

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2105, Page 13, Section 195.265, Line 25, by
2 inserting immediately after said section and line the following:

3
4 "195.900. 1. Sections 195.900 to 195.985 shall be known and may be cited as the "Missouri
5 Compassionate Care Act".

6 2. The medical use of cannabis for pain management by patients with terminal cancer or patients
7 with a propensity toward opioid addiction, or for the management of symptoms and seizures by children with
8 epilepsy, and the cultivation, manufacture, distribution, or sale of medical cannabis to such patients shall be
9 legal in the state of Missouri when the use, cultivation, manufacture, distribution, or sale is conducted in
10 accordance with sections 195.900 to 195.985.

11 3. As used in sections 195.900 to 195.985, the following terms shall mean:

12 (1) "Adequate supply", thirty grams of usable cannabis during a period of fourteen days and that is
13 derived solely from an intrastate source. Subject to the rules of the department of health and senior services,
14 a patient may apply for a waiver if a treating physician providing medical services to the patient provides a
15 substantial medical basis in a signed written statement asserting that, based on the patient's diagnosis and in
16 the treating physician's professional judgment, thirty grams is an insufficient adequate supply for a fourteen-
17 day period to properly alleviate the patient's symptoms. This subdivision shall not be construed to authorize
18 the possession of more than thirty grams at any time without authority from the department of health and
19 senior services. The premixed weight of medical cannabis used in making a cannabis-infused product shall
20 apply toward the limit on the total amount of medical cannabis a registered patient may possess at any one
21 time;

22 (2) "Cannabis", all parts of the plant genus Cannabis in any species or form thereof including, but
23 not limited to, Cannabis sativa L., Cannabis indica, Cannabis americana, Cannabis ruderalis, and Cannabis
24 gigantea, whether growing; the seeds thereof; the resin extracted from any part of the plant; and every
25 compound, manufacture, salt, derivative, mixture, or preparation of the plant; its seeds or resin. It does not
26 include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the
27 plant; any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks except
28 the resin extracted therefrom; fiber, oil, or cake; or the sterilized seed of the plant which is incapable of
29 germination;

30 (3) "Cannabis plant monitoring system", an electronic seed to sale tracking system that includes, but
31 is not limited to, testing and data collection established and maintained by the licensed medical cannabis
32 cultivation and production facility and medical cannabis center and available to the division of alcohol and
33 tobacco control for the purposes of documenting each cannabis plant and for monitoring plant development
34 throughout the life cycle of a cannabis plant cultivated for the intended use by a registered patient from seed
35 planting to final packaging;

36 (4) "Department", the department of health and senior services;

37 (5) "Division", the division of alcohol and tobacco control within the department of public safety;

38 (6) "Foster home", a private residence of one or more family members providing twenty-four-hour
39 care to one or more but less than seven children who are unattended by a parent or guardian and who are

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1 unrelated to either foster parent by blood, marriage, or adoption;

2 (7) "Good cause", for purposes of refusing or denying a license renewal, reinstatement, or initial
3 license issuance;

4 (a) The licensee applicant has violated, does not meet, or has failed to comply with any of the terms,
5 conditions, or provisions of sections 195.900 to 195.985, any rules promulgated thereunder, or any
6 supplemental local law, rule, or regulation;

7 (b) The licensee or applicant has failed to comply with any special terms or conditions that were
8 placed on its license under an order of the state or local licensing authority;

9 (c) The licensed premises have been operated in a manner that adversely affects the public health,
10 welfare, or safety of the immediate neighborhood in which the establishment is located;

11 (8) "License", to grant a license or registration under sections 195.900 to 195.985;

12 (9) "Licensed premises", the premises specified in an application for a license under sections
13 195.900 to 195.985, which are owned or in possession of the licensee and within which the licensee is
14 authorized to cultivate, manufacture, distribute, or sell medical cannabis in accordance with the provisions of
15 sections 195.900 to 195.985;

16 (10) "Licensee", a person licensed or registered under sections 195.900 to 195.985;

17 (11) "Limited access area", a building, room, or other contiguous area upon the licensed premises
18 where medical cannabis is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for
19 sale, under control of the licensee, with limited access to only those persons licensed by the division of
20 alcohol and tobacco control and visitors and vendors as provided by rule. All areas of ingress or egress to
21 limited access areas shall be clearly identified as such by a sign as designated by the division of alcohol and
22 tobacco control;

23 (12) "Local licensing authority", an authority designated by municipal or county charter or
24 ordinance;

25 (13) "Medical cannabis", cannabis that is grown and sold under sections 195.900 to 195.985 for a
26 purpose authorized under sections 195.900 to 195.985;

27 (14) "Medical cannabis center", a person licensed under sections 195.900 to 195.985 to operate a
28 business as described in sections 195.900 to 195.985 that sells medical cannabis to registered patients or
29 primary caregivers but is not a primary caregiver;

30 (15) "Medical cannabis cultivation and production facility", a person licensed under sections
31 195.900 to 195.985 to operate a business as described in section 195.954;

32 (16) "Medical cannabis-infused product", a product infused with medical cannabis that is intended
33 for use other than by smoking including, but not limited to, ointments and tinctures or smokeless vaporizing
34 devices. Such products, if manufactured or sold by a licensed medical cannabis center, shall not be
35 considered a drug for the purposes of chapter 196;

36 (17) "Medical cannabis testing facility", a public or private laboratory licensed, certified, and
37 approved by the division of alcohol and tobacco control to conduct research and analyze medical cannabis for
38 contaminants and potency;

39 (18) "Person", a natural person, partnership, association, company, corporation, limited liability
40 company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof;

41 (19) "Premises", a distinct and definite location, which may include a building, a part of a building,
42 a room, or any other definite contiguous area;

43 (20) "Primary caregiver", a natural person, other than the patient, who is eighteen years of age or
44 older and has significant responsibility for managing the well-being of a registered patient. For patients
45 under the age of eighteen, "primary care giver" shall be the patient's parent or guardian who is responsible for
46 the minor's medical care;

47 (21) "Registered patient", a patient who has applied for a registry identification card, as defined
48 under section 195.981, and has been approved for the medical cannabis program and has been certified by a
49 treating physician as a:

50 (a) Patient with terminal cancer who would benefit from medical cannabis;

51 (b) Patient who has a propensity for opioid addiction who is in need of long-term pain management;

52 or

53 (c) Patient who is under the age of eighteen years of age who is diagnosed with epilepsy;

1 (22) "School", a public or private preschool, or a public or private elementary, middle, junior high,
2 or high school;

3 (23) "Smokeless vaporizing device", a medical-grade vapor delivery device capable of administering
4 the active ingredients of a metered dose of medical cannabis via inhalation without combustion by-products.

5 4. Local governments may enact reasonable zoning rules that limit the use of land for operation of
6 medical cannabis centers and medical cannabis cultivation and production facilities to specified areas and
7 that regulate the time, place, and manner of operation of such facilities. The application of sections 195.900
8 to 195.985 shall be statewide unless a municipality, county, or city, by either a majority of the registered
9 voters voting at a regular election or special election called in accordance with state law vote to prohibit the
10 operation of medical cannabis centers and medical cannabis cultivation and production facilities in the
11 municipality, county, or city.

12 195.903. 1. For the purpose of regulating and controlling the licensing of the cultivation,
13 manufacture, distribution, and sale of medical cannabis in this state, the division of alcohol and tobacco
14 control is hereby designated as the state licensing authority.

15 2. The state supervisor of alcohol and tobacco control may employ such officers and employees as
16 he or she determines to be necessary, with such officers and employees being part of the division. The
17 division shall, at its discretion and based upon workload, employ no more than one full-time equivalent
18 employee for each ten medical cannabis centers licensed or making application with the authority. No
19 moneys shall be appropriated to the division from the general revenue fund for the operation of sections
20 195.900 to 195.985, nor shall the division expend any general revenue fund moneys for the operation of
21 sections 195.900 to 195.985.

22 3. During fiscal year 2019, the division shall consider employment of temporary or contract staff to
23 conduct background investigations. The additional cost of the background investigations shall not exceed
24 five hundred thousand dollars.

25 195.906. 1. The division shall:

26 (1) Grant or refuse state licenses for the cultivation, manufacture, distribution, and sale of medical
27 cannabis as provided by law; suspend, fine, restrict, or revoke such licenses upon a violation of sections
28 195.900 to 195.985, or a rule promulgated under sections 195.900 to 195.985; and impose any penalty
29 authorized by sections 195.900 to 195.985, or any rule promulgated under sections 195.900 to 195.985. The
30 division may take any action with respect to a registration under sections 195.900 to 195.985 as it may with
31 respect to a license under sections 195.900 to 195.985, in accordance with the procedures established under
32 sections 195.900 to 195.985;

33 (2) Promulgate such rules and such special rulings and findings as necessary for the proper
34 regulation and control of the cultivation, manufacture, distribution, and sale of medical cannabis and for the
35 enforcement of sections 195.900 to 195.985;

36 (3) Upon denial of a state license, provide written notice of the grounds for such denial of a state
37 license to the applicant and to the local authority and of the right of the applicant to a hearing before the
38 administrative hearing commission under subsection 2 of section 195.924;

39 (4) Maintain the confidentiality of patient records, reports obtained from licensees showing the sales
40 volume or quantity of medical cannabis sold, or any other records that are exempt from inspection under
41 state law;

42 (5) Develop such forms, licenses, identification cards, and applications as are necessary in the
43 discretion of the division for the administration of sections 195.900 to 195.985 or any of the rules
44 promulgated under sections 195.900 to 195.985;

45 (6) Prepare and submit an annual report accounting to the governor for the efficient discharge of all
46 responsibilities assigned by law or directive to the division; and

47 (7) In recognition of the potential medicinal value of medical cannabis, make a request by January 1,
48 2019, to the federal Drug Enforcement Administration to consider rescheduling, for pharmaceutical purposes,
49 medical cannabis from a Schedule I controlled substance to a Schedule II controlled substance.

