

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 153 & 97, Page 36, Section 144.759, Line 67, by inserting after all of said line and
3 section the following:
4

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

7 (1) "Acute pain", pain, whether resulting from disease, accidental or intentional trauma, or
8 other causes, that the practitioner reasonably expects to last only a short period of time. Acute pain
9 shall not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life
10 care, or medication-assisted treatment for substance use disorders;

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

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

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

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

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

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

25 (6) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
26 through V listed in this chapter;

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

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

32 (b) With respect to a particular individual, which that individual represents or intends to
33 have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially
34 similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
35 controlled substance included in Schedule I or II. The term does not include a controlled substance;
36 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 (8) "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 (9) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to
10 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 (10) "Dentist", a person authorized by law to practice dentistry in this state;

13 (11) "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 (12) "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 (13) "Distribute", to deliver other than by administering or dispensing a controlled
33 substance;

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

35 (15) "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
42 of humans or animals; and

43 (d) Substances intended for use as a component of any article specified in this subdivision.
44 It does not include devices or their components, parts or accessories;

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

1 (17) "Drug enforcement agency", the Drug Enforcement Administration in the United States
2 Department of Justice, or its successor agency;

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

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

13 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
14 converting, producing, processing, or preparing controlled substances or imitation controlled
15 substances;

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

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

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

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

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

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

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

33 (j) Containers and other objects used, intended for use, or designed for use in storing or
34 concealing controlled substances or imitation controlled substances;

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

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

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

43 b. Water pipes;

44 c. Carburetion tubes and devices;

45 d. Smoking and carburetion masks;

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

48 f. Miniature cocaine spoons and cocaine vials;

49 g. Chamber pipes;

- 1 h. Carburetor pipes;
- 2 i. Electric pipes;
- 3 j. Air-driven pipes;
- 4 k. Chillums;
- 5 l. Bongs;
- 6 m. Ice pipes or chillers;
- 7 (m) Substances used, intended for use, or designed for use in the manufacture of a
- 8 controlled substance.

9
10 In determining whether an object, product, substance or material is drug paraphernalia, a court or
11 other authority should consider, in addition to all other logically relevant factors, the following:

- 12 a. Statements by an owner or by anyone in control of the object concerning its use;
- 13 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
- 14 state or federal law relating to any controlled substance or imitation controlled substance;
- 15 c. The proximity of the object, in time and space, to a direct violation of this chapter or
- 16 chapter 579;
- 17 d. The proximity of the object to controlled substances or imitation controlled substances;
- 18 e. The existence of any residue of controlled substances or imitation controlled substances
- 19 on the object;
- 20 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the
- 21 object, to deliver it to persons who he or she knows, or should reasonably know, intend to use the
- 22 object to facilitate a violation of this chapter or chapter 579; the innocence of an owner, or of anyone
- 23 in control of the object, as to direct violation of this chapter or chapter 579 shall not prevent a
- 24 finding that the object is intended for use, or designed for use as drug paraphernalia;
- 25 g. Instructions, oral or written, provided with the object concerning its use;
- 26 h. Descriptive materials accompanying the object which explain or depict its use;
- 27 i. National or local advertising concerning its use;
- 28 j. The manner in which the object is displayed for sale;
- 29 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or
- 30 related items to the community, such as a licensed distributor or dealer of tobacco products;
- 31 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the
- 32 business enterprise;
- 33 m. The existence and scope of legitimate uses for the object in the community;
- 34 n. Expert testimony concerning its use;
- 35 o. The quantity, form or packaging of the product, substance or material in relation to the
- 36 quantity, form or packaging associated with any legitimate use for the product, substance or
- 37 material;
- 38 (19) "Federal narcotic laws", the laws of the United States relating to controlled substances;
- 39 (20) "Hospital", a place devoted primarily to the maintenance and operation of facilities for
- 40 the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more
- 41 nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical
- 42 conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours
- 43 in any week, medical or nursing care for three or more nonrelated individuals. The term hospital
- 44 does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198;
- 45 (21) "Illegal industrial hemp":
- 46 (a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that
- 47 contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-tenths of one
- 48 percent on a dry weight basis;
- 49 (b) Illegal industrial hemp shall be destroyed in the most effective manner possible, and

