

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2540, Page 207, Section 184.845, Line
2 90, by inserting the following after all of said line:

3
4 "195.010. The following words and phrases as used in this chapter and chapter 579, unless
5 the context otherwise requires, mean:

6 (1) "Addict", a person who habitually uses one or more controlled substances to such an
7 extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs,
8 or who is so far addicted to the use of such drugs as to have lost the power of self-control with
9 reference to his or her addiction;

10 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,
11 ingestion, or any other means, directly to the body of a patient or research subject by:

12 (a) A practitioner (or, in his or her presence, by his or her authorized agent); or

13 (b) The patient or research subject at the direction and in the presence of the practitioner;

14 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
15 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
16 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
17 lawful course of the carrier's or warehouseman's business;

18 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
19 authorized to investigate, commence and prosecute an action under this chapter;

20 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
21 through V listed in this chapter;

22 (6) "Controlled substance analogue", a substance the chemical structure of which is
23 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

24 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
25 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
26 nervous system of a controlled substance included in Schedule I or II; or

27 (b) With respect to a particular individual, which that individual represents or intends to
28 have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially
29 similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
30 controlled substance included in Schedule I or II. The term does not include a controlled substance;
31 any substance for which there is an approved new drug application; any substance for which an

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1 exemption is in effect for investigational use, for a particular person, under Section 505 of the
2 federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the extent conduct with respect to
3 the substance is pursuant to the exemption; or any substance to the extent not intended for human
4 consumption before such an exemption takes effect with respect to the substance;

5 (7) "Counterfeit substance", a controlled substance which, or the container or labeling of
6 which, without authorization, bears the trademark, trade name, or other identifying mark, imprint,
7 number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the
8 person who in fact manufactured, distributed, or dispensed the substance;

9 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person
10 to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance,
11 whether or not there is an agency relationship, and includes a sale;

12 (9) "Dentist", a person authorized by law to practice dentistry in this state;

13 (10) "Depressant or stimulant substance":

14 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or
15 any derivative of barbituric acid which has been designated by the United States Secretary of Health
16 and Human Services as habit forming under 21 U.S.C. Section 352(d);

17 (b) A drug containing any quantity of:

18 a. Amphetamine or any of its isomers;

19 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

20 c. Any substance the United States Attorney General, after investigation, has found to be,
21 and by regulation designated as, habit forming because of its stimulant effect on the central nervous
22 system;

23 (c) Lysergic acid diethylamide; or

24 (d) Any drug containing any quantity of a substance that the United States Attorney
25 General, after investigation, has found to have, and by regulation designated as having, a potential
26 for abuse because of its depressant or stimulant effect on the central nervous system or its
27 hallucinogenic effect;

28 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or
29 research subject by or pursuant to the lawful order of a practitioner including the prescribing,
30 administering, packaging, labeling, or compounding necessary to prepare the substance for such
31 delivery. "Dispenser" means a practitioner who dispenses;

32 (12) "Distribute", to deliver other than by administering or dispensing a controlled
33 substance;

34 (13) "Distributor", a person who distributes;

35 (14) "Drug":

36 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
37 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
38 supplement to any of them;

39 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of
40 disease in humans or animals;

41 (c) Substances, other than food, intended to affect the structure or any function of the body

1 of humans or animals; and

2 (d) Substances intended for use as a component of any article specified in this subdivision.

3 It does not include devices or their components, parts or accessories;

4 (15) "Drug-dependent person", a person who is using a controlled substance and who is in a
5 state of psychic or physical dependence, or both, arising from the use of such substance on a
6 continuous basis. Drug dependence is characterized by behavioral and other responses which
7 include a strong compulsion to take the substance on a continuous basis in order to experience its
8 psychic effects or to avoid the discomfort caused by its absence;

9 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United States
10 Department of Justice, or its successor agency;

11 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
12 which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing,
13 harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing,
14 containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body
15 a controlled substance, except marijuana if in compliance with sections 195.2150 to 195.2177, or an
16 imitation controlled substance in violation of this chapter or chapter 579. It includes, but is not
17 limited to:

18 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
19 growing or harvesting of any species of plant which is a controlled substance or from which a
20 controlled substance can be derived;

21 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
22 converting, producing, processing, or preparing controlled substances or imitation controlled
23 substances;

24 (c) Isomerization devices used, intended for use, or designed for use in increasing the
25 potency of any species of plant which is a controlled substance or an imitation controlled substance;

