

FIRST REGULAR SESSION

HOUSE BILL NO. 800

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINSON.

1749L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, and to enact in lieu thereof thirty-five new sections relating to the Missouri compassionate care act, with penalty provisions.

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

Section A. Sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, are
2 repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 195.202,
3 195.211, 195.222, 195.223, 195.900, 195.903, 195.906, 195.909, 195.912, 195.915, 195.918,
4 195.921, 195.924, 195.927, 195.930, 195.933, 195.936, 195.939, 195.942, 195.945, 195.948,
5 195.951, 195.954, 195.957, 195.960, 195.963, 195.966, 195.969, 195.972, 195.975, 195.978,
6 195.981, 195.984, 195.985, and 263.250, to read as follows:

195.202. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.900**
2 **to 195.985**, it is unlawful for any person to possess or have under his control a controlled
3 substance.

4 2. Any person who violates this section with respect to any controlled substance except
5 thirty-five grams or less of marijuana or any synthetic cannabinoid is guilty of a class C felony.

6 3. Any person who violates this section with respect to not more than thirty-five grams
7 of marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.

195.211. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.900**
2 **to 195.985**, and except as provided in section 195.222, it is unlawful for any person to distribute,
3 deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a
4 controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a
5 controlled substance.

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.

6 2. Any person who violates or attempts to violate this section with respect to
7 manufacturing or production of a controlled substance of any amount except for five grams or
8 less of marijuana in a residence where a child resides or within two thousand feet of the real
9 property comprising a public or private elementary or public or private elementary or secondary
10 school, public vocational school or a public or private community college, college or university,
11 or any school bus is guilty of a class A felony.

12 3. Any person who violates or attempts to violate this section with respect to any
13 controlled substance except five grams or less of marijuana is guilty of a class B felony.

14 4. Any person who violates this section with respect to distributing or delivering not
15 more than five grams of marijuana is guilty of a class C felony.

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except
2 as authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers,
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than
4 thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of
5 this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
13 produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty
14 grams of a mixture or substance containing a detectable amount of coca leaves, except coca
15 leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or
16 their salts have been removed; cocaine salts and their optical and geometric isomers, and salts
17 of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,
18 mixture, or preparation which contains any quantity of any of the foregoing substances.
19 Violations of this subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
28 produces or attempts to distribute, deliver, manufacture or produce more than eight grams of a
29 mixture or substance described in subsection 2 of this section which contains cocaine base.
30 Violations of this subsection shall be punished as follows:

31 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
32 person shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is twenty-four grams or more the person shall be sentenced
34 to the authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
38 produces or attempts to distribute, deliver, manufacture or produce more than five hundred
39 milligrams of a mixture or substance containing a detectable amount of lysergic acid
40 diethylamide (LSD). Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the
44 authorized term of imprisonment for a class A felony which term shall be served without
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as
47 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
48 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a
49 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this
50 subsection shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
54 authorized term of imprisonment for a class A felony which term shall be served without
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as
57 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
58 produces or attempts to distribute, deliver, manufacture or produce more than four grams of
59 phencyclidine. Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
63 authorized term of imprisonment for a class A felony which term shall be served without
64 probation or parole.

65 7. A person commits the crime of trafficking drugs in the first degree if, except as
66 authorized by sections 195.005 to 195.425, [he] **and sections 195.900 to 195.985, such person**
67 distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or
68 produce more than thirty kilograms of a mixture or substance containing marijuana. Violations
69 of this subsection shall be punished as follows:

70 (1) If the quantity involved is more than thirty kilograms but less than one hundred
71 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
72 felony;

73 (2) If the quantity involved is one hundred kilograms or more the person shall be
74 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
75 without probation or parole.

76 8. A person commits the crime of trafficking drugs in the first degree if, except as
77 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,
78 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
79 material, compound, mixture or preparation which contains any quantity of the following
80 substances having a stimulant effect on the central nervous system: amphetamine, its salts,
81 optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and
82 salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this
83 subsection or attempts to violate this subsection shall be punished as follows:

84 (1) If the quantity involved is more than thirty grams but less than ninety grams the
85 person shall be sentenced to the authorized term of imprisonment for a class A felony;

86 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
87 grams or more and the location of the offense was within two thousand feet of a school or public
88 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
89 structure or building which contains rooms furnished for the accommodation or lodging of
90 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
91 accommodations are sought for pay or compensation to transient guests or permanent guests, the
92 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
93 shall be served without probation or parole.

