FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 30

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

JON RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 1 of Article XIV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legalization of marijuana for adult use.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article XIV of the Constitution of the state of Missouri:

Section A. Section 1, Article XIV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 2, to read as follows:

Section 2. 1. Findings and Declaration of Purpose.

The people of the state of Missouri find and declare as follows:

(1) In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the responsible adult use of marijuana should be legal for persons twenty-one years of age or older, subject to state regulation, taxation, and local ordinance; and

(2) In the interest of the health and public safety of Missourians, the legal adult use of marijuana should be regulated so that:

(a) Legitimate, taxpaying business people, not criminal actors, conduct sales of marijuana;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
(b) Marijuana sold in this state shall be subject to testing, labeling, and regulation to ensure that consumers are informed and protected;
(c) Employers retain their rights to maintain drug-and-alcohol-free places of employment;
(d) Selling, transferring, or providing marijuana to individuals under twenty-one years of age remains illegal; and
(e) Driving, flying, or boating while impaired by cannabis remains illegal.

2. Title.
This section shall be known as the "Smarter and Safer Missouri Act".

3. Clarification as a Substance.
Marijuana shall immediately be removed from the Missouri revised statutes' list of controlled substances and shall no longer be listed among Missouri's drug schedules. Marijuana shall no longer be considered a controlled substance or a drug.

4. Employers; Driving; Minors; Control of Property; Smoking in Public Places and Open Spaces.
This section does not:
(1) Restrict the rights of employers to maintain a drug-and-alcohol-free workplace or affect the ability of employers to enact workplace policies restricting the use of marijuana by employees or prospective employees;
(2) Require an employer to allow or accommodate the use, consumption, possession, transfer, display, transportation, sale, or cultivation of marijuana in a place of employment;
(3) Allow driving, flying, or boating while impaired by marijuana or prevent this state from enacting and imposing penalties for driving, flying, or boating while impaired by marijuana;
(4) Allow individuals who are under twenty-one years of age to purchase, possess, transport, or consume marijuana or marijuana products;
(5) Allow the sale, transfer, or provision of marijuana or marijuana products to individuals who are under twenty-one years of age;
(6) Restrict the rights of employers, schools, day care centers, adult care facilities, health care facilities, or corrections facilities to prohibit or regulate conduct otherwise allowed by this section when such conduct occurs on or in properties listed under this subdivision;
(7) Restrict the ability of an individual, partnership, limited liability company, private corporation, private entity, or private organization of any character that occupies,
owns, or controls property to prohibit or regulate conduct otherwise allowed in this section on or in such property;

(8) Allow any person to smoke marijuana in a public place or open space;
(9) Prohibit this state or political subdivisions of this state from prohibiting or regulating conduct otherwise allowed by this section when such conduct occurs on or in property that is occupied, owned, controlled, or operated by this state or political subdivisions of this state; or
(10) Require a person to violate federal law or to implement or fail to implement a restriction on the possession, consumption, display, transfer, processing, manufacturing, or cultivation of marijuana if by doing so the person will lose a monetary or licensing-related benefit under federal law.

5. Definitions.
(1) "Controlled substance list" or "CSL" means Missouri's list of controlled substances as it pertains to Missouri statutes;
(2) "Establishment" means a marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or a retail store, marijuana store, or other entity that cultivates, prepares, manufactures, packages, transports, or sells marijuana, marijuana products, or marijuana accessories;
(3) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" shall not include industrial hemp, nor shall it include fiber produced from the stalks, oil, or cake made from the seeds of the plant; sterilized seed of the plant that is incapable of germination; or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;
(4) "Marijuana accessories" means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;
(5) "Medical marijuana" means marijuana used to prevent or to treat a medical condition;
(6) "Personal use" means personal use or consumption of marijuana by a person twenty-one years of age or older.
6. Personal and Commercial.
   (1) The following acts shall not be unlawful and shall not be an offense under Missouri law:
   (a) Possession or consumption of marijuana for personal or medical use;
   (b) Cultivating marijuana for personal or medical use;
   (c) Cultivating, harvesting, processing, manufacturing, packaging, distributing, transferring, displaying, or possessing marijuana, marijuana accessories, or marijuana products for commercial purposes, provided the person has current applicable licensing to operate a commercial establishment. No special licensing shall be required beyond that which is applicable for the cultivating, harvesting, processing, manufacturing, packaging, distributing, transferring, displaying, or possession of any nontoxic food or food product;
   (d) Providing marijuana, marijuana accessories, or marijuana products for sale to consumers twenty-one years of age or older; and
   (e) Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) to (d) of this subdivision.
   (2) The use or possession of marijuana shall in no way impede on a person's legal right to possess a firearm.