26 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
27 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
28 substances;

29 (e) Scales and balances used, intended for use, or designed for use in weighing or measuring
30 controlled substances or imitation controlled substances;

31 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
32 and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation
33 controlled substances;

34 (g) Separation gins and sifters used, intended for use, or designed for use in removing twigs
35 and seeds from, or in otherwise cleaning or refining, marijuana if in violation of sections 195.2150
36 to 195.2177;

37 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
38 designed for use in compounding controlled substances or imitation controlled substances;

39 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
40 for use in packaging small quantities of controlled substances or imitation controlled substances;

41 (j) Containers and other objects used, intended for use, or designed for use in storing or

1 concealing controlled substances or imitation controlled substances;

2 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed for
3 use in parenterally injecting controlled substances or imitation controlled substances into the human
4 body;

5 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
6 introducing marijuana if in violation of sections 195.2150 to 195.2177, cocaine, hashish, or hashish
7 oil into the human body, such as:

8 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
9 permanent screens, hashish heads, or punctured metal bowls;

10 b. Water pipes;

11 c. Carburetion tubes and devices;

12 d. Smoking and carburetion masks;

13 e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette,
14 that has become too small or too short to be held in the hand;

15 f. Miniature cocaine spoons and cocaine vials;

16 g. Chamber pipes;

17 h. Carburetor pipes;

18 i. Electric pipes;

19 j. Air-driven pipes;

20 k. Chillums;

21 l. Bonges;

22 m. Ice pipes or chillers;

23 (m) Substances used, intended for use, or designed for use in the manufacture of a
24 controlled substance;

25
26 In determining whether an object, product, substance or material is drug paraphernalia, a court or
27 other authority should consider, in addition to all other logically relevant factors, the following:

28 a. Statements by an owner or by anyone in control of the object concerning its use;

29 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
30 state or federal law relating to any controlled substance or imitation controlled substance;

31 c. The proximity of the object, in time and space, to a direct violation of this chapter or
32 chapter 579;

33 d. The proximity of the object to controlled substances or imitation controlled substances;

34 e. The existence of any residue of controlled substances or imitation controlled substances
35 on the object;

36 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the
37 object, to deliver it to persons who he or she knows, or should reasonably know, intend to use the
38 object to facilitate a violation of this chapter or chapter 579; the innocence of an owner, or of
39 anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not prevent
40 a finding that the object is intended for use, or designed for use as drug paraphernalia;

41 g. Instructions, oral or written, provided with the object concerning its use;

- 1 h. Descriptive materials accompanying the object which explain or depict its use;
2 i. National or local advertising concerning its use;
3 j. The manner in which the object is displayed for sale;
4 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or
5 related items to the community, such as a licensed distributor or dealer of tobacco products;
6 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the
7 business enterprise;
8 m. The existence and scope of legitimate uses for the object in the community;
9 n. Expert testimony concerning its use;
10 o. The quantity, form or packaging of the product, substance or material in relation to the
11 quantity, form or packaging associated with any legitimate use for the product, substance or
12 material;

13 (18) "Federal narcotic laws", the laws of the United States relating to controlled substances;

14 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities for
15 the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more
16 nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical
17 conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours
18 in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital"
19 does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198;

20 (20) "Immediate precursor", a substance which:

21 (a) The state department of health and senior services has found to be and by rule designates
22 as being the principal compound commonly used or produced primarily for use in the manufacture
23 of a controlled substance;

24 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a
25 controlled substance; and

26 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
27 controlled substance;

28 (21) "Imitation controlled substance", a substance that is not a controlled substance, which
29 by dosage unit appearance (including color, shape, size and markings), or by representations made,
30 would lead a reasonable person to believe that the substance is a controlled substance. In
31 determining whether the substance is an imitation controlled substance the court or authority
32 concerned should consider, in addition to all other logically relevant factors, the following:

33 (a) Whether the substance was approved by the federal Food and Drug Administration for
34 over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug
35 Administration approved package, with the federal Food and Drug Administration approved
36 labeling information;

37 (b) Statements made by an owner or by anyone else in control of the substance concerning
38 the nature of the substance, or its use or effect;

39 (c) Whether the substance is packaged in a manner normally used for illicit controlled
40 substances;

41 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or

1 federal law related to controlled substances or fraud;

2 (e) The proximity of the substances to controlled substances;