50 2. (1) Rules promulgated under subdivision (2) of subsection 1 of this section may include, but
51 shall not be limited to, the following:

52 (a) Compliance with, enforcement of, or violation of any provision of sections 195.900 to 195.985,
53 or any rule issued under sections 195.900 to 195.985, including procedures and grounds for denying,

1 suspending, fining, restricting, or revoking a state license issued under sections 195.900 to 195.985;

2 (b) Specifications of duties of officers and employees of the division;

3 (c) Instructions for local licensing authorities and law enforcement officers;

4 (d) Requirements for inspections, investigations, searches, seizures, and such additional activities as
5 may become necessary from time to time;

6 (e) Creation of a range of administrative penalties, not to exceed one thousand dollars per violation,
7 for use by the division;

8 (f) Prohibition of misrepresentation and unfair practices;

9 (g) Control of informational and product displays on licensed premises;

10 (h) Development of individual identification cards for owners, officers, managers, contractors,
11 employees, and other support staff of entities licensed under sections 195.900 to 195.985, including a
12 fingerprint-based criminal record check as may be required by the division prior to issuing a card;

13 (i) Identification of state licensees and their owners, officers, managers, and employees;

14 (j) Security requirements for any premises licensed under sections 195.900 to 195.985, including, at
15 a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for
16 internal control as deemed necessary by the division to properly administer and enforce the provisions of
17 sections 195.900 to 195.985, including reporting requirements for changes, alterations, or modifications to
18 the premises;

19 (k) Regulation of the storage of, warehouses for, and transportation of medical cannabis;

20 (l) Sanitary requirements for medical cannabis centers and medical cannabis cultivation and
21 production facilities including, but not limited to, sanitary requirements for the preparation of medical
22 cannabis-infused products;

23 (m) The specification of acceptable forms of photo identification that a medical cannabis center may
24 accept when verifying a sale;

25 (n) Labeling standards;

26 (o) Records to be kept by licensees and the required availability of the records;

27 (p) State licensing procedures, including procedures for renewals, reinstatements, initial licenses,
28 and the payment of licensing fees;

29 (q) The reporting and transmittal of monthly sales tax payments by medical cannabis centers;

30 (r) Authorization for the department of revenue to have access to licensing information to ensure
31 sales and income tax payments and effective administration of sections 195.900 to 195.985;

32 (s) Authorization for the division to impose administrative penalties and procedures of issuing,
33 appealing, and creating a violation list and schedule of administrative penalties; and

34 (t) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive
35 administration of sections 195.900 to 195.985.

36 (2) Nothing in sections 195.900 to 195.985 shall be construed as delegating to the division the
37 power to fix prices for medical cannabis.

38 195.909. 1. A local licensing authority may issue only the following medical cannabis licenses
39 upon payment of the fee and compliance with all local licensing requirements to be determined by the local
40 licensing authority:

41 (1) A local medical cannabis center license;

42 (2) A local medical cannabis cultivation and production facility license;

43 (3) A local medical cannabis testing facility.

44 2. (1) A local licensing authority shall not issue a local license within a municipality or the
45 unincorporated portion of a county unless the governing body of the municipality has adopted an ordinance
46 or the governing body of the county has adopted a resolution containing specific standards for license
47 issuance, or if no such ordinance or resolution is adopted prior to January 1, 2018, a local licensing authority
48 shall consider the minimum licensing requirements of this section when issuing a license.

49 (2) In addition to all other standards applicable to the issuance of licenses under sections 195.900 to
50 195.985, the local governing body may adopt additional standards for the issuance of medical cannabis
51 center or medical cannabis cultivation and production facility licenses consistent with the intent of sections
52 195.900 to 195.985 that may include, but not be limited to:

53 (a) Distance restrictions between premises for which local licenses are issued;

1 **(b) Reasonable restrictions on the size of an applicant's licensed premises; and**
2 **(c) Any other requirements necessary to ensure the control of the premises and the ease of**
3 **enforcement of the terms and conditions of the license.**

4 **3. An application for a license specified in subsection 1 of this section shall be filed with the**
5 **appropriate local licensing authority on forms provided by the division and shall contain such information as**
6 **the division may require and any forms as the local licensing authority may require. Each application shall**
7 **be verified by the oath or affirmation of the persons prescribed by the division.**

8 **4. An applicant shall file with the application for a local license plans and specifications for the**
9 **interior of the building if the building to be occupied is in existence at the time. If the building is not in**
10 **existence, the applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's**
11 **drawing of the building to be constructed. In its discretion, the local licensing authority or the division may**
12 **impose additional requirements necessary for the approval of the application.**

13 **195.912. 1. Upon receipt of an application for a local license, except an application for renewal or**
14 **for transfer of ownership, a local licensing authority shall schedule and hold a public hearing upon the**
15 **application to be held not less than thirty days after the date of the application, but not more than ninety days**
16 **from the date of the application. If the local licensing authority schedules a hearing for a medical cannabis**
17 **center application, it shall post and publish public notice thereof not less than ten days prior to the hearing.**
18 **The local licensing authority shall give public notice by the posting of a sign in a conspicuous place on the**
19 **medical cannabis center premises for which application has been made and by publication in a newspaper of**
20 **general circulation in the county in which the medical cannabis center premises are located.**

21 **2. Public notice given by posting shall include a sign of suitable material, not less than twenty-two**
22 **inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the**
23 **type of license applied for, the date of the hearing, the name and address of the applicant, and such other**
24 **information as may be required to fully apprise the public of the nature of the application. The sign shall**
25 **contain the names and addresses of the officers, directors, or manager of the facility to be licensed.**

26 **3. Public notice given by publication shall contain the same information as that required for signs**
27 **under subsection 2 of this section.**

28 **4. If the building in which medical cannabis is to be cultivated, tested, manufactured, distributed, or**
29 **sold is in existence at the time of the application, a sign posted as required in subsections 1 and 2 of this**
30 **section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not**
31 **constructed at the time of the application, the applicant shall post a sign at the premises upon which the**
32 **building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the**
33 **general public.**

34 **5. (1) A local licensing authority or a license applicant with local licensing authority approval may**
35 **request that the division conduct a concurrent review of a new license application prior to the local licensing**
36 **authority's final approval of the license application. Local licensing authorities who permit concurrent**
37 **review shall continue to independently review the applicant's license application.**

38 **(2) When conducting a concurrent application review, the division may advise the local licensing**
39 **authority of any items that it finds that may result in the denial of the license application. Upon correction of**
40 **the noted discrepancies if the correction is permitted by the division, the division shall notify the local**
41 **licensing authority of its conditional approval of the license application subject to the final approval by the**
42 **local licensing authority. The division shall then issue the applicant's state license upon receiving evidence**
43 **of final approval by the local licensing authority.**

44 **(3) All applications submitted for concurrent review shall be accompanied by all applicable state**
45 **license and application fees. Any applications which are later denied or withdrawn may allow for a refund of**
46 **license fees only. All application fees provided by an applicant shall be retained by the respective licensing**
47 **authority.**

48 **195.915. 1. Not less than five days prior to the date of the public hearing authorized in section**
49 **195.912, the local licensing authority shall make known its findings, based on its investigation, in writing to**
50 **the applicant and other parties of interest. The local licensing authority has authority to refuse to issue a**
51 **license provided for in this section for good cause, subject to judicial review.**

52 **2. Before entering a decision approving or denying the application for a local license, the local**
53 **licensing authority may consider, except where sections 195.900 to 195.985 specifically provides otherwise,**

1 the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type
2 of license for which application has been made, including, but not limited to, the number, type, and
3 availability of medical cannabis outlets located in or near the premises under consideration, and any other
4 pertinent matters affecting the qualifications of the applicant for the conduct of the type of business
5 proposed.

6 3. Within thirty days after the public hearing or completion of the application investigation, a local
7 licensing authority shall issue its decision approving or denying an application for local licensure. The
8 decision shall be in writing and shall state the reasons for the decision. The local licensing authority shall
9 send a copy of the decision by certified mail to the applicant at the address shown in the application.

10 4. After approval of an application, a local licensing authority shall not issue a local license until the
11 building in which the business to be conducted is ready for occupancy with such furniture, fixtures, and
12 equipment in place as are necessary to comply with the applicable provisions of sections 195.900 to 195.985,
13 and then only after the local licensing authority has inspected the premises to determine that the applicant has
14 complied with the architect's drawing and the plot plan and detailed sketch for the interior of the buildings
15 submitted with the application.

16 5. After approval of an application for local licensure, the local licensing authority shall notify the
17 division of such approval who shall investigate and either approve or disapprove the application for state
18 licensure.

19 195.918. 1. (1) The division of alcohol and tobacco control shall not issue more than a statewide
20 total of two hundred fifty state licenses for medical cannabis centers and medical cannabis cultivation and
21 production facilities; except that, the division may issue additional licenses under this subdivision if the
22 division determines additional licenses are necessary based upon patient needs.

23 (2) Licenses shall be geographically disbursed by the division, in consultation with the department
24 of health and senior services, based on the demographics of the state and patient demand to ensure statewide
25 access for patients.

26 2. Before the division of alcohol and tobacco control issues a state license to an applicant, the
27 applicant shall:

28 (1) (a) Procure and file with the division evidence of a good and sufficient bond in the amount of
29 twenty-five thousand dollars with corporate surety thereon duly licensed to do business with the state,
30 approved as to form by the state attorney general, and conditioned that the applicant shall report and pay all
31 sales and use taxes due to the state, or for which the state is the collector or collecting agent, in a timely
32 manner, as provided in law;

33 (b) A corporate surety shall not be required to make payments to the state claiming under such bond
34 until a final determination of failure to pay taxes due to the state has been made by the division or a court of
35 competent jurisdiction;

36 (c) All bonds required under this subdivision shall be renewed at such time as the bondholder's
37 license is renewed. The renewal may be accomplished through a continuation certificate issued by the
38 surety; and

39 (2) Submit documentation acceptable to the division that the applicant has at least five hundred
40 thousand dollars in assets.

41 195.921. 1. Applications for a state license under the provisions of sections 195.900 to 195.985
42 shall be made to the division of alcohol and tobacco control on forms prepared and furnished by the division
43 and shall set forth such information as the division may require to enable the division to determine whether a
44 state license shall be granted. The information shall include the name and address of the applicant, the
45 names and addresses of the officers, directors, or managers, and all other information deemed necessary by
46 the division. Each application shall be verified by the oath or affirmation of such person or persons as the
47 division may prescribe.