1 such destruction shall be verified by the Missouri state highway patrol;

2 (22) "Immediate precursor", a substance which:

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

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

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

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

15 (a) Whether the substance was approved by the federal Food and Drug Administration for
16 over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug
17 Administration-approved package, with the federal Food and Drug Administration-approved
18 labeling information;

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

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

23 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or
24 federal law related to controlled substances or fraud;

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

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

32 (24) "Industrial hemp":

33 (a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that
34 contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not exceed three-
35 tenths of one percent on a dry weight basis or the maximum concentration allowed under federal
36 law, whichever is greater;

37 (b) Any Cannabis sativa L. seed that is part of a growing crop, retained by a grower for
38 future planting, or used for processing into or use as agricultural hemp seed;

39 (c) Industrial hemp includes industrial hemp commodities and products and topical or
40 ingestible animal and consumer products derived from industrial hemp with a delta-9
41 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight
42 basis;

43 (25) "Initial prescription", a prescription issued to a patient who has never previously been
44 issued a prescription for the drug or its pharmaceutical equivalent or who was previously issued a
45 prescription for the drug or its pharmaceutical equivalent, but the date on which the current
46 prescription is being issued is more than five months after the date the patient last used or was
47 administered the drug or its equivalent;

48 (26) "Laboratory", a laboratory approved by the department of health and senior services as
49 proper to be entrusted with the custody of controlled substances but does not include a pharmacist

1 who compounds controlled substances to be sold or dispensed on prescriptions;

2 (27) "Manufacture", the production, preparation, propagation, compounding or processing
3 of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either
4 directly or by extraction from substances of natural origin, or independently by means of chemical
5 synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or
6 repackaging of the substance or labeling or relabeling of its container. This term does not include
7 the preparation or compounding of a controlled substance or an imitation controlled substance or the
8 preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

9 (a) By a practitioner as an incident to his or her administering or dispensing of a controlled
10 substance or an imitation controlled substance in the course of his or her professional practice; or

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

13 (28) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,
14 including, but not limited to Cannabis Sativa L., except industrial hemp, Cannabis Indica, Cannabis
15 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof,
16 the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative,
17 mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the
18 plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other
19 compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the
20 resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
21 germination;

22 (29) "Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine,
23 phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

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

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

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

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

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

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

37 (31) "Official written order", an order written on a form provided for that purpose by the
38 United States Commissioner of Narcotics, under any laws of the United States making provision
39 therefor, if such order forms are authorized and required by federal law, and if no such order form is
40 provided, then on an official form provided for that purpose by the department of health and senior
41 services;

42 (32) "Opiate" or "opioid", any substance having an addiction-forming or addiction-
43 sustaining liability similar to morphine or being capable of conversion into a drug having addiction-
44 forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It
45 does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
46 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

47 (33) "Opium poppy", the plant of the species Papaver somniferum L., except its seeds;

48 (34) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug other
49 than a controlled substance;

1 (35) "Person", an individual, corporation, government or governmental subdivision or
2 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
3 commercial entity;

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

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

10 (38) "Possessed" or "possessing a controlled substance", a person, with the knowledge of the
11 presence and nature of a substance, has actual or constructive possession of the substance. A person
12 has actual possession if he has the substance on his or her person or within easy reach and
13 convenient control. A person who, although not in actual possession, has the power and the
14 intention at a given time to exercise dominion or control over the substance either directly or
15 through another person or persons is in constructive possession of it. Possession may also be sole or
16 joint. If one person alone has possession of a substance possession is sole. If two or more persons
17 share possession of a substance, possession is joint;

18 (39) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
19 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this
20 state to distribute, dispense, conduct research with respect to or administer or to use in teaching or
21 chemical analysis, a controlled substance in the course of professional practice or research in this
22 state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to
23 distribute, dispense, conduct research with respect to or administer a controlled substance in the
24 course of professional practice or research;

25 (40) "Production", includes the manufacture, planting, cultivation, growing, or harvesting of
26 drug paraphernalia or of a controlled substance or an imitation controlled substance;

27 (41) "Registry number", the number assigned to each person registered under the federal
28 controlled substances laws;

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

31 (43) "State" when applied to a part of the United States, includes any state, district,
32 commonwealth, territory, insular possession thereof, and any area subject to the legal authority of
33 the United States of America;

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

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

48 (46) "Wholesaler", a person who supplies drug paraphernalia or controlled substances or
49 imitation controlled substances that he himself has not produced or prepared, on official written

1 orders, but not on prescriptions.