3 (f) Whether the consideration tendered in exchange for the noncontrolled substance
4 substantially exceeds the reasonable value of the substance considering the actual chemical
5 composition of the substance and, where applicable, the price at which over-the-counter substances
6 of like chemical composition sell. An imitation controlled substance does not include a placebo or
7 registered investigational drug either of which was manufactured, distributed, possessed or delivered
8 in the ordinary course of professional practice or research;

9 (22) "Laboratory", a laboratory approved by the department of health and senior services as
10 proper to be entrusted with the custody of controlled substances but does not include a pharmacist
11 who compounds controlled substances to be sold or dispensed on prescriptions;

12 (23) "Manufacture", the production, preparation, propagation, compounding or processing
13 of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either
14 directly or by extraction from substances of natural origin, or independently by means of chemical
15 synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or
16 repackaging of the substance or labeling or relabeling of its container. This term does not include
17 the preparation or compounding of a controlled substance or an imitation controlled substance or the
18 preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

19 (a) By a practitioner as an incident to his or her administering or dispensing of a controlled
20 substance or an imitation controlled substance in the course of his or her professional practice, or

21 (b) By a practitioner or his or her authorized agent under his or her supervision, for the
22 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

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

31 (25) "Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine,
32 phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

33 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
34 extraction from substances of vegetable origin, or independently by means of chemical synthesis, or
35 by a combination of extraction and chemical analysis:

36 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
37 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters,
38 ethers, and salts is possible within the specific chemical designation. The term does not include the
39 isoquinoline alkaloids of opium;

40 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
41 and derivatives of ecgonine or their salts have been removed;

1 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

2 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

3 (e) Any compound, mixture, or preparation containing any quantity of any substance
4 referred to in paragraphs (a) to (d) of this subdivision;

5 (27) "Official written order", an order written on a form provided for that purpose by the
6 United States Commissioner of Narcotics, under any laws of the United States making provision
7 therefor, if such order forms are authorized and required by federal law, and if no such order form is
8 provided, then on an official form provided for that purpose by the department of health and senior
9 services;

10 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining liability
11 similar to morphine or being capable of conversion into a drug having addiction-forming or
12 addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not
13 include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-
14 methoxy-n-methyl-morphinan and its salts (dextromethorphan);

15 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

16 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug other
17 than a controlled substance;

18 (31) "Person", an individual, corporation, government or governmental subdivision or
19 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
20 commercial entity;

21 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the
22 context so requires, the owner of a store or other place of business where controlled substances are
23 compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as
24 conferring on a person who is not registered nor licensed as a pharmacist any authority, right or
25 privilege that is not granted to him by the pharmacy laws of this state;

26 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

27 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge of the
28 presence and nature of a substance, has actual or constructive possession of the substance. A person
29 has actual possession if he has the substance on his or her person or within easy reach and
30 convenient control. A person who, although not in actual possession, has the power and the
31 intention at a given time to exercise dominion or control over the substance either directly or
32 through another person or persons is in constructive possession of it. Possession may also be sole or
33 joint. If one person alone has possession of a substance possession is sole. If two or more persons
34 share possession of a substance, possession is joint;

35 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
36 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this
37 state to distribute, dispense, conduct research with respect to or administer or to use in teaching or
38 chemical analysis, a controlled substance in the course of professional practice or research in this
39 state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to
40 distribute, dispense, conduct research with respect to or administer a controlled substance in the
41 course of professional practice or research;

1 (36) "Production", includes the manufacture, planting, cultivation, growing, or harvesting of
2 drug paraphernalia or of a controlled substance or an imitation controlled substance;

3 (37) "Registry number", the number assigned to each person registered under the federal
4 controlled substances laws;

5 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction
6 made by any person, whether as principal, proprietor, agent, servant or employee;

7 (39) "State" when applied to a part of the United States, includes any state, district,
8 commonwealth, territory, insular possession thereof, and any area subject to the legal authority of
9 the United States of America;

10 (40) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in
11 another schedule, any natural or synthetic material, compound, mixture, or preparation that contains
12 any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any
13 substance listed in paragraph (II) of subdivision (4) of subsection 2 of section 195.017 and any
14 analogues; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and
15 salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is
16 possible within the specific chemical designation, however, it shall not include any approved
17 pharmaceutical authorized by the United States Food and Drug Administration;

18 (41) "Ultimate user", a person who lawfully possesses a controlled substance or an imitation
19 controlled substance for his or her own use or for the use of a member of his or her household or
20 immediate family, regardless of whether they live in the same household, or for administering to an
21 animal owned by him or by a member of his or her household. For purposes of this section, the
22 phrase "immediate family" means a husband, wife, parent, child, sibling, stepparent, stepchild,
23 stepbrother, stepsister, grandparent, or grandchild;

24 (42) "Wholesaler", a person who supplies drug paraphernalia or controlled substances or
25 imitation controlled substances that he himself has not produced or prepared, on official written
26 orders, but not on prescriptions.

