-5, by deleting all of said section
2 and lines from the bill and inserting in lieu thereof the following:

3
4 "195.203. Notwithstanding any other provision of this chapter or chapter 579 to the
5 contrary, it shall be legal for any person who has a valid industrial hemp license as provided under
6 sections 195.600 to 195.609 to grow, harvest, and cultivate industrial hemp as defined in section
7 195.010 in accordance with the requirements of sections 195.600 to 195.609.

8 195.600. For the purposes of sections 195.600 to 195.609, the following terms shall mean:

9 (1) "Agricultural hemp seed", Cannabis sativa L. seed that meets any labeling, quality, or
10 other standards set by the department of agriculture and that is intended for sale, is sold to, or is
11 purchased by licensed growers for planting;

12 (2) "Crop", any field of industrial hemp grown under a single license;

13 (3) "Department", the Missouri department of agriculture;

14 (4) "Grain", seed used to make an industrial hemp commodity or product;

15 (5) "Grower", a person, joint venture, or cooperative that produces industrial hemp;

16 (6) "Handler", a person, joint venture, or cooperative that receives industrial hemp for
17 processing into commodities, products, or agricultural hemp seed;

18 (7) "Industrial hemp", the same as such term is defined in section 195.010;

19 (8) "Industrial hemp plant monitoring system", an electronic seed-to-sale tracking system
20 that includes, but is not limited to, testing and data collection established and maintained by a
21 grower or handler and available to the department for purposes of documenting and for monitoring
22 agricultural hemp seed and industrial hemp plant development throughout the life cycle of an
23 industrial hemp plant cultivated as an agricultural product from seed planting to final packaging.

24 195.603. 1. There is hereby created an industrial hemp agricultural pilot program to be
25 implemented by the department. Industrial hemp production, possession, and commerce in
26 industrial hemp commodities and products shall be permitted in this state under sections 195.600 to
27 195.609.

28 2. Industrial hemp shall be an agricultural product that is subject to regulation by the
29 department of agriculture, including compliance with an industrial hemp plant monitoring system.
30 Any grower and handler of industrial hemp shall obtain a license from the department. Growers
31 and handlers engaged in the production of agricultural hemp seed shall also have an agricultural
32 hemp seed production permit.

33 3. An application for an industrial hemp license or agricultural hemp seed production permit
34 shall include:

35 (1) The name and address of the applicant;

36 (2) The name and address of the industrial hemp operation of the applicant;

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1 (3) The global positioning system coordinates and legal description for the property used for
2 the industrial hemp; and

3 (4) Any other information required by the department.

4 4. The department shall issue a license or permit under this section to an applicant who
5 meets the requirements of sections 195.600 to 195.609 and upon satisfactory completion of a
6 fingerprint criminal history background check. A license or permit shall not be issued to a person
7 who has been found guilty of a felony offense in the ten years immediately preceding the
8 application date or a person who at any time has been found guilty of a felony offense under any
9 state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a
10 controlled substance.

11 5. Upon issuance of a license or permit, information regarding all license and permit holders
12 shall be forwarded to the state highway patrol.

13 6. An industrial hemp license or agricultural hemp seed production permit is:

14 (1) Nontransferable; except that, such license or permit may be transferred to a spouse or
15 child, who otherwise meets the requirements of a licensee or permittee, and the spouse or child may
16 operate under the existing license or permit until the registration expires, at which time the renewal
17 shall reflect the change in licensee;

18 (2) Valid for a three-year term unless revoked by the department; and

19 (3) May be renewed as determined by the department.

20 7. An agricultural hemp seed production permit authorizes a grower or handler to produce
21 and handle agricultural hemp seed for sale to licensed industrial hemp growers and handlers. The
22 department shall make information that identifies sellers of agricultural hemp seed available to
23 growers, and any seller of agricultural hemp seed shall ensure that the seed complies with any
24 standards established by the department.

25 8. A grower may retain seed from each industrial hemp crop to ensure a sufficient supply of
26 seed for that grower for the following year. A grower shall not be required to obtain an agricultural
27 hemp seed production permit in order to retain seed for future planting. Any seed retained by a
28 grower for future planting shall not be sold or transferred.