7. Medical.
   (1) Medical marijuana shall be available to patients, who have a physician's recommendation for its use.
   (2) All patients engaged in marijuana therapy shall be afforded the same rights and privileges afforded to any patient treated through conventional therapeutic means, regardless of whether the person is under the care of a physician.
   (3) A licensed physician shall not be penalized for, or restricted from, recommending or providing marijuana for medical purposes to any person under the physician's care.
   (4) A veterinarian shall not be penalized for, or restricted from, recommending or providing marijuana for medical purposes for any animal under the veterinarian's care.
   (5) Any person who is a marijuana patient in another state shall be granted the same rights and privileges as a legal Missouri marijuana patient.
   (6) Medical care, including organ transplants, shall not be restricted in any way based on a person's use of marijuana.

   Marijuana farmers, manufacturers, processors, and distributors shall not be subject to any special zoning requirement or licensing fee that is excessive, discriminatory,
prohibitive, or in any way contrary to that which is relative to any other commercial or
agricultural farmer, manufacturer, processor, or distributor.

9. Law Enforcement and the Courts.

(1) Missouri's law enforcement and its courts shall protect marijuana users and
such users' property without discrimination and with every effort afforded to every citizen
of Missouri and our nation.

(2) The use or possession of marijuana by a person twenty-one years of age or older
shall not be grounds for issuing a driving under the influence stop, charge, arrest, or fine
when riding as a passenger of a motor vehicle.

(3) No Missouri law enforcement personnel or state funds shall be used to assist or
aid in the enforcement of federal marijuana laws involving acts that are no longer illegal
in the state of Missouri under this section.

(4) Asset or civil forfeiture shall no longer be used in the state of Missouri in
association with marijuana cultivation, use, sale, or possession by a person twenty-one
years of age or older.

(5) Upon the passage of this section, all persons incarcerated or under the
supervision of the Missouri board of probation and parole for nonviolent, marijuana-only
offenses that are no longer illegal in the state of Missouri under this section shall be
immediately released and shall not be subject to supervision for those offenses.

(6) Within sixty days of the passage of this section, a legal document shall be
developed and made available to the public ordering the immediate destruction of all
marijuana-related, nonviolent civil and criminal records in Missouri and for any offense
covered by this section that is no longer illegal in the state of Missouri under this section.
Such document shall be distributed to all pertinent parties throughout the state.

(7) Within sixty days of the passage of the section, Missouri's courts shall order the
immediate expungement of civil and criminal records pertaining to all nonviolent,
marijuana-only offenses that are no longer illegal in the state of Missouri under this
section.

10. Taxation.

(1) A tax shall be levied on the suggested retail sale price of marijuana at a rate of:
(a) Twelve percent for personal use; and
(b) Four percent for medical use.

(2) All tax revenues collected under subdivision (1) of this subsection shall be
deposited in the smarter and safer Missouri fund established in subsection 11 of this
section. Moneys in the fund shall be distributed to the Missouri Veterans Commission;
infrastructure including, but not limited to, the Missouri department of transportation and
the expansion of broadband; and drug treatment programs, including drug treatment courts.

11. Fund.

(1) There is hereby created in the state treasury the "Smarter and Safer Missouri Fund", which shall consist of moneys collected under subsection 10 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the purposes provided under subsection 10 of this section.

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

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

12. Existing Local and State Law.

All provisions of this section shall supersede any conflicting city, county, or state, statutory, local charter, ordinance, or resolution.


If any provision of this section or its application to any person or circumstance is held invalid, such determination shall not affect the provisions or applications of this section that may be given effect without the invalid provision or application, and to that end the provisions of this section are severable.

14. Effective Date.

The provisions of this section shall become effective on January 31, 2023.
for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.