48 2. The division shall not issue a state license under this section until the local licensing authority has
49 approved the application for a local license and issued a local license as provided for in sections 195.909 to
50 195.918.

51 3. Nothing in sections 195.900 to 195.985 shall preempt or otherwise impair the power of a local
52 government to enact ordinances or resolutions concerning matters authorized to local governments.

53 195.924. 1. The division shall deny a state license if the premises on which the applicant proposes

1 to conduct its business do not meet the requirements of sections 195.900 to 195.985.

2 2. If the division denies a state license under subsection 1 of this section, the applicant shall be
 3 entitled to a hearing before the administrative hearing commission. The division shall provide written notice
 4 of the grounds for denial of the state license to the applicant and to the local licensing authority at least
 5 fifteen days prior to the hearing.

6 195.927. 1. A license provided by sections 195.900 to 195.985 shall not be issued to or held by:

7 (1) A person until the annual fee has been paid;

8 (2) A licensed physician making patient recommendations;

9 (3) A person under twenty-one years of age;

10 (4) A person licensed under sections 195.900 to 195.985 who during a period of licensure or who at
 11 the time of application has failed to:

12 (a) Provide a surety bond, proof of assets, or file any tax return with a taxing agency;

13 (b) Pay any taxes, interest, or penalties due;

14 (c) Pay any judgments due to a government agency;

15 (d) Stay out of default on a government-issued student loan;

16 (e) Pay child support; or

17 (f) Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments
 18 owed to a government agency, or an outstanding delinquency for child support;

19 (5) A person who has discharged a sentence in the ten years immediately preceding the application
 20 date for a conviction of a felony or a person who at any time has been convicted of a felony under any state
 21 or federal law regarding the possession, distribution, or use of a controlled substance;

22 (6) A person who employs another person at a medical cannabis center or medical cannabis
 23 cultivation and production facility who has not passed a criminal background check;

24 (7) A sheriff, deputy sheriff, police officer, or prosecuting officer, or any officer or employee of the
 25 division or a local licensing authority;

26 (8) A person whose authority to be a primary caregiver as defined in sections 195.900 to 195.985
 27 has been revoked by the department of health and senior services;

28 (9) A person applying for a license for a location that is currently licensed as a retail food
 29 establishment or wholesale food registrant; or

30 (10) A person who is an officer, director, manager of a limited liability company whose articles of
 31 organization state that management is vested in one or more managers, or general partner of a limited
 32 liability partnership that owes a fiduciary duty to the licensee who is not a resident of Missouri. All officers,
 33 directors, managers of a limited liability company whose articles of organization state that management is
 34 vested in one or more managers, and general partners of a limited liability partnership shall be residents of
 35 Missouri; except that employees may be nonresidents. All stockholders who legally and beneficially own or
 36 control sixty percent or more of the capital stock in amount and in voting rights shall be residents of
 37 Missouri and bona fide residents of this state for a period of three years continuously immediately prior to
 38 the date of filing of application for a license.

39 2. (1) In investigating the qualifications of an applicant or a licensee, the division shall have access
 40 to criminal background check information furnished by a criminal justice agency subject to any restrictions
 41 imposed by such agency. In the event the division considers the applicant's criminal background check
 42 information, the division shall also consider any information provided by the applicant regarding such
 43 criminal background check including, but not limited to, evidence of rehabilitation, character references, and
 44 educational achievements, especially those items pertaining to the period of time between the applicant's last
 45 criminal conviction and the consideration of the application for a state license.

46 (2) As used in subdivision (1) of this subsection, "criminal justice agency" means any federal, state,
 47 or municipal court or any governmental agency or subunit of such agency that administers criminal justice
 48 under a statute or executive order and that allocates a substantial part of its annual budget to the
 49 administration of criminal justice.

50 (3) At the time of filing an application for issuance or renewal of a state medical cannabis center
 51 license or medical cannabis cultivation and production facility license, an applicant shall submit a set of his
 52 or her fingerprints and file personal history information concerning the applicant's qualifications for a state
 53 license on forms prepared by the division. If the applicant is a business or corporation, the fingerprints and

1 personal history information of the entity's officers, directors, or managers shall be submitted to the division.
2 The division shall submit the fingerprints to the Missouri state highway patrol for the purpose of conducting
3 a state and federal fingerprint-based criminal background check. The Missouri state highway patrol shall, if
4 necessary, forward the fingerprints to the Federal Bureau of Investigation for the purpose of conducting a
5 fingerprint-based criminal background check. Fingerprints shall be submitted in accordance with section
6 43.543, and fees shall be paid in accordance with section 43.530. The division may acquire a name-based
7 criminal background check for an applicant or a license holder who has twice submitted to a fingerprint-
8 based criminal background check and whose fingerprints are unclassifiable. The division shall use the
9 information resulting from the fingerprint-based criminal history record check to investigate and determine
10 whether an applicant is qualified to hold a state license under sections 195.900 to 195.985. The division may
11 verify any of the information an applicant is required to submit.

12 195.930. The division or a local licensing authority shall not receive or act upon an application for
13 the issuance of a state or local license under sections 195.900 to 195.985:

14 (1) If the application for a state or local license concerns a particular location that is the same as or
15 within one thousand feet of a location for which, within the two years immediately preceding the date of the
16 application, the division or a local licensing authority denied an application for the same class of license due
17 to the nature of the use or other concern related to the location;

18 (2) Until it is established that the applicant is or shall be entitled to possession of the premises for
19 which application is made under a lease, rental agreement, or other arrangement for possession of the
20 premises or by virtue of ownership of the premises;

21 (3) For a location in an area where the cultivation, manufacture, and sale of medical cannabis as
22 contemplated is not permitted under the applicable local zoning laws of the municipality or county;

23 (4) (a) If the building in which medical cannabis is to be sold is located within one thousand feet of
24 a school or foster home; an alcohol or drug treatment facility; the principal campus of a college, university,
25 or seminary; or a licensed child care facility. The provisions of this subdivision shall not affect the renewal
26 or reissuance of a license once granted or apply to licensed premises located or to be located on land owned
27 by a municipality, nor shall the provisions of this subdivision apply to an existing licensed premises on land
28 owned by the state, or apply to a license in effect and actively doing business before such principal campus
29 was constructed;

30 (b) The distances referred to in this subdivision are to be computed by direct measurement from the
31 nearest property line of the land used for a school or campus to the nearest portion of the building in which
32 medical cannabis is to be sold;

33 (c) In addition to the requirements of section 195.909, the local licensing authority shall consider the
34 evidence and make a specific finding of fact as to whether the building in which the medical cannabis is to be
35 sold is located within the distance restrictions established by or under this subdivision.

36 195.933. 1. A state or local license granted under the provisions of sections 195.900 to 195.985
37 shall not be transferable except as provided in this section, but this section shall not prevent a change of
38 location as provided in subsection 13 of section 195.936.

39 2. For a transfer of ownership, a license holder shall apply to the division and the local licensing
40 authority on forms prepared and furnished by the division. In determining whether to permit a transfer of
41 ownership, the division and the local licensing authority shall consider only the requirements of sections
42 195.900 to 195.985, any rules promulgated by the division, and any other local restrictions. The local
43 licensing authority may hold a hearing on the application for transfer of ownership. The local licensing
44 authority shall not hold a hearing under this subsection until the local licensing authority has posted a notice
45 of hearing in the manner described in section 195.912 on the licensed medical cannabis center premises for a
46 period of ten days and has provided notice of the hearing to the applicant at least ten days prior to the
47 hearing. Any transfer of ownership hearing by the division shall be held in compliance with the
48 requirements specified in section 195.912.

49 195.936. 1. Sections 195.900 to 195.985 authorize a county or municipality to enact reasonable
50 regulations or other restrictions applicable to licenses of medical cannabis centers and medical cannabis
51 cultivation and production facilities based on local zoning, health, safety, and public welfare laws for the
52 distribution of medical cannabis that are more restrictive than sections 195.900 to 195.985.

53 2. A medical cannabis center or medical cannabis cultivation and production facility shall not

1 operate until it has been licensed by the local licensing authority and the division under sections 195.900 to
2 195.985. In connection with a license, the applicant shall provide a complete and accurate list of all owners,
3 officers, and employees who work at, manage, own, or are otherwise associated with the operation and shall
4 provide a complete and accurate application as required by the division.

5 3. A medical cannabis center or medical cannabis cultivation and production facility shall notify the
6 division in writing within ten days after an owner, officer, or employee ceases to work at, manage, own, or
7 otherwise be associated with the operation. The owner, officer, or employee shall surrender his or her
8 identification card to the division on or before the date of the notification.

9 4. A medical cannabis center or medical cannabis cultivation and production facility shall notify the
10 division in writing of the name, address, and date of birth of an owner, officer, manager, or employee before
11 the new owner, officer, or employee begins working at, managing, owning, or begins an association with the
12 operation. The owner, officer, manager, or employee shall pass a fingerprint-based criminal background
13 check as required by the division and obtain the required identification prior to being associated with,
14 managing, owning, or working at the operation. A medical cannabis center or medical cannabis cultivation
15 and production facility shall notify the division in writing within ten days after an owner, officer, or
16 employee is convicted of a misdemeanor or felony offense.

17 5. A medical cannabis center or medical cannabis cultivation and production facility shall not
18 acquire, possess, cultivate, deliver, transfer, transport, supply, or dispense cannabis for any purpose except to
19 assist registered patients.

20 6. All owners of a licensed medical cannabis center or licensed medical cannabis cultivation and
21 production facility shall be authorized to do business in Missouri. A local licensing authority shall not issue
22 a license provided for in sections 195.900 to 195.985 until that share of the license application fee due to the
23 state has been received by the division. All licenses granted under sections 195.900 to 195.985 shall be valid
24 for a period not to exceed two years from the date of issuance unless revoked or suspended under sections
25 195.900 to 195.985 or the rules promulgated under sections 195.900 to 195.985.