2 195.2150. 1. As used in sections 195.2150 to 195.2177, unless context requires otherwise,
3 the following terms mean:

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

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

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

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

13 (5) "Marijuana" or "marihuana", all parts of the plant of the genus Cannabis, whether
14 growing; the seeds thereof; the resin extracted from any part of the plant; and every compound,
15 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including
16 marihuana concentrate. "Marijuana" or "marihuana" shall not include industrial hemp, nor shall it
17 include fiber produced from the stalks, oil, or cake made from the seeds of the plant; sterilized seed
18 of the plant that is incapable of germination; or the weight of any other ingredient combined with
19 marijuana to prepare topical or oral administrations, food, drink, or other product;

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

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

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

30 (9) "Marijuana product manufacturing facility", an entity licensed to purchase marijuana;
31 manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products
32 to other marijuana product manufacturing facilities and to retail marijuana stores but not to
33 consumers;

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

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

39 (12) "Retail marijuana store", an entity licensed to purchase marijuana from marijuana
40 cultivation facilities and marijuana and marijuana products from marijuana product manufacturing
41 facilities and to sell marijuana and marijuana products to consumers;

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

46 195.2153. 1. Notwithstanding any other provision of law, the following acts are not
47 unlawful and shall not be an offense under Missouri law or the law of any locality within Missouri
48 or be a basis for seizure or forfeiture of assets under Missouri law for persons twenty-one years of
49 age or older:

1 (1) Possessing marijuana or marijuana accessories; or

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

4 2. Notwithstanding any other provision of law and if authorized by the locality under section
 5 195.2156, it shall not be unlawful and shall not be an offense under Missouri law or be a basis for
 6 seizure or forfeiture of assets under Missouri law for persons twenty-one years of age or older to:

7 (1) Manufacture or sell marijuana accessories to a person who is twenty-one years of age or
 8 older;

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

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

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

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

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

28 (7) Package, process, transport, manufacture, display, or possess marijuana or marijuana
 29 products; deliver or transfer marijuana or marijuana products to a marijuana testing facility; sell
 30 marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing
 31 facility; purchase marijuana from a marijuana cultivation facility; or purchase marijuana or
 32 marijuana products from a marijuana product manufacturing facility if the person conducting the
 33 activities described in this subdivision has obtained a current, valid license to operate a marijuana
 34 product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of
 35 a licensed marijuana product manufacturing facility;

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

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

43 195.2156. 1. Any locality in this state may, after voter approval under this section, allow for
 44 the growing, manufacturing, selling, displaying, transferring, delivering, packaging, processing,
 45 cultivating, or harvesting of marijuana or marijuana products, as provided under sections 195.2150
 46 to 195.2177. The question shall be submitted to the qualified voters of the locality at a general,
 47 primary, or special election upon the motion of the governing body of the locality or upon the
 48 petition of eight percent of the qualified voters of the locality determined on the basis of the number
 49 of votes cast for governor in such locality at the last gubernatorial election held prior to the filing of

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

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

18 195.2159. 1. Before July 1, 2023, the division shall adopt rules and regulations necessary
 19 for implementation of sections 195.2150 to 195.2177. Any rule or portion of a rule, as that term is
 20 defined in section 536.010, that is created under the authority delegated in this section shall become
 21 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 22 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
 23 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
 24 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
 25 rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and
 26 void.