2. Definitions.

(1) “Administer” means the direct application of marijuana to a qualifying patient by way of any of the following methods:

(a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
(b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
(c) Application of ointments or balms;
(d) Transdermal patches and suppositories;
(e) Consuming marijuana-infused food products; or
(f) Any other method recommended by a qualifying patient’s physician.

(2) “Department” means the department of health and senior services, or its successor agency.

(3) “Entity” means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(4) “Flowering plant” means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(5) “Marijuana” or “marihuana” means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “marihuana” do not include industrial hemp—containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

(6) “Marijuana-infused products” means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

(7) “Medical marijuana cultivation facility” means a facility licensed by the department to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(8) “Medical marijuana dispensary facility” means a facility licensed by the department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.
(9) "Medical marijuana-infused products manufacturing facility" means a facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(10) "Medical marijuana testing facility" means a facility certified by the department to acquire, test, certify, and transport marijuana.

(11) "Medical use" means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(12) "Physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(13) "Physician certification" means a document, whether handwritten, electronic or in another commonly used format, signed by a physician and stating that, in the physician's professional opinion, the patient suffers from a qualifying medical condition.

(14) "Primary caregiver" means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

(15) "Qualifying medical condition" means the condition of, symptoms related to, or side-effects from the treatment of:

(a) Cancer;
(b) Epilepsy;
(c) Glaucoma;
(d) Intractable migraines unresponsive to other treatment;
(e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
(f) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;
(g) Human immunodeficiency virus or acquired immune deficiency syndrome;
(h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
(i) Any terminal illness; or
(j) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(16) "Qualifying patient" means a Missouri resident diagnosed with at least one qualifying medical condition.

3. Creating Patient Access to Medical Marijuana:

(a) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use as provided by law; suspend, fine, restrict, or revoke such licenses and certifications upon a violation of this section or a rule promulgated pursuant to this section; and impose any administrative penalty authorized by this section or any rule promulgated pursuant to this section.

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and for the enforcement of this section so long as patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and qualifying patients.

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section.

(d) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a qualifying patient or primary caregiver to ensure that no medical marijuana grown by a medical marijuana cultivation facility or manufactured by a medical marijuana-infused products manufacturing facility is sold or otherwise transferred except by a medical marijuana dispensary facility. The department shall certify, if possible, at least two commercially available systems to licensees as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees.

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities which demonstrate compliance with its transportation standards to transport marijuana and marijuana-infused products to a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another entity with a transportation certification. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably
necessary for the transportation of marijuana. Any entity licensed or certified pursuant to this section shall be allowed to transport cannabis.

(f) The department may charge a fee not to exceed $5,000 for any certification issued pursuant to this section.

g) Prepare and transmit annually a publicly available report accounting to the governor for the efficient discharge of all responsibilities assigned to the department under this section;

(h) Establish a system to numerically score competing medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section; which scoring shall be limited to an analysis of the following:

(i) the character, veracity, background, qualifications, and relevant experience of principal officers or managers;

(ii) the business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making marijuana available to low-income qualifying patients;

(iii) site security;

(iv) experience in a legal cannabis market;

(v) in the case of medical marijuana testing facilities, the experience of their personnel with testing marijuana, food or drugs for toxins and/or potency and health care industry experience;

(vi) the potential for positive economic impact in the site community;

(vii) in the case of medical marijuana cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

(viii) in the case of medical marijuana dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients;

(ix) in the case of medical marijuana-infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

(x) maintaining competitiveness in the marijuana for medical use marketplace.

In ranking applicants and awarding licenses and certificates, the department may consult or contract with other public agencies with relevant expertise regarding these factors. The department shall lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients.

(2) The department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to availability, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary to
carry out the mandates of this section, the department may issue rules or emergency rules relating to the following subjects:

(a) Compliance with, enforcement of, or violation of any provision of this section or any rule issued pursuant to this section, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license or certification issued pursuant to this section;

(b) Specifications of duties of officers and employees of the department;

(c) Instructions or guidance for local authorities and law enforcement officers;

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

(e) Creation of a range of administrative penalties for use by the department;

(f) Prohibition of misrepresentation and unfair practices;

(g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient and/or primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or sponsorship of health or not-for-profit charity or advocacy events;