26 7. Before granting a local or state license, the respective licensing authority may consider, except
27 where sections 195.900 to 195.985 specifically provide otherwise, the requirements of sections 195.900 to
28 195.985 and any rules promulgated under sections 195.900 to 195.985, and all other reasonable restrictions
29 that are or may be placed upon the licensee by the licensing authority. With respect to a second or additional
30 license for the same licensee or the same owner of another licensed business under sections 195.900 to
31 195.985, each licensing authority shall consider the effect on competition of granting or denying the
32 additional licenses to such licensee and shall not approve an application for a second or additional license
33 that has the effect of restraining competition.

34 8. (1) Each license issued under sections 195.900 to 195.985 is separate and distinct. It is unlawful
35 for a person to exercise any of the privileges granted under a license other than the license that the person
36 holds or for a licensee to allow any other person to exercise the privileges granted under the licensee's
37 license. A separate license shall be required for each specific business or business entity and each
38 geographical location.

39 (2) At all times, a licensee shall possess and maintain possession of the premises for which the
40 license is issued by ownership, lease, rental, or other arrangement for possession of the premises.

41 9. (1) The licenses provided under sections 195.900 to 195.985 shall specify the date of issuance,
42 the period of licensure, the name of the licensee, and the premises licensed. The licensee shall conspicuously
43 display the license at all times on the licensed premises.

44 (2) A local licensing authority shall not transfer location of or renew a license to sell medical
45 cannabis until the applicant for the license produces a license issued and granted by the division covering the
46 whole period for which a license or license renewal is sought.

47 10. In computing any period of time prescribed by sections 195.900 to 195.985, the day of the act,
48 event, or default from which the designated period of time begins to run shall not be included. Saturdays,
49 Sundays, and legal holidays shall be counted as any other day.

50 11. A licensee shall report each transfer or change of financial interest in the license to the division
51 and the local licensing authority thirty days prior to any transfer or change under subsection 13 of this
52 section. A report shall be required for transfers of capital stock of any corporation regardless of size.

53 12. Each licensee shall manage the licensed premises himself or herself or employ a separate and

1 distinct manager on the premises and shall report the name of the manager to the division and the local
2 licensing authority. The licensee shall report any change in manager to the division and local licensing
3 authority thirty days prior to such change.

4 13. (1) A licensee may move his or her permanent location to any other place in the same
5 municipality for which the license was originally granted, or in the same county if the license was granted for
6 a place outside the corporate limits of a municipality, provided that, the local licensing authority schedules
7 and holds a public hearing as required in section 195.912, but it shall be unlawful to cultivate, manufacture,
8 distribute, or sell medical cannabis at any such place until permission to do so is granted by the division and
9 the local licensing authority provided for in sections 195.900 to 195.985.

10 (2) In permitting a change of location, the division and the local licensing authority shall consider
11 all reasonable restrictions that are or may be placed upon the new location by the governing body or local
12 licensing authority of the municipality or county; any such change in location shall be in accordance with all
13 requirements of sections 195.900 to 195.985 and rules promulgated under sections 195.900 to 195.985.

14 195.939. 1. (1) Ninety days prior to the expiration date of an existing license, the division shall
15 notify the licensee of the expiration date by first class mail at the licensee's address of record with the
16 division. A licensee shall apply for the renewal of an existing license to the local licensing authority not less
17 than forty-five days and to the division not less than thirty days prior to the date of expiration. A local
18 licensing authority shall not accept an application for renewal of a license after the date of expiration, except
19 as provided in subsection 2 of this section. The division may extend the expiration date of the license and
20 accept a late application for renewal of a license; provided that, the applicant has filed a timely renewal
21 application with the local licensing authority. All renewals filed with the local licensing authority and
22 subsequently approved by the local licensing authority shall be subsequently processed by the division. The
23 division or the local licensing authority, in its discretion, subject to the requirements of this section and based
24 upon reasonable grounds, may waive the forty-five-day or thirty-day time requirements set forth in this
25 subsection. The local licensing authority may hold a hearing on the application for renewal only if the
26 licensee has had complaints filed against it, has a history of violations, or there are allegations against the
27 licensee that constitute good cause.

28 (2) The local licensing authority shall not hold a renewal hearing provided for by this subsection for
29 a medical cannabis center until it has posted a notice of hearing on the licensed medical cannabis center
30 premises in the manner described in section 195.912 for a period of ten days and provided notice to the
31 applicant at least ten days prior to the hearing. The local licensing authority may refuse to renew any license
32 for good cause, subject to judicial review.

33 2. (1) Notwithstanding the provisions of subsection 1 of this section, a licensee whose license has
34 been expired for not more than ninety days may file a late renewal application upon the payment of a
35 nonrefundable late application fee of five hundred dollars to the local licensing authority. A licensee who
36 files a late renewal application and pays the requisite fees may continue to operate until both the state and
37 local licensing authorities have taken final action to approve or deny the licensee's late renewal application.

38 (2) The state and local licensing authorities shall not accept a late renewal application more than
39 ninety days after the expiration of a licensee's permanent annual license. A licensee whose permanent annual
40 license has been expired for more than ninety days shall not cultivate, manufacture, distribute, or sell any
41 medical cannabis until all required licenses have been obtained.

42 195.942. The division or local licensing authority may, in its discretion, revoke or elect not to renew
43 any license if it determines that the licensed premises have been inactive without good cause for at least one
44 year.

45 195.945. 1. The division, by rule, shall require a complete disclosure of all persons having a direct
46 or indirect financial interest and the extent of such interest in each license issued under sections 195.900 to
47 195.985.

48 2. This section is intended to prohibit and prevent the control of the outlets for the sale of medical
49 cannabis by a person or party other than the persons licensed under the provisions of sections 195.900 to
50 195.985.

51 195.948. 1. For the purpose of regulating the cultivation, manufacture, distribution, testing, and sale
52 of medical cannabis, the division may, in its discretion and upon application on the prescribed form made to
53 it, issue and grant to the applicant a license or registration from any of the following classes, subject to the

1 provisions and restrictions provided by sections 195.900 to 195.985:

2 (1) Medical cannabis center license;

3 (2) Medical cannabis cultivation and production facility license;

4 (3) Medical cannabis testing facility license; and

5 (4) Occupational licenses and registrations for owners, managers, operators, employees, contractors,
6 and other support staff employed by, working in, or having access to restricted areas of the licensed premises
7 as determined by the division. The division may take any action with respect to a registration under sections
8 195.900 to 195.985 as it may with respect to a license under sections 195.900 to 195.985, in accordance with
9 the procedures established under sections 195.900 to 195.985.

10 2. In order to do business in Missouri under sections 195.900 to 195.985, a medical cannabis
11 business shall hold both a medical cannabis center license and a medical cannabis cultivation and production
12 facility license.

13 3. A medical cannabis business shall use the cannabis plant monitoring system as the primary
14 inventory tracking system of records.

15 4. A state-chartered bank or a credit union may loan moneys to any person licensed under sections
16 195.900 to 195.985 for the operation of a licensed business.

17 195.951. 1. A medical cannabis center license shall be issued only to a person selling medical
18 cannabis under the terms and conditions of sections 195.900 to 195.985.

19 2. Notwithstanding the provision of this section, a medical cannabis center licensee may also sell
20 medical cannabis-infused products that are prepackaged and labeled under subsection 7 of this section.

21 3. Except as otherwise provided in subsection 4 of this section, every person selling medical
22 cannabis as provided for in this section shall sell medical cannabis grown in its medical cannabis cultivation
23 and production facility licensed under sections 195.900 to 195.985.

24 4. A medical cannabis licensee shall not purchase more than thirty percent of its total on-hand
25 inventory of medical cannabis or medical cannabis-infused products from another licensed medical cannabis
26 center in Missouri. A medical cannabis center shall not sell more than thirty percent of its total on-hand
27 inventory to another Missouri medical cannabis licensee.

28 5. Prior to initiating a sale, the employee of the medical cannabis center making the sale shall verify
29 that the purchaser has a valid registration card issued under section 195.981 and a valid picture identification
30 card that matches the name on the registration card.

31 6. A licensed medical cannabis center may provide an amount of its medical cannabis established by
32 rule of the division for testing to a medical cannabis testing facility.

33 7. All medical cannabis sold at a licensed medical cannabis center shall be labeled as follows:

34 (1) The medical cannabis center shall place a legible, firmly affixed label on medical cannabis,
35 excluding medical cannabis-infused products, on which the wording is no less than one-sixteenth inch in size
36 on each package of medical cannabis that it prepares for dispensing and which contains at a minimum the
37 following information:

38 (a) The registered patient's name;

39 (b) The name and registration number of the medical cannabis center that produced the cannabis,
40 together with the medical cannabis center's telephone number, mailing address, and website information, if
41 any;

42 (c) The quantity of usable medical cannabis contained within the package;

43 (d) The date that the medical cannabis center packaged the contents;

44 (e) A batch number, sequential serial number, and bar code if used, to identify the batch associated
45 with manufacturing and processing;

46 (f) The cannabinoid profile of the medical cannabis contained within the package, including
47 tetrahydrocannabinol (THC) level; and

48 (g) A statement that the product has been tested for contaminants, that there were no adverse
49 findings, the date of testing, and the following statement, including capitalization: "This product has not
50 been analyzed or approved by the FDA. There is limited information on the side effects of using this
51 product, and there may be associated health risks. Do not drive or operate machinery when under the
52 influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN."; and

53 (2) The medical cannabis center shall place a legible, firmly affixed label on medical cannabis-

infused products on which the wording is no less than one-sixteenth inch in size on each medical cannabis-infused product that it prepares for dispensing and which contains at a minimum the following information:

- (a) The registered patient's name;
- (b) The name and registration number of the medical cannabis center that produced the medical cannabis-infused product, together with the medical cannabis center's telephone number, mailing address, and website information, if any;
- (c) The name of the product;
- (d) The quantity of usable cannabis contained within the product as measured in ounces;
- (e) A list of ingredients, including the cannabinoid profile of the cannabis contained within the product, including the tetrahydrocannabinol (THC) level;
- (f) The date of product creation and the recommended "use by" or expiration date;
- (g) To identify the batch associated with manufacturing and processing, a batch number, sequential serial number, and bar code when used;
- (h) Directions for use of the product if relevant;
- (i) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing;
- (j) A warning if known allergens are contained in the product; and
- (k) The following statement, including capitalization: "This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN."; and

(3) Cannabis shall be packaged in plain, opaque, tamperproof, and childproof containers without depictions of the product, cartoons, or images other than the medical cannabis center's logo.

