

HCS HB 437 -- MEDICAL MARIJUANA

SPONSOR: Neely

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health Policy by a vote of 8 to 2. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 4.

INVESTIGATIONAL DRUG USE BY TERMINAL PATIENTS

This bill also expands the definition of investigational drug, biological product, or device so that it can include medical cannabis. Under this provision a dispensing organization or manufacturer of an investigational drug, biological product, or device that has successfully completed phase one of a clinical trial but has not been approved for general use by the FDA and remains under investigation in a clinical trial can be made available to certain eligible patients who have terminal illnesses and meet all the other requirements of the section. This bill makes it a class A misdemeanor for any official, employee, or agent of the state to block or attempt to block the access of an eligible patient to an investigational drug, biological product, or device (Section 191.480, RSMo).

MEDICAL CANNABIS AND HEMP EXTRACT REGISTRATION CARDS

This bill changes the law regarding the use of hemp extract to treat intractable epilepsy to authorize the legal use of medical marijuana to treat terminal illnesses. This bill authorizes the Department of Health and Senior Services to issue medical cannabis registration cards to any Missouri resident, 18 years old or older, who can provide a statement signed by a doctor stating that the individual suffers from a terminal illness and may benefit from treatment with medical cannabis and that the individual has considered all other treatment options currently approved by the FDA and all relevant clinical trials conducted in Missouri. Parents of minor children suffering from intractable epilepsy or a terminal illness or condition can also obtain medical cannabis cards on behalf of their children. These registration cards will only be valid for one year but can be renewed.

The department will publish a list of debilitating diseases or conditions for which a medical cannabis or hemp extract registration card can be issued. A medical cannabis registration card may only be issued for terminal illnesses and a hemp extract registration card may only be issued for intractable epilepsy.

Any physician who signs a statement for a patient to obtain a

medical cannabis registration card must keep a record of his or her evaluation and observation of that patient, including the patient's response to medical cannabis, and transmit such record to the department. The department must maintain a database of these records, which it can share with a higher education institution for the purpose of studying medical cannabis. The department is also required to maintain a record of each person it issues a registration card to. The department can also authorize clinical trials involving medical cannabis (Section 192.945).

ADVERSE ACTION

The bill specifies that no individual or health care entity shall be subject to adverse action by the state if the individual or health care entity, acting in its normal course of business, acts in good faith upon an order relating to the medical use of hemp extract or medical cannabis (Section 192.947).

THE USE OF MEDICAL CANNABIS

An individual who has been issued a medical cannabis registration card can only possess or use medical cannabis to treat a terminal illness. An individual who has been issued a medical cannabis registration card may possess up to 20 ounces of medical cannabis. An individual may be allowed to apply for a waiver of this limit under the rules established by the Department of Health and Senior Services. The individual must also have a certificate of analysis detailing the ingredients of the medical cannabis (Section 195.207).

THE CULTIVATION AND PRODUCTION OF MEDICAL CANNABIS

The Department of Agriculture shall issue cultivation and production facility licenses to grow or cultivate medical cannabis. The department will maintain a list of all licensed growers. The department is responsible for establishing rules relating to application requirements, including submission of fingerprints and criminal background checks; security requirements for cultivation and production premises; cannabis monitoring systems; the submission of medical cannabis to an approved testing facility; and the manufacture, storage, and transportation of medical cannabis (Section 261.265).

NOXIOUS WEED

This bill exempts licensed hemp oil or medical cannabis production under Chapter 261 from the requirement that a person destroy marijuana plants growing on his or her land (Section 263.250).

PROPONENTS: Supporters say that medical marijuana helps those with terminal illnesses and epilepsy. Access to medical marijuana drops opioid use and death from opioid use. Medical marijuana use is safe and effective. In Colorado, adolescent use of marijuana has not increased.

Testifying for the bill were Representative Neely; Dr. Adrienne R. Poe; Jim Taber; Wayne Lee; Mike Sharp; The Abigail Alliance For Better Access To Developmental Drugs; Heidi Rayl; and Kathryn Kwalski.

OPPONENTS: Those who oppose the bill say that it is still illegal under federal law, and doctors will not feel comfortable prescribing medical marijuana. Marijuana still has a high potential for abuse and the federal Drug Enforcement Agency states that it does not help people with illnesses.

Testifying against the bill were Jason Grellner, Missouri Narcotics Officer Association; Eric Zahnd, Missouri Association of Prosecuting Attorney's; and Kurt Wilkens, LCSW.