(h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified pursuant to this section, including a fingerprint-based federal and state criminal record check in accordance with U.S. Public Law 92-544, or its successor provisions, as may be required by the department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprint shall be submitted pursuant to 43.543 and fees shall be paid pursuant to 43.530;

(i) Security requirements for any premises licensed or certified pursuant to this section, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications to the premises;

(j) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;
(k) Sanitary requirements for, including, but not limited to, the preparation of medical marijuana-infused products;
(l) The specification of acceptable forms of picture identification that a medical marijuana dispensary facility may accept when verifying a sale;
(m) Labeling and packaging standards;
(n) Records to be kept by licensees and the required availability of the records;
(o) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;
p) The reporting and transmittal of tax payments;
(q) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and
(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section:

(3) The department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licensees and requiring licensees to test medical marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling and measure potency. The department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale:

(4) The department shall issue rules or emergency rules to provide for the certification of and standards for medical marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. The department shall certify, if possible, at least two entities as medical marijuana testing facilities. No medical marijuana testing facility shall be owned by an entity under substantially common control, ownership, or management as a medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, or medical marijuana dispensary facility:

(5) The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or revealing any patient information, or any other records that are exempt from public inspection pursuant to state or federal law. Such reports or other information may be used only for a purpose authorized by this section. Any information released related to patients may be used only for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification
card to a state or local law enforcement official is lawfully in possession of such card:

(6) Within one hundred eighty days of December 6, 2018, the department shall make available to the public license application forms and application instructions for medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana dispensary facilities, and medical marijuana-infused products manufacturing facilities.

(7) Within one hundred eighty days of December 6, 2018, the department shall make available to the public application forms and application instructions for qualifying patient, qualifying patient cultivation, and primary caregiver identification cards. Within two hundred ten days of December 6, 2018, the department shall begin accepting applications for such identification cards.

(8) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana cultivation facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(9) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal.
thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than five medical marijuana dispensary facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(10) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana-infused products manufacturing facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(11) Any applicant for a license authorized by this section may prefile their application fee with the department beginning 30 days after December 6, 2018.

(12) Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants for the exclusive use of that qualifying patient. The card shall be valid for twelve months from its date of issuance and shall be renewable with the annual submittal of a new or updated physician’s certification. The department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(13) The department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that limit is not less than four ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the department.
(14) The department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty-day supply of dried, unprocessed marijuana, or its equivalent. A primary caregiver may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient. Qualifying patients cultivating marijuana for medical use may possess up to a ninety-day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons for additional amounts. Possession of between the legal limit and up to twice the legal limit shall subject the possessor to department sanctions, including an administrative penalty and loss of their patient identification card for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable by imprisonment of up to one year and a fine of up to two thousand dollars.

(15) The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities, provided, however, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(16) The department may restrict the aggregate number of licenses granted for marijuana-infused products manufacturing facilities, provided, however, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(17) The department may restrict the aggregate number of licenses granted for medical marijuana dispensary facilities, provided, however, that the number may not be limited to fewer than twenty-four licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018. Future changes to the boundaries of or the number of congressional districts shall have no impact.

(18) The department shall begin accepting license and certification applications for medical marijuana dispensary facilities, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-sale tracking systems, and for transportation of marijuana no later than two hundred forty days after December 6, 2018. Applications for licenses and certifications under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out its nondiscretionary duty to approve or deny an application within one hundred fifty
days of submission, an applicant may immediately seek a court order compelling
the department to approve or deny the application.

(19) Qualifying patients under this section shall obtain and annually
renew an identification card or cards from the department. The department shall
charge a fee of twenty-five dollars per year per card with such fee to be increased
or decreased each year by the percentage of increase or decrease from the end of
the previous calendar year of the Consumer Price Index, or successor index as
published by the U.S. Department of Labor or its successor agency. Upon
receiving an application for a qualifying patient identification card or qualifying
patient cultivation identification card, the department shall, within thirty days,
either issue the card or provide a written explanation for its denial. If the
department fails to deny and fails to issue a card to an eligible qualifying patient
within thirty days, then their physician certification shall serve as their qualifying
patient identification card or qualifying patient cultivation identification card for
up to one year from the date of physician certification. All initial applications for
or renewals of a qualifying patient identification card or qualifying patient
cultivation identification card shall be accompanied by a physician certification
that is less than thirty days old.