8. A licensed medical cannabis center shall comply with all provisions of law as such provisions relate to persons with disabilities.

195.954. A medical cannabis cultivation and production facility license may be issued only to a person licensed under this section who grows and cultivates medical cannabis and who manufactures medical cannabis or medical cannabis-infused products under the terms and conditions of sections 195.900 to 195.985.

195.957. 1. The department of health and senior services is the designated state agency for regulating and controlling the manufacturing of medical cannabis-infused products.

2. Medical cannabis-infused products shall be prepared on a licensed premises that is used exclusively for the manufacture and preparation of medical cannabis-infused products and which uses equipment that is used exclusively for the manufacture and preparation of medical cannabis-infused products.

3. Only a licensed medical cannabis cultivation and production facility is permitted to produce medical cannabis-infused products. A medical cannabis cultivation and production facility may produce medical cannabis-infused products for only such facility's medical cannabis center and up to two additional medical cannabis centers under common ownership.

195.958. 1. All medical cannabis cultivation and production facilities licensed under sections 195.900 to 195.985 shall have all cannabis cultivated by such facilities tested in accordance with the following:

(1) Cannabis shall be tested for the cannabinoid profile and for contaminants as specified by the department including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of nonorganic pesticides. The department may require additional testing;

(2) The facility shall maintain the results of all testing for no less than one year;

(3) The facility shall have and follow a policy and procedure for responding to results indicating contamination, which shall include destruction of contaminated product and assessment of the source of contamination. Such policy shall be available to registered patients and primary caregivers;

(4) All testing shall be conducted by an independent laboratory that is:

(a) Accredited to the International Organization for Standardization (ISO) 17025 by a third-party accrediting body such as A2LA or ACLASS; or

(b) Certified, registered, or accredited by an organization approved by the department;

1 (5) The facility shall arrange for testing to be conducted in accordance with the frequency required
2 by the department;

3 (6) A facility shall have a contractual arrangement with a laboratory for the purposes of testing
4 cannabis, including a stipulation that those individuals responsible for testing at the laboratory be licensed;

5 (7) An executive of a facility is prohibited from having any financial or other interest in a laboratory
6 providing testing services for any medical cannabis cultivation and production facility;

7 (8) No individual employee of a laboratory providing testing services for medical cannabis
8 cultivation and production facilities shall receive direct financial compensation from any medical cannabis
9 cultivation and production facility;

10 (9) All transportation of cannabis to and from laboratories providing cannabis testing services shall
11 comply with rules promulgated under paragraph (d) of subdivision (1) of subsection 2 of section 195.906;

12 (10) All storage of cannabis at a laboratory providing cannabis testing services shall comply with
13 subdivision (4) of this subsection; and

14 (11) All excess cannabis shall be returned to the source medical cannabis cultivation and production
15 facility and be disposed of under paragraph (e) of subdivision (1) of subsection 3 of this section.

16 2. (1) All cannabis in the process of cultivation, production, preparation, transport, or analysis shall
17 be housed and stored in such a manner as to prevent diversion, theft, or loss.

18 (2) Such items shall be accessible only to the minimum number of specifically authorized
19 dispensary agents essential for efficient operation.

20 (3) Such items shall be returned to a secure location immediately after completion of the process or
21 at the end of the scheduled business day.

22 (4) If a manufacturing process cannot be completed at the end of a working day, the processing area
23 or tanks, vessels, bins, or bulk containers containing cannabis shall be securely locked inside an area or
24 building that affords adequate security.

25 3. (1) A medical cannabis cultivation and production facility shall process cannabis in a safe and
26 sanitary manner. A facility shall process the leaves and flowers of the female cannabis plant only, which
27 shall be:

28 (a) Well cured and free of seeds and stems;

29 (b) Free of dirt, sand, debris, and other foreign matter;

30 (c) Free of contamination by mold, rot, other fungus, and bacterial diseases;

31 (d) Prepared and handled on food-grade stainless steel tables; and

32 (e) Packaged in a secure area.

33 (2) All facilities, including those that develop or process nonedible medical cannabis-infused
34 products, shall comply with the following sanitary requirements:

35 (a) Any dispensary agent whose job includes contact with cannabis or nonedible medical cannabis-
36 infused products, including cultivation, production, or packaging, is subject to the requirements for food
37 handlers under state law and in accordance with rules of the department of health and senior services and
38 local health departments;

39 (b) Any manufacturing, storage, or testing of medical cannabis, medical cannabis concentrate, or
40 medical cannabis product shall meet all requirements of the department of health and senior services and all
41 local health departments;

42 (c) Any dispensary agent working in direct contact with preparation of cannabis or nonedible
43 medical cannabis-infused products shall conform to sanitary practices while on duty, including:

44 a. Maintaining adequate personal cleanliness; and

45 b. Washing hands thoroughly in an adequate hand-washing area before starting work, and at any
46 other time when hands may have become soiled or contaminated;

47 (d) Hand-washing facilities shall be adequate and convenient and shall be furnished with running
48 water at a suitable temperature. Hand-washing facilities shall be located in the facility in production areas
49 and where good sanitary practices require employees to wash and sanitize their hands and shall provide
50 effective hand cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;

51 (e) There shall be sufficient space for placement of equipment and storage of materials as is
52 necessary for the maintenance of sanitary operations;

53 (f) Litter and waste shall be properly removed, disposed of so as to minimize the development of

1 odor, and shall minimize the potential for the waste attracting and harboring pests. The operating systems for
2 waste disposal shall be maintained in an adequate manner;

3 (g) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately
4 kept clean and in good repair;

5 (h) There shall be adequate safety lighting in all processing and storage areas, as well as areas where
6 equipment or utensils are cleaned;

7 (i) Buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;

8 (j) All contact surfaces, including utensils and equipment, shall be maintained in a clean and
9 sanitary condition. Such surfaces shall be cleaned and sanitized as frequently as necessary to protect against
10 contamination, using a sanitizing agent registered by the United States Environmental Protection Agency
11 (EPA), in accordance with labeled instructions. Equipment and utensils shall be so designed and of such
12 material and workmanship as to be adequately cleanable;

13 (k) All toxic items shall be identified, held, and stored in a manner that protects against
14 contamination of cannabis and medical cannabis-infused products;

15 (l) A facility's water supply shall be sufficient for necessary operations. Any private water source
16 shall be capable of providing a safe, potable, and adequate supply of water to meet the facility's needs;

17 (m) Plumbing shall be of adequate size and design and adequately installed and maintained to carry
18 sufficient quantities of water to required locations throughout the facility. Plumbing shall properly convey
19 sewage and liquid disposable waste from the facility. There shall be no cross-connections between the
20 potable and waste water lines;

21 (n) A facility shall provide its employees with adequate, readily accessible toilet facilities that are
22 maintained in a sanitary condition and in good repair;

23 (o) Products that may support the rapid growth of undesirable microorganisms shall be held in a
24 manner that prevents the growth of such microorganisms; and

25 (p) Storage and transportation of finished products shall be under conditions that shall protect them
26 against physical, chemical, and microbial contamination as well as against deterioration of them or their
27 container.

28 4. (1) A medical cannabis cultivation and production facility shall provide adequate lighting,
29 ventilation, temperature, humidity, space, and equipment.

30 (2) A facility shall have separate areas for storage of cannabis that is outdated, damaged,
31 deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached,
32 until such products are destroyed.

33 (3) Facility storage areas shall be maintained in a clean and orderly condition.

34 (4) Facility storage areas shall be free from infestation by insects, rodents, birds, and pests of any
35 kind.

36 (5) Facility storage areas shall be maintained in accordance with the security requirements
37 promulgated under paragraph (j) of subdivision (1) of subsection 2 of section 195.906.

38 195.960. 1. Until a medical cannabis cultivation and production facility's cultivation or production
39 process has been validated, such facility shall not wholesale, transfer, or process into a medical cannabis
40 concentrate or medical cannabis product any medical cannabis, medical cannabis concentrate, or medical
41 cannabis product unless samples from the harvest batch or production batch from which such medical
42 cannabis, medical cannabis concentrate, or medical cannabis product was derived are tested by a medical
43 cannabis testing facility for contaminants and pass all contaminant tests required by subsection 3 of this
44 section.

45 2. (1) A medical cannabis cultivation and production facility's cultivation process shall be deemed
46 valid if every harvest batch that it produced during a twelve-week period has passed all contaminant tests
47 required by subsection 3 of this section, including at least twelve test batches that were submitted at least six
48 days apart and contain samples from entirely different harvest batches.

49 (2) A facility's production process shall be deemed valid if every production batch that it produced
50 during a four-week period has passed all contaminant tests required by subsection 3 of this section, including
51 at least four test batches that were submitted at least six days apart which contain samples from entirely
52 different production batches.

53 3. (1) Each harvest batch of medical cannabis and production batch of medical cannabis concentrate

1 and medical cannabis product shall be tested for microbial contamination by a medical cannabis testing
2 facility. The microbial contamination test shall include, but not be limited to, testing to determine the
3 presence of and amounts present of salmonella sp., escherichia coli, and other bile-tolerant bacteria.

4 (2) Each harvest batch of medical cannabis and production batch of medical cannabis concentrate
5 and medical cannabis product shall be tested for mold contamination by a medical cannabis testing facility.
6 The mold contamination test shall include, but shall be limited to, testing to determine presence and the level
7 of aspergillus sp., mucor sp., penicillium sp., and thermophilic actinomycetes sp.

8 (3) Each harvest batch of medical cannabis produced by a facility shall be tested for filth and other
9 visible contamination by a medical cannabis testing facility. The filth contamination test shall include, but
10 not be limited to, the detection, separation, quantification, identification, and interpretation of extraneous
11 materials, including insects, rodent droppings, visible adulterants, and other contaminants in medical
12 cannabis flowers and trim.

13 (4) Each production batch of solvent-based medical cannabis concentrate produced by a facility shall
14 be tested for residual solvent contamination by a medical cannabis testing facility. The residual solvent
15 contamination test shall include, but not be limited to, testing to determine the presence of, and amounts
16 present of, butane, propane, ethanol, isopropanol, acetone, and heptane.

