

FIRST REGULAR SESSION

# HOUSE BILL NO. 202

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANCIS.

0933H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 195.203, 195.207, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, and 261.265, RSMo, and to enact in lieu thereof one new section relating to industrial hemp.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 195.203, 195.207, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, and 261.265, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 195.207, to read as follows:

195.207. 1. As used in ~~sections~~ **section** 192.945~~[-261.265, 261.267,]~~ and this section, the term "hemp extract" shall mean an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

(1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;

(2) Is composed of at least five percent cannabidiol by weight; and

(3) Contains no other psychoactive substance.

2. Notwithstanding any other provision of this chapter, an individual who has been issued a valid hemp extract registration card under section 192.945, or is a minor under a registrant's care, and possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

(1) Possesses or uses the hemp extract only to treat intractable epilepsy as defined in section 192.945;

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.

14 (2) Originally obtained the hemp extract from a sealed container with a label  
15 indicating the hemp extract's place of origin and a number that corresponds with a certificate  
16 of analysis;

17 (3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:

18 (a) Has a number that corresponds with the number on the label described in  
19 subdivision (2) of this subsection;

20 (b) Indicates the hemp extract's ingredients including its percentages of  
21 tetrahydrocannabinol and cannabidiol by weight;

22 (c) Is created by a laboratory that is not affiliated with the producer of the hemp  
23 extract and is licensed in the state where the hemp extract was produced; and

24 (d) Is transmitted by the laboratory to the department of health and senior services;  
25 and

26 (4) Has a current hemp extract registration card issued by the department of health  
27 and senior services under section 192.945.

28 3. Notwithstanding any other provision of this chapter, an individual who possesses  
29 hemp extract lawfully under subsection 2 of this section and administers hemp extract to a  
30 minor suffering from intractable epilepsy is not subject to the penalties described in this  
31 chapter for administering the hemp extract to the minor if:

32 (1) The individual is the minor's parent or legal guardian; and

33 (2) The individual is registered with the department of health and senior services as  
34 the minor's parent under section 192.945.

35 4. An individual who has been issued a valid hemp extract registration card under  
36 section 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of  
37 hemp extract pursuant to this section. Subject to any rules or regulations promulgated by the  
38 department of health and senior services, an individual may apply for a waiver if a physician  
39 provides a substantial medical basis in a signed, written statement asserting that, based on the  
40 patient's medical history, in the physician's professional judgment, twenty ounces is an  
41 insufficient amount to properly alleviate the patient's medical condition or symptoms  
42 associated with such medical condition.

2 ~~[195.203. Notwithstanding any other provision of this chapter or~~  
3 ~~chapter 579 to the contrary, any person who has a valid industrial hemp~~  
4 ~~registration as provided under section 195.746 may grow, harvest, cultivate,~~  
5 ~~and process industrial hemp, as defined in section 195.010, in accordance with~~  
~~the requirements of such sections.]~~

2 ~~[195.740. For the purposes of sections 195.740 to 195.773, the~~  
~~following terms shall mean:~~

- 3           (1) ~~"Agricultural hemp propagule", any viable nonseed plant material~~  
 4 ~~used to cultivate industrial hemp including, but not limited to, transplants,~~  
 5 ~~cuttings, and clones;~~  
 6           (2) ~~"Agricultural hemp seed", Cannabis sativa L. seed that meets any~~  
 7 ~~labeling, quality, or other standards set by the department of agriculture and~~  
 8 ~~that is intended for sale, is sold to, or is purchased by registered producers for~~  
 9 ~~planting;~~  
 10          (3) ~~"Crop", industrial hemp grown under a single registration;~~  
 11          (4) ~~"Department", the Missouri department of agriculture;~~  
 12          (5) ~~"Indoor cultivation facility", any greenhouse or enclosed building~~  
 13 ~~or structure capable of continuous cultivation throughout the year that is not a~~  
 14 ~~residential building;~~  
 15          (6) ~~"Industrial hemp plant monitoring system", a reporting system that~~  
 16 ~~includes, but is not limited to, testing, transfer reports, and data collection~~  
 17 ~~maintained by a producer or agricultural hemp propagule and seed permit~~  
 18 ~~holder and available to the department for purposes of monitoring viable~~  
 19 ~~industrial hemp cultivated as an agricultural product from planting to final sale~~  
 20 ~~or transfer as a publicly marketable hemp product;~~  
 21          (7) ~~"Nonviable", plant material or agricultural hemp seed that is not~~  
 22 ~~capable of living or growing;~~  
 23          (8) ~~"Produce", the cultivation and harvest of viable industrial hemp;~~  
 24          (9) ~~"Producer", a person who is a Missouri resident, or an entity that is~~  
 25 ~~domiciled in this state, who grows or produces viable industrial hemp;~~  
 26          (10) ~~"Publicly marketable product", any nonviable hemp material,~~  
 27 ~~including seed, stem, root, leaf, or floral material, that contains no material~~  
 28 ~~with a delta-9 tetrahydrocannabinol concentration exceeding three tenths of~~  
 29 ~~one percent on a dry weight basis.]~~