27 195.2150. 1. As used in sections 195.2150 to 195.2177, unless context requires otherwise,
28 the following terms mean:

29 (1) "Consumer", a person twenty-one years of age or older who purchases marijuana or
30 marijuana products for personal use by persons twenty-one years of age or older but not for resale to
31 others;

32 (2) "Division", the division of alcohol and tobacco control within the department of public
33 safety;

34 (3) "Industrial hemp", the plant of the genus cannabis and any part of such plant, whether
35 growing, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths of one
36 percent on a dry-weight basis;

37 (4) "Locality", a town, village, city, county, or city not within a county;

38 (5) "Marijuana" or "marihuana", all parts of the plant of the genus cannabis, whether
39 growing; the seeds thereof; the resin extracted from any part of the plant; and every compound,
40 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including
41 marihuana concentrate. "Marijuana" or "marihuana" shall not include industrial hemp, nor shall it

1 include fiber produced from the stalks, oil, or cake made from the seeds of the plant; sterilized seed
 2 of the plant that is incapable of germination; or the weight of any other ingredient combined with
 3 marijuana to prepare topical or oral administrations, food, drink, or other product;

4 (6) "Marijuana accessories", any equipment, products, or materials of any kind that are
 5 used, intended for use, or designed for use in planting, propagating, cultivating, growing,
 6 harvesting, composting, manufacturing, compounding, converting, producing, processing,
 7 preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana,
 8 or for ingesting, inhaling, or otherwise introducing marijuana into the human body;

9 (7) "Marijuana cultivation facility", an entity licensed to cultivate, prepare, and package
 10 marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing
 11 facilities, and to other marijuana cultivation facilities, but not to consumers;

12 (8) "Marijuana establishment", a marijuana cultivation facility, a marijuana testing facility, a
 13 marijuana product manufacturing facility, or a retail marijuana store;

14 (9) "Marijuana-product manufacturing facility", an entity licensed to purchase marijuana,
 15 manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products
 16 to other marijuana-product manufacturing facilities and to retail marijuana stores but not to
 17 consumers;

18 (10) "Marijuana products", concentrated marijuana products and marijuana products that are
 19 comprised of marijuana and other ingredients and are intended for use or consumption including,
 20 but not limited to, edible products, ointments, and tinctures;

21 (11) "Marijuana testing facility", an entity licensed to analyze and certify the safety and
 22 potency of marijuana;

23 (12) "Retail marijuana store", an entity licensed to purchase marijuana from marijuana
 24 cultivation facilities and marijuana and marijuana products from marijuana product manufacturing
 25 facilities and to sell marijuana and marijuana products to consumers;

26 (13) "Unreasonably impracticable", the condition in which measures necessary to comply
 27 with the regulations require such a high investment of risk, moneys, time, or any other resource or
 28 asset that the operation of a marijuana establishment is not worthy of being carried out in practice
 29 by a reasonably prudent businessperson.

30 195.2153. 1. Notwithstanding any other provision of law, the following acts are not
 31 unlawful and shall not be an offense under Missouri law or the law of any locality within Missouri
 32 or be a basis for seizure or forfeiture of assets under Missouri law for persons twenty-one years of
 33 age or older:

34 (1) Possessing marijuana or marijuana accessories; or

35 (2) Consuming marijuana, provided that nothing in sections 195.2150 to 195.2177 shall
 36 permit consumption that is conducted openly and publicly or in a manner that endangers others.