17 4. (1) The division may require additional tests to be conducted on a harvest batch or production
18 batch prior to a facility wholesaling, transferring, or processing into a medical cannabis concentrate or
19 medical cannabis product any medical cannabis, medical cannabis concentrate, or medical cannabis product
20 from such harvest batch or production batch. Additional tests may include, but not be limited to, screening
21 for pesticides, harmful chemicals, adulterants, or other types of microbials, molds, filth, or residual solvents.

22 (2) (a) A production batch of medical cannabis concentrate shall be considered exempt from
23 subdivision (1) of this subsection if the facility that produced it does not wholesale or transfer any portion of
24 the production batch and it uses the entire production batch to manufacture medical cannabis product; except
25 that, a solvent-based medical cannabis concentrate produced using butane, propane, ethanol, isopropanol,
26 acetone, or heptane shall still be submitted for a residual solvent contaminant test.

27 (b) A facility shall not be required to have residual solvent testing conducted on the product batch of
28 a solvent-based medical cannabis concentrate if only carbon dioxide was used during the production of the
29 medical cannabis concentrate.

30 5. (1) (a) If a facility makes a material change to its cultivation or production process, such facility
31 shall have the first five harvest batches or production batches produced using the new standard operating
32 procedures tested for all of the contaminants as required by subsection 3 of this section regardless of whether
33 its process has been previously validated. If any such tests fail, such facility's process shall be revalidated.

34 (b) It shall be considered a material change if a facility begins using a new or different pesticide
35 during its cultivation process, and the first five harvest batches produced using the new or different pesticide
36 shall also be tested for pesticides.

37 (c) It shall be considered a material change if a facility begins using a new or different solvent or
38 combination of solvents.

39 (d) A facility that makes a material change shall notify the medical cannabis testing facility that
40 conducts contaminant testing on the first five harvest batches or production batches produced using the new
41 standard operating procedures.

42 (e) When a harvest batch or production batch is required to be submitted for testing under this
43 subsection, the facility that produced it shall not wholesale, transfer, or process into a medical cannabis
44 concentrate or medical cannabis product any of the medical cannabis, medical cannabis concentrate, or
45 medical cannabis product from such harvest batch or production batch.

46 (2) If six of the ten most recently tested test batches produced by a facility fail contaminant testing,
47 the facility shall be required to revalidate its process.

48 6. Notwithstanding any other provision of state law, sales of medical cannabis-infused products shall
49 not be exempt from state or local sales tax.

50 195.963. 1. (1) There is hereby created in the state treasury the "Medical Cannabis License Cash
51 Fund", which shall consist of all moneys collected by the division under sections 195.900 to 195.985. The
52 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
53 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys

1 in the fund shall be used solely for the administration of sections 195.900 to 195.985.

2 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
3 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

4 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
5 invested. Any interest and moneys earned on such investments shall be credited to the fund.

6 (4) There is hereby created the "Medical Cannabis Program Account" as an account within the
7 medical cannabis license cash fund. The account shall consist of all moneys collected by the department of
8 health and senior services under section 195.981. The account shall be a dedicated account and, upon
9 appropriation, moneys in the account shall be used solely for the administration of section 195.981.

10 2. (1) The division shall require all applicants for initial state licenses under sections 195.900 to
11 195.985 to submit a nonrefundable application fee of twelve thousand five hundred dollars for a medical
12 cannabis center license and twelve thousand five hundred dollars for a medical cannabis cultivation and
13 production facility license.

14 (2) The division shall establish all other fees for processing the following types of applications,
15 licenses, notices, or reports required to be submitted to the division:

16 (a) Applications to change location under subsection 13 of section 195.936 and rules promulgated
17 thereunder;

18 (b) Applications for transfer of ownership under section 195.933 and rules promulgated thereunder;

19 (c) License renewal and expired license renewal applications under section 195.939; and

20 (d) Licenses as listed in section 195.948.

21 (3) The amounts of the fees under subdivisions (1) and (2) of this subsection, when added to the
22 other fees transferred to the fund under this section, shall reflect the actual direct and indirect costs of the
23 division in the administration and enforcement of sections 195.900 to 195.985.

24 (4) The division may charge applicants licensed under sections 195.900 to 195.985 a fee for the cost
25 of each fingerprint analysis and background investigation undertaken to qualify new officers, directors,
26 managers, or employees.

27 (5) At least annually, the division shall review the amounts of the fees and, if necessary, adjust the
28 amounts to reflect the direct and indirect costs of the division.

29 3. Except as provided in subsection 4 of this section, the division shall establish a basic fee that shall
30 be paid at the time of service of any subpoena upon the division, plus a fee for meals and a fee for mileage at
31 the rate prescribed for state officers and employees, for each mile actually and necessarily traveled in going
32 to and returning from the place named in the subpoena. If the person named in the subpoena is required to
33 attend the place named in the subpoena for more than one day, there shall be paid, in advance, a sum to be
34 established by the division for each day of attendance to cover the expenses of the person named in the
35 subpoena.

36 4. The subpoena fee established under subsection 3 of this section shall not be applicable to any
37 federal, state, or local governmental agency.

38 195.964. 1. A tax shall be levied upon the sale of cannabis or transfer of cannabis by a licensed
39 medical cannabis cultivation and production facility to a medical cannabis center at a rate of ten percent. The
40 department of revenue shall direct the division to establish procedures for the collection of all taxes levied.

41 2. All such tax revenue shall be deposited to the credit of the general revenue, with ten percent used
42 to fund transportation, two and one-half percent to fund public safety, and two and one-half percent to fund
43 alcohol and tobacco control.

44 3. Nothing in this section shall prohibit a locality from imposing its own sales tax or a sales tax
45 upon consumers.

46 195.966. 1. Except as otherwise provided, all fees and fines provided for by sections 195.900 to
47 195.985 shall be paid to the division, which shall transmit the fees to the state treasurer. The state treasurer
48 shall credit the fees to the medical cannabis license cash fund created in section 195.963.

49 2. The expenditures of the division shall be paid out of appropriations from the medical cannabis
50 license cash fund created in section 195.963.

51 195.969. 1. Each application for a local license provided for in sections 195.900 to 195.985 filed
52 with a local licensing authority shall be accompanied by an application fee and a license fee in an amount
53 determined by the local licensing authority not to exceed ten percent of the state application fee and license

1 fee.

2 2. License fees as determined by the local licensing authority shall be paid to the treasurer of the
3 municipality or county where the licensed premises is located in advance of the approval, denial, or renewal
4 of the license.

5 195.972. 1. In addition to any other sanctions prescribed by sections 195.900 to 195.985 or rules
6 promulgated under sections 195.900 to 195.985, the division or a local licensing authority has the power, on
7 its own motion or on complaint, after investigation and opportunity for a public hearing at which the licensee
8 shall be afforded an opportunity to be heard, to suspend or revoke a license issued by the respective authority
9 for a violation by the licensee or by any of the agents or employees of the licensee of the provisions of
10 sections 195.900 to 195.985, or any of the rules promulgated under sections 195.900 to 195.985, or of any of
11 the terms, conditions, or provisions of the license issued by the division or local licensing authority. The
12 division or a local licensing authority has the power to administer oaths and issue subpoenas to require the
13 presence of persons and the production of papers, books, and records necessary to the determination of a
14 hearing that the division or local licensing authority is authorized to conduct.

15 2. The division or local licensing authority shall provide notice of suspension, revocation, fine, or
16 other sanction, as well as the required notice of the hearing under subsection 1 of this section, by mailing the
17 same in writing to the licensee at the address contained in the license. Except in the case of a summary
18 suspension under section 195.984, a suspension shall not be for a period longer than six months. If a license
19 is suspended or revoked, a part of the fees paid therefor shall not be returned to the licensee. Any license or
20 permit may be summarily suspended by the issuing licensing authority without notice, pending any
21 prosecution, investigation, or public hearing under the terms of section 195.984. Nothing in this section
22 shall prevent the summary suspension of a license under section 195.984. Each patient registered with a
23 medical cannabis center that has had its license summarily suspended may immediately transfer his or her
24 primary center to another licensed medical cannabis center.

25 3. (1) When a decision of the division or a local licensing authority suspending a license for
26 fourteen days or less becomes final, the licensee may, before the operative date of the suspension, petition for
27 permission to pay a fine in lieu of having the license suspended for all or part of the suspension period.
28 Upon the receipt of the petition, the division or local licensing authority may, in its sole discretion, stay the
29 proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole
30 discretion, grant the petition if the division or local licensing authority is satisfied that:

31 (a) The public welfare and morals shall not be impaired by permitting the licensee to operate during
32 the period set for suspension and that the payment of the fine shall achieve the desired disciplinary purposes;

33 (b) The books and records of the licensee are kept in such a manner that the loss of sales that the
34 licensee would have suffered had the suspension gone into effect may be determined with reasonable
35 accuracy; and

36 (c) The licensee has not had his or her license suspended or revoked, nor had any suspension stayed
37 by payment of a fine, during the two years immediately preceding the date of the motion or complaint that
38 resulted in a final decision to suspend the license or permit.

39 (2) The fine accepted shall be not less than five hundred dollars nor more than one hundred thousand
40 dollars.

41 (3) Payment of a fine under the provisions of this subsection shall be in the form of cash or in the
42 form of a certified check or cashier's check made payable to the division or local licensing authority,
43 whichever is appropriate.

44 4. Upon payment of the fine under subsection 3 of this section, the division or local licensing
45 authority shall enter its further order permanently staying the imposition of the suspension. If the fine is paid
46 to a local licensing authority, the governing body of the authority shall cause the moneys to be paid into the
47 general fund of the local licensing authority. Fines paid to the division under subsection 3 of this section
48 shall be transmitted to the state treasurer who shall credit the same to the medical cannabis license cash fund
49 created in section 195.963.

50 5. In connection with a petition under subsection 3 of this section, the authority of the division or
51 local licensing authority is limited to the granting of such stays as are necessary for the authority to complete
52 its investigation and make its findings and, if the authority makes such findings, to the granting of an order
53 permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise

1 conditionally stayed.