2           ~~[195.743. Viable industrial hemp shall be an agricultural product that~~  
 3 ~~is subject to regulation by the department, including compliance with an~~  
 4 ~~industrial hemp plant monitoring system.]~~

- 2           ~~[195.746. 1. Any producer of industrial hemp shall obtain a~~  
 3 ~~registration from the department. Any producer of agricultural hemp shall~~  
 4 ~~ensure that all agricultural hemp propagules and agricultural hemp seed~~  
 5 ~~comply with any standards established by the department.~~  
 6           ~~2. Any person who sells, distributes, or offers for sale any agricultural~~  
 7 ~~hemp propagule or agricultural hemp seed in the state shall obtain an~~  
 8 ~~agricultural hemp propagule and seed permit from the department. An~~  
 9 ~~agricultural hemp propagule and seed permit shall authorize a permit holder to~~  
 10 ~~sell, distribute, or offer for sale agricultural hemp propagules or agricultural~~  
 11 ~~hemp seed to registered producers or other permit holders. A permit holder is~~  
 12 ~~exempt from requirements in chapter 266 if he or she only sells, distributes, or~~  
 13 ~~offers for sale agricultural hemp propagules or agricultural hemp seed.~~  
 14           ~~3. An application for an industrial hemp registration or agricultural~~  
 15 ~~hemp propagule and seed permit shall include:~~  
 16           ~~(1) The name and address of the applicant;~~

- 16                   (2) ~~The name and address of the industrial hemp or agricultural hemp~~
- 17 ~~propagule or seed operation;~~
- 18                   (3) ~~For any industrial hemp registration, the global positioning system~~
- 19 ~~coordinates and legal description for the property used for the industrial hemp~~
- 20 ~~operation;~~
- 21                   (4) ~~The application fee, as determined by the department, in an amount~~
- 22 ~~sufficient to cover the administration, regulation, and enforcement costs~~
- 23 ~~associated with sections 195.740 to 195.773; and~~
- 24                   (5) ~~Any other information the department deems necessary.~~
- 25                   4. ~~The department shall issue a registration under this section to an~~
- 26 ~~applicant who meets the requirements of this section and section 195.749 and~~
- 27 ~~who satisfactorily completes a state and federal fingerprint criminal history~~
- 28 ~~background check under section 43.543. The department may charge an~~
- 29 ~~applicant an additional fee for the cost of the fingerprint criminal history~~
- 30 ~~background check in addition to the registration fee. If required by federal~~
- 31 ~~law, the department shall require an applicant for an agricultural hemp~~
- 32 ~~propagule and seed permit to comply with the fingerprint criminal history~~
- 33 ~~background check requirements of this subsection.~~
- 34                   5. ~~Upon issuance of a registration or permit, information regarding all~~
- 35 ~~producers and permit holders shall be forwarded to the Missouri state highway~~
- 36 ~~patrol.~~
- 37                   6. ~~An industrial hemp registration or agricultural hemp propagule and~~
- 38 ~~seed permit is:~~
- 39                   (1) ~~Nontransferable, except such registration or permit may be~~
- 40 ~~transferred to a person who otherwise meets the requirements of a registrant or~~
- 41 ~~permit holder, and the person may operate under the existing registration or~~
- 42 ~~permit until the registration or permit expires, at which time the renewal shall~~
- 43 ~~reflect the change of the registrant or permit holder;~~
- 44                   (2) ~~Valid for a three-year term unless revoked by the department; and~~
- 45                   (3) ~~Renewable as determined by the department, if the registrant or~~
- 46 ~~permit holder is found to be in good standing.~~
- 47                   7. ~~Each individual parcel of ground or indoor cultivation facility with a~~
- 48 ~~separate legal description shall be required to obtain a separate registration~~
- 49 ~~unless the parcels are contiguous and owned by the same person of record.]~~