37 2. Notwithstanding any other provision of law and if authorized by the locality under
 38 section 195.2156, it shall not be unlawful and shall not be an offense under Missouri law or be a
 39 basis for seizure or forfeiture of assets under Missouri law for persons twenty-one years of age or
 40 older to:

41 (1) Manufacture or sell marijuana accessories to a person who is twenty-one years of age or

1 older;

2 (2) Display or transport marijuana or marijuana products; purchase marijuana from a
3 marijuana cultivation facility; purchase marijuana or marijuana products from a marijuana product
4 manufacturing facility; or sell marijuana or marijuana products to consumers, if the person
5 conducting the activities described in this subdivision has obtained a current, valid license to operate
6 a retail marijuana store or is acting in his or her capacity as an owner, employee, or agent of a
7 licensed retail marijuana store;

8 (3) Grow, process, or transport no more than six marijuana plants, with three or fewer being
9 mature, flowering plants, provided that the growing takes place in an enclosed, locked space, is not
10 conducted openly or publicly, and the marijuana is not made available for sale;

11 (4) Transfer marijuana without remuneration to a person who is twenty-one years of age or
12 older;

13 (5) Assist another person who is twenty-one years of age or older in any of the acts under
14 subdivisions (1) to (8) of this subsection;

15 (6) Cultivate, harvest, process, package, transport, display, or possess marijuana; deliver or
16 transfer marijuana to a marijuana testing facility; sell marijuana to a marijuana cultivation facility, a
17 marijuana-product manufacturing facility, or a retail marijuana store; or purchase marijuana from a
18 marijuana cultivation facility, if the person conducting the activities described in this subdivision
19 has obtained a current, valid license to operate a marijuana cultivation facility or is acting in his or
20 her capacity as an owner, employee, or agent of a licensed marijuana cultivation facility;

21 (7) Package, process, transport, manufacture, display, or possess marijuana or marijuana
22 products; deliver or transfer marijuana or marijuana products to a marijuana testing facility; sell
23 marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing
24 facility; purchase marijuana from a marijuana cultivation facility; or purchase marijuana or
25 marijuana products from a marijuana-product manufacturing facility, if the person conducting the
26 activities described in this subdivision has obtained a current, valid license to operate a marijuana
27 product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of
28 a licensed marijuana product manufacturing facility;

29 (8) Possess, cultivate, process, repackage, store, transport, display, transfer, or deliver
30 marijuana or marijuana products if the person has obtained a current, valid license to operate a
31 marijuana testing facility or is acting in his or her capacity as an owner, employee, or agent of a
32 licensed marijuana testing facility; or

33 (9) Lease or otherwise allow the use of property owned, occupied, or controlled by any
34 person, corporation, or other entity for any of the activities conducted lawfully in accordance with
35 subdivisions (1) to (8) of this subsection.

36 195.2156. 1. Any locality in this state may, after voter approval under this section, allow
37 for the growing, manufacturing, selling, displaying, transferring, delivering, packaging, processing,
38 cultivating, or harvesting of marijuana or marijuana products, as provided for under sections
39 195.2150 to 195.2177. The question shall be submitted to the qualified voters of the locality at a
40 general, primary, or special election upon the motion of the governing body of the locality or upon
41 the petition of eight percent of the qualified voters of the locality determined on the basis of the

1 number of votes cast for governor in such locality at the last gubernatorial election held prior to the
2 filing of the petition. The elected officials of the locality shall give legal notice as provided in
3 chapter 115. If a majority of the votes cast on the question by the qualified voters voting thereon
4 are in favor of allowing the growing, manufacturing, selling, displaying, transferring, delivering,
5 packaging, processing, cultivating, or harvesting of marijuana or marijuana products, then such acts
6 shall not be unlawful, as authorized in sections 195.2150 to 195.2177. If a majority of the votes
7 cast on the question by the qualified voters voting thereon are opposed to the growing,
8 manufacturing, selling, displaying, transferring, delivering, packaging, processing, cultivating, or
9 harvesting of marijuana or marijuana products or if the locality fails to submit the issue to the
10 qualified voters, such acts shall be unlawful and constitute an offense within that locality.

11 2. If a county, by affirmative vote, allows for the growing, manufacturing, selling,
12 displaying, transferring, delivering, packaging, processing, cultivating, or harvesting of marijuana or
13 marijuana products, any city, town, or village in such county may submit the issue for a vote within
14 that locality under the procedures set out in subsection 1 of this section. If a majority of the votes
15 cast on the question by the qualified voters voting thereon are opposed to the growing,
16 manufacturing, selling, displaying, transferring, delivering, packaging, processing, cultivating, or
17 harvesting of marijuana or marijuana products, then the locality shall prohibit the acts affirmed by
18 the county.