27 2. Such rules and regulations shall include:

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

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

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

35 (4) Security requirements for marijuana establishments;

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

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

40 (7) Health and safety regulations and standards for the manufacture of marijuana products
 41 and the cultivation of marijuana as developed by the department of health and senior services;

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

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

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

49 195.2162. 1. A tax shall be levied upon the sale of marijuana or transfer of marijuana by a

1 marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana
 2 store at a rate not to exceed twenty percent prior to January 1, 2026, and at a rate to be determined
 3 by the department of revenue thereafter. The department of revenue shall direct the division to
 4 establish procedures for the collection of all taxes levied. The tax shall be evidenced by stamps that
 5 shall be furnished by and purchased from the department of revenue, and such department shall
 6 enforce any such tax in a manner similar to taxes levied on cigarettes under chapter 149.

7 2. All such tax revenue shall be deposited to the credit of the general revenue; however, no
 8 such tax revenue shall be used to fund any pension or public retirement plan.

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

11 195.2165. Each application for an annual license to operate a marijuana establishment shall
 12 be submitted to the division.

13 The division shall:

14 (1) Begin accepting and processing applications on October 1, 2022;

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

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

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

25 195.2168. Nothing in sections 195.2150 to 195.2177 shall require an employer to permit or
 26 accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of
 27 marijuana in the workplace or to affect the ability of employers to have policies restricting the use of
 28 marijuana by employees.

29 195.2171. Nothing in sections 195.2150 to 195.2177 allows driving under the influence of
 30 or while impaired by marijuana or supersedes statutory laws related to driving under the influence of
 31 or while impaired by marijuana, nor shall sections 195.2150 to 195.2177 prevent the state from
 32 enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

33 195.2174. Nothing in sections 195.2150 to 195.2177 shall permit the transfer of marijuana,
 34 with or without remuneration, to a person under twenty-one years of age or to allow a person under
 35 twenty-one years of age to purchase, possess, use, transport, grow, or consume marijuana.

36 195.2177. Nothing in sections 195.2150 to 195.2177 shall prohibit a person, employer,
 37 school, hospital, detention facility, corporation, or any other entity that occupies, owns, or controls a
 38 property from prohibiting or otherwise regulating the possession, consumption, use, display,
 39 transfer, distribution, sale, transportation, or growing of marijuana on or in such property."; and

40
 41 Further amend said bill, Page 40, Section 320.400, Line 98, by inserting after all of said line and
 42 section the following:

43
 44 "579.015. 1. A person commits the offense of possession of a controlled substance if he or
 45 she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.

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

49 3. The offense of possession of more than ten grams but thirty-five grams or less of

1 marijuana if possessed by a person under twenty-one years of age or more than ten grams but thirty-
 2 five grams or less of any synthetic cannabinoid is a class A misdemeanor.

3 4. The offense of possession of not more than ten grams of marijuana if possessed by a
 4 person under twenty-one years of age or no more than ten grams of any synthetic cannabinoid is a
 5 class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws
 6 related to controlled substances of this state, or of the United States, or any state, territory, or
 7 district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in
 8 the same manner as required by section 558.021.

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

13 579.020. 1. A person commits the offense of delivery of a controlled substance if, except as
 14 authorized in this chapter or chapter 195, he or she:

- 15 (1) Knowingly distributes or delivers a controlled substance;
- 16 (2) Attempts to distribute or deliver a controlled substance;
- 17 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any
 18 amount of a controlled substance; or
- 19 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
 20 substances.

21 2. Except ~~when~~ if the controlled substance is thirty-five grams or less of ~~[marijuana or]~~
 22 synthetic cannabinoid or is marijuana in compliance with the provisions of sections 195.2150 to
 23 195.2177 or as otherwise provided under subsection 5 of this section, the offense of delivery of a
 24 controlled substance is a class C felony.

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

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

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

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

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

36 579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug
 37 paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to
 38 distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one
 39 reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest,
 40 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
 41 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
 42 substance, except marijuana if in compliance with sections 195.2150 to 195.2177, or an imitation
 43 controlled substance in violation of this chapter.

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

46 579.055. 1. A person commits the offense of manufacture of a controlled substance if,
 47 except as authorized in this chapter or chapter 195, he or she:

- 48 (1) Knowingly manufactures, produces, or grows a controlled substance;
- 49 (2) Attempts to manufacture, produce, or grow a controlled substance; or

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

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

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

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

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.