29 9. Every grower or handler shall be subject to an industrial hemp plant monitoring system
30 and shall keep industrial hemp crop and agricultural hemp seed records as required by the
31 department. Upon three days' notice, the department may require an inspection or audit during any
32 normal business hours for the purpose of ensuring compliance with:

33 (1) Any provision of this chapter;

34 (2) Department rules and regulations;

35 (3) Industrial hemp license or agricultural hemp seed production permit requirements,
36 terms, or conditions;

37 (4) Any industrial hemp plant monitoring system; or

38 (5) A final department order directed to the grower's or handler's industrial hemp operations
39 or activities.

40 10. In addition to any inspection conducted under subsection 9 of this section, the
41 department may inspect any industrial hemp crop during the crop's growth phase and take a
42 representative composite sample for field analysis. If a crop contains an average
43 tetrahydrocannabinol concentration exceeding three-tenths of one percent on a dry weight basis, the
44 department may detain, seize, or embargo the crop.

45 11. The department shall charge each grower or handler reasonable fees as determined by
46 the department for the purpose of carrying out the duties of the department under sections 195.600
47 to 195.609, including fees to cover the administrative costs of processing license and permit
48 applications, the costs of the criminal history background check, and the cost of any inspection of

1 the grower or handler ordered by the department. All fees collected under sections 195.600 to
 2 195.606 shall be deposited in a dedicated fund for use by the department to carry out the duties of
 3 the department under sections 195.600 to 195.609.

4 12. The department shall promulgate rules necessary to administer the provisions of sections
 5 195.600 to 195.609. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 6 created under the authority delegated in this section shall become effective only if it complies with
 7 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections
 8 195.600 to 195.609 and chapter 536 are nonseverable, and if any of the powers vested with the
 9 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and
 10 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
 11 rule proposed or adopted after August 28, 2016, shall be invalid and void.

12 195.606. 1. The department may revoke or refuse to issue or renew an industrial hemp
 13 license or agricultural hemp seed production permit and may impose a civil penalty of not less than
 14 two thousand five hundred dollars or more than fifty thousand dollars for violation of:

15 (1) A license or permit requirement, term, or condition;

16 (2) Department rules relating to growing or handling industrial hemp;

17 (3) Any industrial hemp plant monitoring system; or

18 (4) A final order of the department that is specifically directed to the grower's or handler's
 19 industrial hemp operations or activities.

20 2. In addition, the department may revoke or refuse to issue or renew an industrial hemp
 21 license or an agricultural hemp seed production permit for failing to comply with any provision of
 22 this chapter or for a violation of any rule of the department that pertains to agricultural operations or
 23 activities other than industrial hemp growing or handling.

24 195.609. 1. Any person growing industrial hemp who does not have a valid industrial hemp
 25 license issued under sections 195.600 to 195.609 shall be subject to an administrative fine of five
 26 hundred dollars and shall obtain a valid license to grow industrial hemp within thirty days.

27 2. If during the thirty-day period described in subsection 1 of this section such person
 28 applies for and receives an industrial hemp license, the amount of the fine imposed under subsection
 29 1 of this section shall be refunded in full.

30 3. If during the thirty-day period described in subsection 1 of this section such person fails
 31 to obtain an industrial hemp license, the person shall be fined one thousand dollars per day until
 32 such person obtains a license to grow industrial hemp or the person's industrial hemp crop is
 33 destroyed."; and

34
 35 Further amend said bill, Pages 58-59, Section 195.800, Lines 1-18, by deleting all of said section
 36 and lines from the bill;

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 38 Further amend said bill, Pages 59-61, Section 195.803, Lines 1-82, by deleting all of said section
 39 and lines from the bill;

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 41 Further amend said bill, Pages 61-62, Section 195.806, Lines 1-13, by deleting all of said section
 42 and lines from the bill;

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 44 Further amend said bill, Page 62, Section 195.809, Lines 1-11, by deleting all of said section and
 45 lines from the bill;

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 47 Further amend said bill by amending the title, enacting clause, and intersectional references
 48 accordingly.