19 195.2159. 1. Before July 1, 2020, the division shall adopt rules and regulations necessary
20 for implementation of sections 195.2150 to 195.2177. Any rule or portion of a rule, as that term is
21 defined in section 536.010, that is created under the authority delegated in this section shall become
22 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
23 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
24 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
25 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
26 rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and
27 void.

28 2. Such rules and regulations shall include:

29 (1) Procedures for the issuance, renewal, suspension, and revocation of a license to operate
30 a marijuana establishment, with such procedures subject to all requirements of chapter 536;

31 (2) A schedule of application, licensing, and renewal fees, provided that the application fees
32 shall not exceed five thousand dollars, adjusted annually for inflation, unless the division determines
33 a greater fee is necessary to carry out its responsibilities under sections 195.2150 to 195.2177;

34 (3) Qualifications for licensure that are directly and demonstrably related to the operation of
35 a marijuana establishment;

36 (4) Security requirements for marijuana establishments;

37 (5) Requirements to prevent the sale or diversion of marijuana and marijuana products to
38 persons under twenty-one years of age;

39 (6) Labeling requirements for marijuana and marijuana products sold or distributed by a
40 marijuana establishment;

41 (7) Health and safety regulations and standards for the manufacture of marijuana products

1 and the cultivation of marijuana as developed by the department of health and senior services;

2 (8) Restrictions on the advertising and displaying of marijuana and marijuana products; and

3 (9) Civil penalties for the failure to comply with regulations established under this section.

4 3. In order to ensure that individual privacy is protected, the division shall not require a
5 consumer to provide a retail marijuana store with personal information other than government-
6 issued identification to determine the consumer's age, and a retail marijuana store shall not be
7 required to acquire and record personal information about consumers other than information
8 typically acquired in a financial transaction conducted at a retail liquor store.

9 195.2162. 1. A tax shall be levied upon the sale of marijuana or transfer of marijuana by a
10 marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana
11 store at a rate not to exceed twenty percent prior to January 1, 2023, and at a rate to be determined
12 by the department of revenue thereafter. The department of revenue shall direct the division to
13 establish procedures for the collection of all taxes levied. The tax shall be evidenced by stamps
14 which shall be furnished by and purchased from the department of revenue, and such department
15 shall enforce any such tax in a manner similar to taxes levied on cigarettes under chapter 149.

16 2. All such tax revenue shall be deposited to the credit of the general revenue; however, no
17 more than five percent shall be used to fund programs involving early childhood education and
18 social services, and no such tax revenue shall be used to fund any pension or public retirement plan.

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

21 195.2165. Each application for an annual license to operate a marijuana establishment shall
22 be submitted to the division.

23 The division shall:

24 (1) Begin accepting and processing applications on October 1, 2020;

25 (2) Immediately forward a copy of each application and half of the license application fee to
26 the locality in which the applicant desires to operate the marijuana establishment;

27 (3) Issue an annual license to the applicant between forty-five and ninety days after receipt
28 of an application unless the division finds the applicant is not in compliance with rules and
29 regulations enacted under section 195.2159, provided that if a locality has enacted a numerical limit
30 on the number of marijuana establishments and a greater number of applicants seek licenses, the
31 division shall solicit and consider input from the locality as to the locality's preference or
32 preferences for licensure; and

33 (4) Upon denial of an application, notify the applicant in writing of the specific reason for
34 denial.

35 195.2168. Nothing in sections 195.2150 to 195.2177 shall require an employer to permit or
36 accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of
37 marijuana in the workplace or to affect the ability of employers to have policies restricting the use
38 of marijuana by employees.

39 195.2171. Nothing in sections 195.2150 to 195.2177 allows driving under the influence of
40 or while impaired by marijuana or supersedes statutory laws related to driving under the influence
41 of or while impaired by marijuana, nor shall sections 195.2150 to 195.2177 prevent the state from

1 enacting and imposing penalties for driving under the influence of or while impaired by marijuana.
 2 195.2174. Nothing in sections 195.2150 to 195.2177 shall permit the transfer of marijuana,
 3 with or without remuneration, to a person under twenty-one years of age or to allow a person under
 4 twenty-one years of age to purchase, possess, use, transport, grow, or consume marijuana.