- 2                   [195.749. 1. The department may revoke, refuse to issue, or refuse to
- 3 ~~renew an industrial hemp registration or agricultural hemp propagule and seed~~
- 4 ~~permit and may impose a civil penalty of not less than five hundred dollars or~~
- 5 ~~more than fifty thousand dollars for violation of:~~
- 6                   (1) ~~A registration or permit requirement, term, or condition;~~
- 7                   (2) ~~Department rules relating to the production of industrial hemp or~~
- 8 ~~an agricultural hemp propagule and seed permit;~~
- 9                   (3) ~~Any industrial hemp plant monitoring system requirement; or~~
- 10 ~~(4) A final order of the department that is specifically directed to the~~
- 11 ~~producer or permit holder's industrial hemp operations or activities.~~
- 12                   2. ~~A registration or permit shall not be issued to a person who in the~~
- 13 ~~ten years immediately preceding the application date has been found guilty of,~~
- 14 ~~or pled guilty to, a felony offense under any state or federal law regarding the~~

14 possession, distribution, manufacturing, cultivation, or use of a controlled  
15 substance.

16 3. The department may revoke, refuse to issue, or refuse to renew an  
17 industrial hemp registration or agricultural hemp propagule and seed permit  
18 for failing to comply with any provision of this chapter, or for a violation of  
19 any department rule relating to agricultural operations or activities other than  
20 industrial hemp production.]

2 [195.752. 1. Any person producing industrial hemp who does not  
3 have a valid industrial hemp registration issued under section 195.746 may be  
4 subject to an administrative fine of five hundred dollars and may be fined one  
5 thousand dollars per day until such person destroys the industrial hemp crop.  
6 The Missouri state highway patrol shall certify such destruction to the  
7 department.

8 2. Any person selling, distributing, or offering for sale any agricultural  
9 hemp propagule or agricultural hemp seed in the state who does not have a  
10 valid agricultural hemp propagule and seed permit issued under section  
11 195.746 may be subject to an administrative fine of five hundred dollars and  
12 may be fined one thousand dollars per day until such person obtains a valid  
permit.]

2 [195.756. Notwithstanding sections 281.050 and 281.101 to the  
3 contrary, in the production of industrial hemp consistent with sections 195.740  
4 to 195.773, no retailer of pesticides as defined in 7 U.S.C. Section 136, or  
5 agricultural chemicals shall be liable for the sale, application, or handling of  
6 such products by a producer or applicator in any manner or for any purpose not  
7 approved by applicable state and federal agencies. No producer or applicator  
8 may use or apply pesticides or agricultural chemicals in the growing or  
handling of industrial hemp except as approved by state and federal law.]

2 [195.758. 1. Every producer or permit holder shall be subject to an  
3 industrial hemp plant monitoring system and shall keep industrial hemp crop  
4 and agricultural hemp propagule and seed records as required by the  
5 department. The department may require an inspection or audit during any  
6 normal business hours for the purpose of ensuring compliance with:

7 (1) Any provision of sections 195.740 to 195.773;  
8 (2) Department rules and regulations;  
9 (3) Industrial hemp registration or agricultural hemp propagule and  
10 seed permit requirements, terms, or conditions;  
11 (4) Any industrial hemp plant monitoring system requirement; or  
12 (5) A final department order directed to the producer's or permit  
13 holder's industrial hemp or agricultural hemp propagule and seed operations or  
14 activities.