2 6. If the division or local licensing authority does not make the findings required in subdivision (1)
 3 of subsection 3 of this section and does not order the suspension permanently stayed, the suspension shall go
 4 into effect on the operative date finally set by the division or local licensing authority.

5 7. Each local licensing authority shall report all actions taken to impose fines, suspensions, and
 6 revocations to the division in a manner required by the division. No later than January fifteenth of each year,
 7 the division shall compile a report of the preceding year's actions in which fines, suspensions, or revocations
 8 were imposed by local licensing authorities and by the division. The division shall file one copy of the
 9 report with the chief clerk of the house of representatives, one copy with the secretary of the senate, and six
 10 copies in the legislative library.

11 195.975. 1. Each licensee shall keep a complete set of all records necessary to fully show the
 12 business transactions of the licensee, all of which shall be open at all times during business hours for the
 13 inspection and examination of the division or its duly authorized representatives. The division may require
 14 any licensee to furnish such information as it considers necessary for the proper administration of this section
 15 and may require an audit to be made of the books of account and records on such occasions as it may
 16 consider necessary by an auditor to be selected by the division who shall likewise have access to all books
 17 and records of the licensee, and the expense thereof shall be paid by the licensee.

18 2. The licensed premises, including any places of storage where medical cannabis is grown, stored,
 19 cultivated, sold, or dispensed, shall be subject to inspection by the division or local licensing authorities and
 20 their investigators, during all business hours and other times of apparent activity, for the purpose of
 21 inspection or investigation. For examination of any inventory or books and records required to be kept by
 22 the licensees, access shall be required during business hours. Where any part of the licensed premises
 23 consists of a locked area, upon demand to the licensee, such area shall be made available for inspection
 24 without delay, and, upon request by authorized representatives of the division or local licensing authority, the
 25 licensee shall open the area for inspection.

26 3. Each licensee shall retain all books and records necessary to show fully the business transactions
 27 of the licensee for a period of the current tax year and the three immediately prior tax years.

28 195.978. 1. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for a
 29 person:

30 (1) With knowledge, to permit or fail to prevent the use of such person's registry identification by
 31 any other person for the unlawful purchasing of medical cannabis; or

32 (2) To buy, sell, transfer, give away, or acquire medical cannabis except as allowed under sections
 33 195.900 to 195.985.

34 2. It is unlawful for a person licensed under sections 195.900 to 195.985:

35 (1) To be within a limited-access area unless the person's license badge is displayed as required by
 36 sections 195.900 to 195.985;

37 (2) To fail to designate areas of ingress and egress for limited-access areas and post signs in
 38 conspicuous locations as required by sections 195.900 to 195.985;

39 (3) To fail to report a transfer required by section 195.933; or

40 (4) To fail to report the name of or a change in managers as required by section 195.936.

41 3. It is unlawful for any person licensed to sell medical cannabis under sections 195.900 to 195.985:

42 (1) To display any signs that are inconsistent with local laws or regulations;

43 (2) To use advertising material that is misleading, deceptive, or false, or that is designed to appeal to
 44 minors;

45 (3) (a) To sell medical cannabis to a person not licensed under sections 195.900 to 195.985 or to a
 46 person not able to produce a valid patient registry identification card.

47
 48 Notwithstanding any provision in this paragraph to the contrary, a person under twenty-one years of age shall
 49 not be employed to sell or dispense medical cannabis at a medical cannabis center or grow or cultivate
 50 medical cannabis at a medical cannabis cultivation and production facility;

51 (b) If a licensee or a licensee's employee has reasonable cause to believe that a person is exhibiting a
 52 fraudulent patient registry identification card in an attempt to obtain medical cannabis, the licensee or
 53 employee shall be authorized to confiscate the fraudulent patient registry identification card, if possible, and

1 shall, within seventy-two hours after the confiscation, turn it over to the department of health and senior
 2 services or local law enforcement agency. The failure to confiscate the fraudulent patient registry
 3 identification card or to turn it over to the department or a state or local law enforcement agency within
 4 seventy-two hours after the confiscation shall not constitute a criminal offense;

5 (4) To offer for sale or solicit an order for medical cannabis in person except within the licensed
 6 premises;

7 (5) To have in possession or upon the licensed premises any medical cannabis, the sale of which is
 8 not permitted by the license;

9 (6) To buy medical cannabis from a person not licensed to sell as provided by sections 195.900 to
 10 195.985;

11 (7) To sell medical cannabis except in the permanent location specifically designated in the license
 12 for sale;

13 (8) To require a medical cannabis center and medical cannabis cultivation and production facility to
 14 make delivery to any premises other than the specific licensed premises where the medical cannabis is to be
 15 sold notwithstanding the requirements of section 195.951; or

16 (9) To sell, serve, or distribute medical cannabis at any time other than between the hours of 8:00
 17 a.m. and 7:00 p.m.

18 4. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for:

19 (1) A medical cannabis center or medical cannabis cultivation and production facility to sell, deliver,
 20 or cause to be delivered to a licensee any medical cannabis not grown upon its licensed premises; or

21 (2) A medical cannabis center or medical cannabis cultivation and production facility to sell,
 22 possess, or permit the sale of medical cannabis not grown upon its licensed premises.

23 A violation of this subsection by a licensee shall be grounds for the immediate revocation of the license
 24 granted under sections 195.900 to 195.985.

25 5. It shall be unlawful for a treating physician with registered patients to receive anything of value
 26 from the medical cannabis center licensee or its agents, servants, officers, or owners or anyone financially
 27 interested in the licensee, and it shall be unlawful for a licensee licensed under sections 195.900 to 195.985
 28 to offer anything of value to a treating physician for making patient referrals to the licensed medical cannabis
 29 center.

30 6. Notwithstanding any other provision of law, a person who commits any acts that are unlawful
 31 under:

32 (1) Subsection 1;

33 (2) Paragraph (a) of subdivision (3) of subsection 3; or

34 (3) Subdivisions (4), (5), (6), or (7) of subsection 3

35 of this section shall be guilty of a class D felony.

36 7. Notwithstanding any other provision of law, a person who commits any acts that are unlawful
 37 under:

38 (1) Subsections 2, 4, or 5; or

39 (2) Subdivisions (1), (2), (8), or (9) of subsection 3

40 of this section shall be guilty of a class A misdemeanor.

41 195.981. 1. The department of health and senior services shall promulgate rules:

42 (1) To ensure that patients with terminal cancer, patients with a propensity for opioid addiction who
 43 are in need of long-term pain management, and children with epilepsy are able to safely gain access to
 44 medical cannabis and to ensure that registered patients:

45 (a) Are not subject to criminal prosecution for their use of medical cannabis in accordance with this
 46 section, and the rules of the department; and

47 (b) Are able to establish an affirmative defense to their use of medical cannabis in accordance with
 48 this section, and the rules of the department; and

49 (2) To prevent persons who are not registered patients from using this section as a means to sell,
 50 acquire, possess, produce, use, or transport cannabis in violation of state and federal laws.

51 2. As used in this section, the following terms shall mean:

1 (1) "Department", the department of health and senior services;
 2 (2) "Director", the director of the department of health and senior services;
 3 (3) "Medical cannabis program", the program established under sections 195.900 to 195.985;
 4 (4) "Primary caregiver", the same meaning as such term is defined in section 195.900;
 5 (5) "Registry identification card", the nontransferable confidential registry identification card issued
 6 by the department to patients and primary caregivers under this section.

7 3. (1) The department shall promulgate rules to implement the medical cannabis program, including
 8 rules for the following:

9 (a) The establishment and maintenance of a confidential registry of patients who have applied for
 10 and are entitled to receive a registry identification card;

11 (b) The development by the department of an application form and making such form available to
 12 residents of this state seeking to be listed on the confidential registry of patients who are entitled to receive a
 13 registry identification card;

14 (c) The verification by the department of medical information concerning patients who have applied
 15 for a confidential registry card or for renewal of a registry identification card;

16 (d) The development by the department of a form that shall be used by a treating physician
 17 certifying a patient under subsection 4 of this section;

18 (e) The conditions for issuance and renewal, and the form of the registry identification cards issued
 19 to registered patients;

20 (f) Communications with law enforcement officials about registry identification cards that have been
 21 revoked under subsection 8 of this section; and

22 (g) A waiver process to allow a homebound patient who is on the registry to have a primary
 23 caregiver transport the patient's medical cannabis from a licensed medical cannabis center to the patient.

24 (2) The department may promulgate rules regarding the following:

25 (a) What constitutes significant responsibility for managing the well-being of a patient; except that,
 26 the act of supplying medical cannabis or cannabis paraphernalia, by itself, is insufficient to constitute
 27 significant responsibility for managing the well-being of a patient;

28 (b) The development of a form for a primary caregiver to use in applying to the registry, which form
 29 shall require, at a minimum, that the applicant provide his or her full name, home address, date of birth, and
 30 an attestation that the applicant has a significant responsibility for managing the well-being of the patient for
 31 whom he or she is designated as the primary caregiver and that he or she understands and shall abide by this
 32 section, and the rules promulgated by the department under this section;

33 (c) The grounds and procedure for a patient to change his or her designated primary caregiver; and

34 (d) Designation on the application form of the medical cannabis center where the registered patient
 35 or primary caregiver shall receive his or her medical cannabis as required under subsection 7 of this section.

36 (3) The department shall conduct a public review hearing to receive public input on any emergency
 37 rules adopted by the department and be provided with an update from the industry, caregivers, patients, and
 38 other stakeholders regarding the industry's current status. The department shall provide at least five business
 39 days' notice prior to the hearing.

40 4. (1) A treating physician who certifies an applicant for the medical cannabis program shall certify
 41 that in the physician's best judgment the applicant would benefit from medical cannabis and that the
 42 applicant:

43 (a) Has been diagnosed with terminal cancer;

44 (b) Has a propensity for opioid addiction and is in need of long-term pain management; or

45 (c) Is a minor who is being treated for epilepsy.

46 (2) The treating physician shall maintain a record-keeping system for all patients for whom the treating
 47 physician has recommended the medical use of cannabis.