5 195.2177. Nothing in sections 195.2150 to 195.2177 shall prohibit a person, employer,
 6 school, hospital, detention facility, corporation, or any other entity that occupies, owns, or controls a
 7 property from prohibiting or otherwise regulating the possession, consumption, use, display,
 8 transfer, distribution, sale, transportation, or growing of marijuana on or in such property."; and
 9

10 Further amend said bill, Page 407, Section 479.368, Line 83, by inserting the following after all of
 11 said line:

12 "579.015. 1. A person commits the offense of possession of a controlled substance if he or
 13 she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.

14 2. The offense of possession of any controlled substance except marijuana if possessed by a
 15 person twenty-one years of age or older or thirty-five grams or less of [~~marijuana or~~] any synthetic
 16 cannabinoid is a class D felony.

17 3. The offense of possession of more than ten grams but thirty-five grams or less of
 18 marijuana if possessed by a person under twenty-one years of age or more than ten grams but thirty-
 19 five grams or less of any synthetic cannabinoid is a class A misdemeanor.

20 4. The offense of possession of not more than ten grams of marijuana if possessed by a
 21 person under twenty-one years of age or not more than ten grams of any synthetic cannabinoid is a
 22 class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws
 23 related to controlled substances of this state, or of the United States, or any state, territory, or
 24 district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in
 25 the same manner as required by section 558.021.

26 5. In any complaint, information, or indictment, and in any action or proceeding brought for
 27 the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include
 28 any exception, excuse, proviso, or exemption contained in this chapter or chapter 195, and the
 29 burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

30 579.020. 1. A person commits the offense of delivery of a controlled substance if, except as
 31 authorized in this chapter or chapter 195, he or she:

32 (1) Knowingly distributes or delivers a controlled substance;

33 (2) Attempts to distribute or deliver a controlled substance;

34 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any
 35 amount of a controlled substance; or

36 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
 37 substances.

38 2. Except [~~when~~] if the controlled substance is thirty-five grams or less of [~~marijuana or~~]
 39 synthetic cannabinoid or is marijuana in compliance with the provisions of sections 195.2150 to
 40 195.2177 or as otherwise provided under subsection 5 of this section, the offense of delivery of a
 41 controlled substance is a class C felony.

1 3. Except as otherwise provided under subsection 4 of this section, the offense of delivery
2 of thirty-five grams or less of [~~marijuana or~~] synthetic cannabinoid is a class E felony.

3 4. The offense of delivery of marijuana or thirty-five grams or less of [~~marijuana or~~]
4 synthetic cannabinoid to a person less than [~~seventeen~~] twenty-one years of age [~~who is at least two~~
5 ~~years younger than the defendant~~] is a class C felony.

6 5. The offense of delivery of a controlled substance is a class B felony if:

7 (1) The delivery or distribution is any amount of a controlled substance except marijuana or
8 thirty-five grams or less of [~~marijuana or~~] synthetic cannabinoid, to a person less than seventeen
9 years of age who is at least two years younger than the defendant; or

10 (2) The person knowingly permits a minor to purchase or transport illegally obtained
11 controlled substances.

12 579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug
13 paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to
14 distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one
15 reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest,
16 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
17 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
18 substance, except marijuana if in compliance with sections 195.2150 to 195.2177, or an imitation
19 controlled substance in violation of this chapter.

20 2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless
21 done for commercial purposes, in which case it is a class E felony.

22 579.055. 1. A person commits the offense of manufacture of a controlled substance if,
23 except as authorized in this chapter or chapter 195, he or she:

24 (1) Knowingly manufactures, produces, or grows a controlled substance;

25 (2) Attempts to manufacture, produce, or grow a controlled substance; or

26 (3) Knowingly possesses a controlled substance with the intent to manufacture, produce, or
27 grow any amount of controlled substance.

28 2. The offense of manufacturing or attempting to manufacture any amount of controlled
29 substance, except marijuana as provided under sections 195.2150 to 195.2177, is a class B felony
30 when committed within two thousand feet of the real property comprising a public or private
31 elementary, vocational, or secondary school, community college, college, or university. It is a class
32 A felony if a person has suffered serious physical injury or has died as a result of a fire or explosion
33 started in an attempt by the defendant to produce methamphetamine.

34 3. The offense of manufacturing or attempting to manufacture any amount of a controlled
35 substance, except marijuana as provided under sections 195.2150 to 195.2177 or thirty-five grams
36 or less of [~~marijuana or~~] synthetic cannabinoid, is a class C felony.

37 4. The offense of manufacturing thirty-five grams or less of [~~marijuana or~~] synthetic
38 cannabinoid is a class E felony."; and

39
40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.