15 2. In addition to any inspection conducted under subsection 1 of this  
16 section, the department may inspect any industrial hemp crop during the crop's  
17 growth phase and take a representative sample for field analysis. If a crop  
18 contains an average delta 9 tetrahydrocannabinol concentration exceeding  
three tenths of one percent or the maximum concentration allowed under

19 federal law, whichever is greater, on a dry weight basis, the department may  
20 retest the crop. If the second test indicates that a crop contains an average  
21 delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one  
22 percent or the maximum concentration allowed under federal law, whichever  
23 is greater, on a dry weight basis, the department may order any producer to  
24 destroy the crop.

25 3. If such crop is not destroyed within fifteen days of the producer  
26 being notified by the department by certified mail that the crop contains  
27 concentrations exceeding those set forth in subsection 2 of this section, and  
28 directing the producer to destroy the crop, such producer shall be subject to a  
29 fine of five thousand dollars per day until such crop is destroyed. No such  
30 penalty or fine shall be imposed prior to the expiration of the fifteen day  
31 notification period.

32 4. The Missouri state highway patrol may, at its own expense, perform  
33 aerial surveillance to ensure illegal industrial hemp plants are not being  
34 cultivated on or near legal, registered industrial hemp plantings.

35 5. The Missouri state highway patrol may coordinate with local law  
36 enforcement agencies to certify the destruction of illegal industrial hemp  
37 plants.

38 6. The department shall notify the Missouri state highway patrol and  
39 local law enforcement agencies of the need to certify that a crop of industrial  
40 hemp deemed illegal through field analysis has been destroyed.

41 7. Unless required by federal law, the department shall not regulate the  
42 sale or transfer of nonviable hemp including, but not limited to, stripped stalks,  
43 fiber, dried roots, nonviable leaf material, nonviable floral material, nonviable  
44 seeds, seed oils, floral and plant extracts, unadulterated forage, and other  
45 marketable agricultural hemp products to members of the general public both  
46 within and outside the state.]

2 [195.764. 1. The department may charge producers and permit  
3 holders reasonable fees as determined by the department for the purposes of  
4 administering sections 195.740 to 195.773. Fees charged for purposes of  
5 administering sections 195.740 to 195.773 shall only be used to administer  
6 such sections, and shall not provide additional revenue for the department to  
7 use to administer any other program or provide staff to the department for any  
8 other program. All fees collected under sections 195.740 to 195.773 shall be  
9 deposited in the industrial hemp fund created under this section for use by the  
10 department to administer sections 195.740 to 195.773.

11 2. There is hereby created in the state treasury the "Industrial Hemp  
12 Fund", which shall consist of any grants, gifts, donations, bequests, or money  
13 collected under sections 195.740 to 195.773. The state treasurer shall be  
14 custodian of the fund. In accordance with sections 30.170 and 30.180, the  
15 state treasurer may approve disbursements. The fund shall be a dedicated fund  
16 and money in the fund shall be used solely by the department of agriculture for  
17 the purpose of administering such sections, including reimbursing the  
18 Missouri state highway patrol for the enforcement of such sections.  
19 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

20 the credit of the general revenue fund. The state treasurer shall invest moneys  
21 in the fund in the same manner as other funds are invested. Any interest and  
22 moneys earned on such investments shall be credited to the fund.]

2 [~~195.767. An institution of higher education may engage in the~~  
3 ~~research and study of the growth, cultivation, or marketing of industrial hemp~~  
4 ~~as authorized by Section 7606 of the federal Agricultural Act of 2014, Pub. L.~~  
5 ~~113-79, or any successor law. Institutions of higher education shall not be~~  
6 ~~required to obtain a registration for the production of industrial hemp from the~~  
~~department as set forth in sections 195.746 and 195.749.]~~

2 [~~195.773. 1. The department of agriculture shall execute its~~  
3 ~~responsibilities relating to the cultivation of industrial hemp in the most~~  
4 ~~cost-efficient manner possible, including in establishing permit and~~  
5 ~~registration fees. For the purpose of testing industrial hemp for pesticides,~~  
6 ~~the department shall explore the option of transporting samples from Missouri~~  
7 ~~to departments of agriculture or testing laboratories in contiguous states, which~~  
8 ~~participate in an agricultural pilot program authorized by the federal~~  
9 ~~Agricultural Act of 2014, or any state program authorized by successor~~  
10 ~~federal law. All transport between states shall be in compliance with the~~  
11 ~~federal Agricultural Act of 2014, or any successor federal law, as well as any~~  
12 ~~other applicable state and federal law.~~