48 (3) A treating physician shall not:

49 (a) Accept, solicit, or offer any form of pecuniary remuneration from or to a primary caregiver,
 50 distributor, or any other provider of medical cannabis;

51 (b) Offer a discount or any other thing of value to a registered patient who uses or agrees to use a
 52 particular primary caregiver, distributor, or other provider of medical cannabis to procure medical cannabis;
 53 or

1 (c) Holds an economic interest in an enterprise that provides or distributes medical cannabis if the
2 treating physician certifies a registered patient for participation in the medical cannabis program.

3 5. If the department has reasonable cause to believe that a treating physician has violated
4 subdivision (1), (2), or (3) of subsection 4 of this section, or the rules promulgated by the department, the
5 department may refer the matter to the state board of medical examiners for an investigation and
6 determination.

7 6. (1) A primary caregiver shall not delegate to any other person his or her authority to provide
8 medical cannabis to a patient nor may a primary caregiver engage others to assist in providing medical
9 cannabis to a patient.

10 (2) A primary caregiver shall not cultivate cannabis. Only a medical cannabis cultivation and
11 production facility may cultivate cannabis and only for medical use.

12 (3) A primary caregiver shall provide to a law enforcement agency, upon inquiry, the registry
13 identification card number of each of his or her patients. The department shall maintain a registry of such
14 information and make it available twenty-four hours per day and seven days a week to law enforcement for
15 verification purposes.

16 7. A registered patient or primary caregiver shall not:

17 (1) Purchase medical cannabis from unauthorized sources; or

18 (2) Obtain medical cannabis from other registered patients or primary caregivers.

19 8. (1) To be considered in compliance with this section and the rules of the department, a patient or
20 primary caregiver shall have his or her registry identification card in his or her possession at all times that he
21 or she is in possession of any form of medical cannabis and produce the same upon request of a law
22 enforcement officer to demonstrate that the patient or primary caregiver is not in violation of the law. A
23 person who violates this section or the rules promulgated by the department may be subject to criminal
24 prosecution.

25 (2) The department shall maintain a registry of such information and make it available twenty-four
26 hours per day and seven days a week to law enforcement for verification purposes. Upon inquiry by a law
27 enforcement officer as to an individual's status as a patient, the department shall check the registry. If the
28 individual is not registered as a patient or primary caregiver, the department may provide that response to law
29 enforcement. The department may promulgate rules to implement this subsection.

30 (3) The department may deny a patient's application for a registry identification card or revoke the
31 card if the department determines that the treating physician, the registered patient, or the primary caregiver
32 violated this section, or the rules promulgated by the department under this section; except that, if a treating
33 physician's violation is the basis for adverse action, the department may only deny or revoke a patient's
34 application or registry identification card if the treating physician's violation is related to the issuance of a
35 medical cannabis recommendation.

36 (4) A registry identification card shall be valid for one year and shall contain a unique identification
37 number. It shall be the responsibility of the patient to apply to renew his or her registry identification card
38 prior to the date on which the card expires. The department shall develop a form for a patient to use in
39 renewing his or her registry identification card.

40 (5) If the department grants a patient a waiver to allow a primary caregiver to transport the patient's
41 medical cannabis from a medical cannabis center to the patient, the department shall designate the waiver on
42 the patient's registry identification card.

43 (6) A homebound patient who receives a waiver from the department to allow a primary caregiver to
44 transport the patient's medical cannabis to the patient from a medical cannabis center shall provide the
45 primary caregiver with the patient's registry identification card, which the primary caregiver shall carry when
46 the primary caregiver is transporting the medical cannabis. A medical cannabis center may provide the
47 medical cannabis to the primary caregiver for transport to the patient if the primary caregiver produces the
48 patient's registry identification card.

49 9. (1) The use of medical cannabis is allowed under state law to the extent that it is carried out in
50 accordance with sections 195.900 to 195.985 and the rules of the department.

51 (2) A patient or primary caregiver shall not:

52 (a) Engage in the medical use of cannabis in a way that endangers the health and well-being of a
53 person;

- 1 (b) Engage in the medical use of cannabis in plain view or in a place open to the general public;
2 (c) Undertake any task while under the influence of medical cannabis, if doing so would constitute
3 negligence or professional malpractice;
4 (d) Possess medical cannabis or otherwise engage in the use of medical cannabis in or on the
5 grounds of a school or in a school bus;
6 (e) Engage in the use of medical cannabis while:
7 a. In a correctional facility;
8 b. Subject to a sentence to incarceration; or
9 c. In a vehicle, aircraft, or motorboat;
10 (f) Operate, navigate, or be in actual physical control of any vehicle, aircraft, or motorboat while
11 under the influence of medical cannabis; or
12 (g) Use medical cannabis if the patient is not a registered patient.

13 (3) A person shall not establish a business to permit patients to congregate and smoke medical
14 cannabis.

15 10. Only licensed medical cannabis cultivation and production facilities may cultivate medical
16 cannabis.

17 11. If a patient raises an affirmative defense to prosecution under sections 195.900 to 195.985, the
18 treating physician shall certify the specific amounts in excess of an adequate supply that are necessary to
19 address the patient's symptoms and why such amounts are necessary. A patient who asserts this affirmative
20 defense shall waive confidentiality privileges related to the condition or conditions that were the basis for the
21 recommendation. If a patient, primary caregiver, or treating physician raises an exception to the state
22 criminal laws, the patient, primary caregiver, or treating physician waives the confidentiality of his or her
23 records related to the condition or conditions that were the basis for the recommendation maintained by the
24 department for the medical cannabis program. Upon request of a law enforcement agency for such records,
25 the department shall only provide records pertaining to the individual raising the exception, and shall redact
26 all other patient, primary caregiver, or treating physician identifying information.

27 12. (1) Except as provided in subdivision (2) of this subsection, the department shall establish a
28 basic fee that shall be paid at the time of service of any subpoena upon the department, plus a fee for meals
29 and a fee for mileage at the rate prescribed for state officers and employees, for each mile actually and
30 necessarily traveled in going to and returning from the place named in the subpoena. If the person named in
31 the subpoena is required to attend the place named in the subpoena for more than one day, there shall be paid,
32 in advance, a sum to be established by the department for each day of attendance to cover the expenses of the
33 person named in the subpoena.

34 (2) The subpoena fee established under subdivision (1) of the subsection shall not be applicable to
35 any federal, state, or local governmental agency.

36 13. The department may collect fees from patients who apply to the medical cannabis program for a
37 cannabis registry identification card for the purpose of offsetting the department's direct and indirect costs of
38 administering the program. The amount of such fees shall be set by rule of the department. The amount of
39 the fees set under this section shall reflect the actual direct and indirect costs of the department in the
40 administration and enforcement of this section. All fees collected by the department through the medical
41 cannabis program shall be transferred to the state treasurer who shall credit the same to the medical cannabis
42 program account within the medical cannabis license cash fund created in section 195.963.

43 195.982. No individual or health care entity organized under the laws of this state shall be subject to
44 any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal
45 prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or
46 disciplinary action by any accreditation or licensing board or commission if such individual or employee or
47 agent of the health care entity, in its normal course of business and within its applicable licenses and
48 regulations, recommends the use of medical cannabis to an eligible patient and certifies an applicant to the
49 medical cannabis program under sections 195.900 to 195.985.

50 195.984. 1. (1) The division of alcohol and tobacco control may summarily suspend a license
51 issued under sections 195.900 to 195.985 prior to a hearing in order to immediately stop or restrict
52 operations by a licensee to protect the public health, safety, or welfare. The division may rescind or amend a
53 summary suspension.

1 (2) If, based upon inspection, affidavits, or other evidence, the division determines that a licensee or
 2 the products prepared by a licensee pose an immediate or serious threat to the public health, safety, or
 3 welfare, the division may summarily suspend a license:

4 (a) Requiring cessation or restriction of any or all licensee operations and prohibiting the use of
 5 medical cannabis produced by such licensee; or

6 (b) Placing restrictions on a licensee to the extent necessary to avert a continued threat, pending final
 7 investigation results.

8 (3) The requirements of the summary suspension shall remain in effect until the division rescinds or
 9 amends such requirements or until such time as the division takes final action on any related pending
 10 complaint and issues a final decision.

11 2. The department of health and senior services may summarily suspend any registration issued
 12 under section 195.981, pending further proceedings for denial of renewal or revocation of a registration, if
 13 the department finds that the continued registration poses an imminent danger to the public health, safety, or
 14 welfare.

15 195.985. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 16 under the authority delegated in sections 195.900 to 195.985 shall become effective only if it complies with
 17 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 195.900 to
 18 195.985 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
 19 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 20 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
 21 after August 28, 2018, shall be invalid and void."; and
 22

23 Further amend said bill, Page 14, Section 217.364, Line 37, by inserting immediately after said section and
 24 line the following:

25 "263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby declared to be
 26 a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land.
 27 Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after
 28 being notified to do so shall allow any sheriff or such other persons as designated by the county commission
 29 to enter upon any land in this state and destroy such plants.

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

34 3. The provisions of this section shall not apply to the authorized production of cannabis plants for
 35 purposes of providing medical cannabis under sections 195.900 to 195.985."; and
 36

37 Further amend said bill, Page 19, Section B, Lines 1 to 9, by deleting said section and lines and inserting in
 38 lieu thereof the following:
 39

40 "Section B. Section A of this act is hereby submitted to the qualified voters of this state for approval
 41 or rejection at an election which is hereby ordered and which shall be held and conducted on the Tuesday
 42 immediately following the first Monday in August 2020, pursuant to the laws and constitutional provisions
 43 of this state for the submission of referendum measures by the general assembly, and this act shall become
 44 effective when approved by a majority of the votes cast thereon at such election and not otherwise.

45 Section C. Under chapter 116, and other applicable constitutional provisions and laws of this state
 46 allowing the general assembly to adopt ballot language for the submission of referendum measures to the
 47 voters of this state, the official summary statement of the referendum submitted under this act shall be as
 48 follows:

49 "Shall the Missouri Compassionate Care Act be enacted to allow a treating physician to recommend
 50 to patients with terminal cancer, patients with a propensity for opioid addiction who are in need of long-term
 51 pain management, and children with epilepsy the use and possession of medicinal cannabis?"; and
 52

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