(20) Primary caregivers under this section shall obtain and annually
renew an identification card from the department. The department shall charge
a fee of twenty-five dollars per year, with such fee to be increased or decreased
each year by the percentage of increase or decrease from the end of the previous
calendar year of the Consumer Price Index, or successor index as published by
the U.S. Department of Labor, or its successor agency. Upon receiving an
application for a primary caregiver identification card, the department shall,
within thirty days, either issue the card or provide a written explanation for its
denial.

(21) All marijuana for medical use sold in Missouri shall be cultivated
in a licensed medical marijuana cultivation facility located in Missouri.

(22) All marijuana-infused products for medical use sold in the state of
Missouri shall be manufactured in a medical marijuana-infused products
manufacturing facility.

(23) The denial of a license, license renewal, or identification card by the
department shall be appealable to the administrative hearing commission, or its
successor entity. Following the exhaustion of administrative review, denial of
a license, license renewal, or identification card by the department shall be
subject to judicial review as provided by law.

(24) No elected official shall interfere directly or indirectly with the
department's obligations and activities under this section.

(25) The department shall not have the authority to apply or enforce any
rule or regulation that would impose an undue burden on any one or more
licensees or certificate holders, any qualifying patients, or act to undermine the
purposes of this section.
442 4. Taxation and Reporting:
443   (1) A tax is levied upon the retail sale of marijuana for medical use sold
444   at medical marijuana dispensary facilities within the state. The tax shall be at a
445   rate of four percent of the retail price. The tax shall be collected by each licensed
446   medical marijuana dispensary facility and paid to the department of revenue.
447   After retaining no more than five percent for its actual collection costs, amounts
448   generated by the tax levied in this section shall be deposited by the department
449   of revenue into the Missouri veterans' health and care fund. Licensed entities
450   making retail sales within the state shall be allowed approved credit for returns
451   provided the tax was paid on the returned item and the purchaser was given the
452   refund or credit.
453   (2) There is hereby created in the state treasury the "Missouri Veterans'
454   Health and Care Fund", which shall consist of taxes and fees collected under this
455   section. The state treasurer shall be custodian of the fund, and he or she shall
456   invest monies in the fund in the same manner as other funds are invested. Any
457   interest and monies earned on such investments shall be credited to the fund.
458   Notwithstanding any other provision of law, any monies remaining in the fund
459   at the end of a biennium shall not revert to the credit of the general revenue fund.
460   The commissioner of administration is authorized to make cash operating
461   transfers to the fund for purposes of meeting the cash requirements of the
462   department in advance of it receiving annual application, licensing, and tax
463   revenue, with any such transfers to be repaid as provided by law. The fund shall
464   be a dedicated fund and shall stand appropriated without further legislative action
465   as follows:
466   (a) First, to the department, an amount necessary for the department to
467       carry out this section, including repayment of any cash operating transfers;
468       payments made through contract or agreement with other state and public
469       agencies necessary to carry out this section, and a reserve fund to maintain a
470       reasonable working cash balance for the purpose of carrying out this section;
471   (b) Next, the remainder of such funds shall be transferred to the Missouri
472       veterans commission for health and care services for military veterans, including
473       the following purposes: operations, maintenance and capital improvements of the
474       Missouri veterans homes, the Missouri service officer's program, and other
475       services for veterans approved by the commission, including, but not limited to;
476       health care services, mental health services, drug rehabilitation services, housing
477       assistance, job training, tuition assistance, and housing assistance to prevent
478       homelessness. The Missouri veterans commission shall contract with other
479       public agencies for the delivery of services beyond its expertise.
480   (c) All monies from the taxes authorized under this subsection shall
481       provide additional dedicated funding for the purposes enumerated above and
482       shall not replace existing dedicated funding.
483   (3) For all retail sales of marijuana for medical use, a record shall be kept
484       by the seller which identifies, by secure and encrypted patient number issued by
the seller to the qualifying patient involved in the sale, all amounts and types of
marijuana involved in the sale and the total amount of money involved in the
sale, including itemizations, taxes collected and grand total sale amounts. All
such records shall be kept on the premises in a readily available format and be
made available for review by the department and the department of revenue upon
request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from, and in
addition to, any general state and local sales and use taxes that apply to retail
sales, which shall continue to be collected and distributed as provided by general
law:

(5) Except as authorized in this subsection, no additional taxes shall be
imposed on the sale of marijuana for medical use:

(6) The fees and taxes provided for in this Article XIV, Section 1 shall
be fully enforceable notwithstanding any other provision in this Constitution
purportedly prohibiting or restricting the taxes and fees provided for herein:

(7) The unexpended balance existing in the fund shall be exempt from
the provisions of section 33.080 relating to the transfer of unexpended balances
to the general revenue fund:

5. Additional Patient, Physician, Caregiver and Provider Protections:

(1) Except as provided in this section, the possession of marijuana in
quantities less than the limits of this section, or established by the department,
and transportation of marijuana from a medical marijuana dispensary facility to
the qualifying patient's residence shall not subject the possessor to arrest, criminal
or civil liability, or sanctions under Missouri law, provided that the possessor
produces on demand to the appropriate authority a valid qualifying patient
identification card; a valid qualifying patient cultivation identification card; a
valid physician certification while making application for an identification card;
or a valid primary caregiver identification card. Production of the respective
equivalent identification card or authorization issued by another state or political
subdivision of another state shall also meet the requirements of this subdivision:

(2) No patient shall be denied access to or priority for an organ transplant
because they hold a qualifying patient identification card or use marijuana for
medical use:

(3) A physician shall not be subject to criminal or civil liability or
sanctions under Missouri law or discipline by the Missouri state board of
registration for the healing arts, or its successor agency, for owning, operating,
investing in, being employed by, or contracting with any entity licensed or
certified pursuant to this section or issuing a physician certification to a patient
diagnosed with a qualifying medical condition in a manner consistent with this
section and legal standards of professional conduct:

(4) A health care provider shall not be subject to civil or criminal
prosecution under Missouri law, denial of any right or privilege, civil or
administrative penalty or sanction, or disciplinary action by any accreditation or
licensing board or commission for owning, operating, investing in, being
employed by, or contracting with any entity licensed or certified pursuant to this
section or providing health care services that involve the medical use of
marijuana consistent with this section and legal standards of professional
conduct.

(5) A medical marijuana testing facility shall not be subject to civil or
criminal prosecution under Missouri law, denial of any right or privilege, civil or
administrative penalty or sanction, or disciplinary action by any accreditation or
licensing board or commission for providing laboratory testing services that relate
to the medical use of marijuana consistent with this section and otherwise
meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting
requirements for the medical use of marijuana by nonemancipated qualifying
patients under eighteen years of age in a manner consistent with this section and
with consent of a parent or guardian.

(7) A primary caregiver shall not be subject to criminal or civil liability
or sanctions under Missouri law for purchasing, transporting, or administering
marijuana for medical use to a qualifying patient or participating in the patient
cultivation of up to six flowering marijuana plants per patient in a manner
consistent with this section and generally established legal standards of personal
or professional conduct.

(8) An attorney shall not be subject to disciplinary action by the state bar
association or other professional licensing body for owning, operating, investing
in, being employed by, contracting with, or providing legal assistance to
prospective or licensed medical marijuana testing facilities, medical marijuana
cultivation facilities, medical marijuana dispensary facilities, medical
marijuana-infused products manufacturing facilities, qualifying patients, primary
caregivers, physicians, health care providers or others related to activity that is
no longer subject to criminal penalties under state law pursuant to this section.

(9) Actions and conduct by qualifying patients, primary caregivers,
medical marijuana testing facilities, medical marijuana cultivation facilities,
medical marijuana-infused products manufacturing facilities, or medical
marijuana dispensary facilities licensed or registered with the department, or their
employees or agents, as permitted by this section and in compliance with
department regulations and other standards of legal conduct, shall not be subject
to criminal or civil liability or sanctions under Missouri law, except as provided
for by this section.

(10) Nothing in this section shall provide immunity for negligence, either
common law or statutorily created, nor criminal immunities for operating a
vehicle, aircraft, dangerous device, or navigating a boat under the influence of
marijuana.

(11) It is the public policy of the state of Missouri that contracts related
to marijuana for medical use that are entered into by qualifying patients, primary
caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.


Nothing in this section shall limit the general assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of qualifying patients to access marijuana for medical use as granted by this section.