13 2. The department shall promulgate rules necessary to administer the  
14 provisions of sections 195.740 to 195.773. Any rule or portion of a rule, as  
15 that term is defined in section 536.010, that is created under the authority  
16 delegated in this section shall become effective only if it complies with and is  
17 subject to all of the provisions of chapter 536 and, if applicable, section  
18 536.028. This section and chapter 536 are nonseverable, and if any of the  
19 powers vested with the general assembly pursuant to chapter 536 to review, to  
20 delay the effective date, or to disapprove and annul a rule are subsequently  
21 held unconstitutional, then the grant of rulemaking authority and any rule  
proposed or adopted after August 28, 2018, shall be invalid and void.]

2 [~~261.265. 1. For purposes of this section, the following terms shall~~  
3 ~~mean:~~

4 (1) ~~"Cannabidiol oil care center", the premises specified in an~~  
5 ~~application for a cultivation and production facility license in which the~~  
6 ~~licensee is authorized to distribute processed hemp extract to persons~~  
7 ~~possessing a hemp extract registration card issued under section 192.945;~~

8 (2) ~~"Cultivation and production facility", the land and premises~~  
9 ~~specified in an application for a cultivation and production facility license on~~  
10 ~~which the licensee is authorized to grow, cultivate, process, and possess hemp~~  
11 ~~and hemp extract;~~

12 (3) ~~"Cultivation and production facility license", a license that~~  
13 ~~authorizes the licensee to grow, cultivate, process, and possess hemp and hemp~~  
14 ~~extract, and distribute hemp extract to its cannabidiol oil care centers;~~

(4) ~~"Department", the department of agriculture;~~

15 ~~(5) "Grower", a nonprofit entity issued a cultivation and production~~  
16 ~~facility license by the department of agriculture that produces hemp extract for~~  
17 ~~the treatment of intractable epilepsy;~~

18 ~~(6) "Hemp":~~

19 ~~(a) All nonseed parts and varieties of the cannabis sativa plant,~~  
20 ~~whether growing or not, that contain a crop-wide average~~  
21 ~~tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:~~

22 ~~a. Three tenths of one percent on a dry weight basis; or~~

23 ~~b. The percent based on a dry weight basis determined by the federal~~  
24 ~~Controlled Substances Act under 21 U.S.C. Section 801, et seq.;~~

25 ~~(b) Any cannabis sativa seed that is:~~

26 ~~a. Part of a growing crop;~~

27 ~~b. Retained by a grower for future planting; or~~

28 ~~c. For processing into or use as agricultural hemp seed.~~

29  
30 ~~This term shall not include industrial hemp commodities or products;~~

31 ~~(7) "Hemp monitoring system", an electronic tracking system that~~  
32 ~~includes, but is not limited to, testing and data collection established and~~  
33 ~~maintained by the cultivation and production facility and is available to the~~  
34 ~~department for the purposes of documenting the hemp extract production and~~  
35 ~~retail sale of the hemp extract.~~

36 ~~2. The department shall issue a cultivation and production facility~~  
37 ~~license to a nonprofit entity to grow or cultivate the cannabis plant used to~~  
38 ~~make hemp extract as defined in subsection 1 of section 195.207 or hemp on~~  
39 ~~the entity's property if the entity has submitted to the department an~~  
40 ~~application as required by the department under subsection 7 of this section,~~  
41 ~~the entity meets all requirements of this section and the department's rules, and~~  
42 ~~there are fewer than two licensed cultivation and production facilities~~  
43 ~~operating in the state.~~

