

SCS HCS HB 2238 -- HEMP

This bill changes the laws regarding hemp. In its main provisions, the bill:

(1) Requires the Department of Health and Senior Services to issue a hemp extract registration card to a Missouri resident who is 18 years of age or older and meets specified criteria, including a signed statement from a neurologist that indicates the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract and is consistent with a record from the neurologist concerning the individual contained in the database. The department must maintain a record of the name of each registrant and each minor receiving care from a registrant. The department may issue a hemp extract registration card to a parent of a minor who meets specified criteria;

(2) Requires the department to promulgate the rules necessary to implement these provisions and regulate the distribution of hemp extract from a cannabidiol oil care center to a registrant in addition to any other state or federal regulations and allows the department to promulgate rules to authorize clinical trials involving hemp extract;

(3) Specifies that a registration card must be valid for one year and renewable if at the time of renewal the registrant meets specified requirements;

(4) Requires the neurologist who signs the statement to keep a record of the evaluation and observation of a patient, including the patient's response to hemp extract, and transmit the record to the department;

(5) Requires the department to maintain a database of the records and treat the records as identifiable health data. The department may share the records with a higher education institution for the purpose of studying hemp extract;

(6) Specifies that "hemp extract" must mean an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

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

(b) Is composed of at least 5% cannabidiol by weight; and

(c) Contains no other psychoactive substance;

(7) Specifies that an individual who has been issued a valid registration card or is a minor under a registrant's care possesses or uses hemp extract is not subject to the penalties for possession or use of the hemp extract if the individual possesses or uses the hemp extract only to treat intractable epilepsy; originally obtained the hemp extract from a sealed container with a label indicating the hemp extract's place of origin and a number that corresponds with a certificate of analysis; possesses, in close proximity to the hemp extract, a certificate of analysis that contains specific information about the extract; and has a current registration card;

(8) Specifies that an individual who possesses hemp extract lawfully and administers hemp extract to a minor suffering from intractable epilepsy is not subject to the penalties for administering the hemp extract to the minor if the individual is the minor's parent or legal guardian and is registered with the department as the minor's parent;

(9) Allows an individual who has been issued a valid hemp extract registration card or is a minor under a registrant's care to possess up to 20 ounces of hemp extract under these provisions. An individual may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 20 ounces is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with the medical condition;

(10) Defines "cannabidiol oil care center" as the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed hemp extract to persons possessing a hemp extract registration card;

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

(12) Defines "cultivation and production facility license" as a license that authorizes the licensee to grow, cultivate, process, possess, and distribute hemp extract to its cannabidiol oil care centers;

(13) Defines "grower" as a nonprofit entity licensed by the Department of Agriculture that produces hemp extract for the treatment of intractable epilepsy;

(14) Defines "hemp monitoring system" as an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract;

(15) Requires the Department of Agriculture to issue a cultivation and production facility license to a nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract under these provisions, but prohibits the department from issuing more than two licenses at any one time;

(16) Allows a grower to produce and manufacture hemp and hemp extract and distribute hemp extract for the treatment of persons suffering from intractable epilepsy consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of the product;

(17) Requires the Department of Agriculture to maintain a list of growers and all growers to keep records in accordance with rules adopted by the department. Upon at least three days' notice, the department director may audit the required records during normal business hours. The department director may conduct an audit for the purpose of ensuring compliance with these provisions;

(18) Allows the Director of the Department of Agriculture to inspect independently, or in cooperation with the State Highway Patrol or a local law enforcement agency, any hemp crop during the crop's growth phase and take a representative composite sample for field analysis. The department director may detain, seize, or embargo the crop if a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(a) Three-tenths of 1% on a dry weight basis; or

(b) The percent based on a dry weight basis determined by the federal Controlled Substance Act under 21 U.S.C. Section 801 et seq.;

(19) Requires the Department of Agriculture to promulgate rules including, but not limited to, application requirements for licensing; security requirements for cultivation and production facilities; rules relating to hemp monitoring systems; other procedures for internal control as deemed necessary to properly administer and enforce these provisions; requirements that any hemp extract received from a legal source be submitted to a testing facility to ensure that it does not contain any pesticides; and rules regarding the manufacture, storage, and transportation of

hemp and hemp extract in addition to any other state or federal regulations;

(20) Requires all hemp waste from the production of hemp extract to be destroyed, recycled by the licensee at the hemp cultivation and production facility, or donated to the department or an institution of higher education for research purposes and not be used for commercial purposes; and

(21) Allows the Director of the Department of Agriculture to revoke or refuse to issue or renew a cultivation and production facility license and to impose a civil penalty of up to \$2,500 on a grower for any violation of these provisions.

The bill contains an emergency clause.