(1) Nothing in this section permits a person to:

(a) Consume marijuana for medical use in a jail or correctional facility;

(b) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a nonviolent crime for which he or she was not incarcerated and that is more than five years old; or
(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

The department may consult with and rely on the records, advice and recommendations of the attorney general and the department of public safety, or their successor entities, in applying this subdivision:

(3) All medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility licenses, entities with medical marijuana testing facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities:

(4) No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including loss of license:

(5) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana", or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty:

(6) No individual shall serve as the primary caregiver for more than three qualifying patients:

(7) No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law:

(8) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty and, if applicable, loss of their identification card, certificate, or license for up to one year:

(9) All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by
the qualifying patient or by such patient’s primary caregiver. Two qualifying
patients, who both hold valid qualifying patient cultivation identification cards,
may share one enclosed, locked facility. No more than twelve qualifying patient
or primary caregiver cultivated flowering marijuana plants may be cultivated in
a single, enclosed locked facility, except when a primary caregiver also holds a
qualifying patient cultivation identification card, in which case no more than
eighteen flowering marijuana plants may be cultivated in a single, enclosed,
locked facility.

(10) No medical marijuana cultivation facility, medical marijuana
dispensary facility, medical marijuana-infused products manufacturing facility,
medical marijuana testing facility, or entity with a transportation certification
shall assign, sell, give, lease, sublicense, or otherwise transfer its license or
certificate to any other entity without the express consent of the department, not
to be unreasonably withheld:

(11) Unless allowed by the local government, no new medical marijuana
cultivation facility, medical marijuana testing facility, medical marijuana
dispensary facility, or medical marijuana-infused products manufacturing facility
shall be initially sited within one thousand feet of any then-existing elementary
or secondary school, child day-care center, or church. No local government shall
prohibit medical marijuana cultivation facilities, medical marijuana testing
facilities, medical marijuana-infused products manufacturing facilities, or
medical marijuana dispensary facilities, or entities with a transportation
certification either expressly or through the enactment of ordinances or
regulations that make their operation unduly burdensome in the jurisdiction.
However, local governments may enact ordinances or regulations not in conflict
with this section, or with regulations enacted pursuant to this section, governing
the time, place, and manner of operation of such facilities in the locality. A local
government may establish civil penalties for violation of an ordinance or
regulations governing the time, place, and manner of operation of a medical
marijuana cultivation facility, medical marijuana testing facility, medical
marijuana-infused products manufacturing facility, medical marijuana dispensary
facility, or entity holding a transportation certification that may operate in such
locality.

(12) Unless superseded by federal law or an amendment to this
Constitution, a physician shall not certify a qualifying condition for a patient by
any means other than providing a physician certification for the patient, whether
handwritten, electronic, or in another commonly used format. A qualifying
patient must obtain a new physician certification at least annually.

(13) A physician shall not issue a certification for the medical use of
marijuana for a nonemancipated qualifying patient under the age of eighteen
without the written consent of the qualifying patient's parent or legal guardian.
The department shall not issue a qualifying patient identification card on behalf
of a nonemancipated qualifying patient under the age of eighteen without the
written consent of the qualifying patient's parent or legal guardian. Such card
shall be issued to one of the parents or guardians and not directly to the patient.
Only a parent or guardian may serve as a primary caregiver for a nonemancipated
qualifying patient under the age of eighteen. Only the qualifying patient's parent
or guardian shall purchase or possess medical marijuana for a nonemancipated
qualifying patient under the age of eighteen. A parent or guardian shall supervise
the administration of medical marijuana to a nonemancipated qualifying patient
under the age of eighteen.

(14) Nothing in this section shall be construed as mandating health
insurance coverage of medical marijuana for qualifying patient use.

(15) Real and personal property used in the cultivation, manufacture,
transport, testing, distribution, sale, and administration of marijuana for medical
use or for activities otherwise in compliance with this section shall not be subject
to asset forfeiture solely because of that use.

8. Severability.
The provisions of this section are severable, and if any clause, sentence,
paragraph or section of this measure, or an application thereof, is adjudged
invalid by any court of competent jurisdiction, the other provisions shall continue
to be in effect to the fullest extent possible.

9. Effective Date.
The provisions of this section shall become effective on December 6, 2018.