44 ~~3. A grower may produce and manufacture hemp and hemp extract,~~  
45 ~~and distribute hemp extract as defined in section 195.207 for the treatment of~~  
46 ~~persons suffering from intractable epilepsy as defined in section 192.945~~  
47 ~~consistent with any and all state or federal regulations regarding the~~  
48 ~~production, manufacture, or distribution of such product. The department~~  
49 ~~shall not issue more than two cultivation and production facility licenses for~~  
50 ~~the operation of such facilities at any one time.~~

51 ~~4. The department shall maintain a list of growers.~~

52 ~~5. All growers shall keep records in accordance with rules adopted by~~  
53 ~~the department. Upon at least three days' notice, the director of the department~~  
54 ~~may audit the required records during normal business hours. The director~~  
55 ~~may conduct an audit for the purpose of ensuring compliance with this section.~~

56 ~~6. In addition to an audit conducted in accordance with subsection 5 of~~  
57 ~~this section, the director may inspect independently, or in cooperation with the~~  
58 ~~state highway patrol or a local law enforcement agency, any hemp crop during~~  
59 ~~the crop's growth phase and take a representative composite sample for field~~  
60 ~~analysis. If a crop contains an average tetrahydrocannabinol (THC)~~  
61 ~~concentration exceeding the lesser of:~~

62 ~~(1) Three tenths of one percent on a dry weight basis; or~~



63                   (2) ~~The percent based on a dry weight basis determined by the federal~~  
64 ~~Controlled Substances Act under 21 U.S.C. Section 801, et seq.,~~

65  
66 ~~the director may detain, seize, or embargo the crop.~~

67                   7. ~~The department shall promulgate rules including, but not limited to:~~

68                   (1) ~~Application requirements for licensing, including requirements for~~  
69 ~~the submission of fingerprints and the completion of a criminal background~~  
70 ~~check;~~

71                   (2) ~~Security requirements for cultivation and production facility~~  
72 ~~premises, including, at a minimum, lighting, physical security, video and alarm~~  
73 ~~requirements;~~

74                   (3) ~~Rules relating to hemp monitoring systems as defined in this~~  
75 ~~section;~~

76                   (4) ~~Other procedures for internal control as deemed necessary by the~~  
77 ~~department to properly administer and enforce the provisions of this section,~~  
78 ~~including reporting requirements for changes, alterations, or modifications of~~  
79 ~~the premises;~~

80                   (5) ~~Requirements that any hemp extract received from a legal source~~  
81 ~~be submitted to a testing facility designated by the department to ensure that~~  
82 ~~such hemp extract complies with the provisions of section 195.207 and to~~  
83 ~~ensure that the hemp extract does not contain any pesticides. Any hemp~~  
84 ~~extract that is not submitted for testing or which after testing is found not to~~  
85 ~~comply with the provisions of section 195.207 shall not be distributed or used~~  
86 ~~and shall be submitted to the department for destruction; and~~

87                   (6) ~~Rules regarding the manufacture, storage, and transportation of~~  
88 ~~hemp and hemp extract, which shall be in addition to any other state or federal~~  
89 ~~regulations.~~

90                   8. ~~Any rule or portion of a rule, as that term is defined in section~~  
91 ~~536.010, that is created under the authority delegated in this section shall~~  
92 ~~become effective only if it complies with and is subject to all of the provisions~~  
93 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~  
94 ~~536 are nonseverable, and if any of the powers vested with the general~~  
95 ~~assembly under chapter 536 to review, to delay the effective date, or to~~  
96 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~  
97 ~~grant of rulemaking authority and any rule proposed or adopted after July 14,~~  
98 ~~2014.~~

99                   9. ~~All hemp waste from the production of hemp extract shall either be~~  
100 ~~destroyed, recycled by the licensee at the hemp cultivation and production~~  
101 ~~facility, or donated to the department or an institution of higher education for~~  
102 ~~research purposes, and shall not be used for commercial purposes.~~

103                   10. ~~In addition to any other liability or penalty provided by law, the~~  
104 ~~director may revoke or refuse to issue or renew a cultivation and production~~  
105 ~~facility license and may impose a civil penalty on a grower for any violation of~~  
106 ~~this section, or section 192.945 or 195.207. The director may not impose a~~  
107 ~~civil penalty under this section that exceeds two thousand five hundred~~  
108 ~~dollars.]~~