94 9. A person commits the crime of trafficking drugs in the first degree if, except as
95 authorized by sections 195.005 to 195.425, [he or she] **such person** distributes, delivers,
96 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than
97 thirty grams of any material, compound, mixture or preparation which contains any quantity of

98 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
99 subsection shall be punished as follows:

100 (1) If the quantity involved is more than thirty grams but less than ninety grams the
101 person shall be sentenced to the authorized term of imprisonment for a class A felony;

102 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
103 grams or more and the location of the offense was within two thousand feet of a school or public
104 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
105 structure or building which contains rooms furnished for the accommodation or lodging of
106 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
107 accommodations are sought for pay or compensation to transient guests or permanent guests, the
108 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
109 shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,
2 except as authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under
3 his **or her** control, purchases or attempts to purchase, or brings into this state more than thirty
4 grams of a mixture or substance containing a detectable amount of heroin. Violations of this
5 subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
9 A felony.

10 2. A person commits the crime of trafficking drugs in the second degree if, except as
11 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
12 control, purchases or attempts to purchase, or brings into this state more than one hundred fifty
13 grams of a mixture or substance containing a detectable amount of coca leaves, except coca
14 leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or
15 their salts have been removed; cocaine salts and their optical and geometric isomers, and salts
16 of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,
17 mixture, or preparation which contains any quantity of any of the foregoing substances.
18 Violations of this subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty
22 of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as
24 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**

25 control, purchases or attempts to purchase, or brings into this state more than eight grams of a
26 mixture or substance described in subsection 2 of this section which contains cocaine base.
27 Violations of this subsection shall be punished as follows:

28 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
29 person shall be guilty of a class B felony;

30 (2) If the quantity involved is twenty-four grams or more the person shall be guilty of
31 a class A felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as
33 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
34 control, purchases or attempts to purchase, or brings into this state more than five hundred
35 milligrams of a mixture or substance containing a detectable amount of lysergic acid
36 diethylamide (LSD). Violations of this subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as
42 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
43 control, purchases or attempts to purchase, or brings into this state more than thirty grams of a
44 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this
45 subsection shall be punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
49 A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as
51 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
52 control, purchases or attempts to purchase, or brings into this state more than four grams of
53 phencyclidine. Violations of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class
57 A felony.

58 7. A person commits the crime of trafficking drugs in the second degree if, except as
59 authorized by sections 195.005 to 195.425, [he] **and sections 195.900 to 195.985, such person**
60 possesses or has under his **or her** control, purchases or attempts to purchase, or brings into this

61 state more than thirty kilograms or more of a mixture or substance containing marijuana.
62 Violations of this subsection shall be punished as follows:

63 (1) If the quantity involved is more than thirty kilograms but less than one hundred
64 kilograms the person shall be guilty of a class B felony;

65 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty
66 of a class A felony.

67 8. A person commits the class A felony of trafficking drugs in the second degree if,
68 except as authorized by sections 195.005 to 195.425, [he] **and sections 195.900 to 195.985, such**
69 **person** possesses or has under his **or her** control, purchases or attempts to purchase, or brings
70 into this state more than five hundred marijuana plants.

71 9. A person commits the crime of trafficking drugs in the second degree if, except as
72 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**
73 control, purchases or attempts to purchase, or brings into this state more than thirty grams of any
74 material, compound, mixture or preparation which contains any quantity of the following
75 substances having a stimulant effect on the central nervous system: amphetamine, its salts,
76 optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of
77 its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or
78 attempts to violate this subsection shall be punished as follows:

79 (1) If the quantity involved is more than thirty grams but less than ninety grams the
80 person shall be guilty of a class B felony;

81 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
82 grams, the person shall be guilty of a class A felony;

83 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
84 of a class A felony and the term of imprisonment shall be served without probation or parole.

85 10. A person commits the crime of trafficking drugs in the second degree if, except as
86 authorized by sections 195.005 to 195.425, [he or she] **such person** possesses or has under his
87 or her control, purchases or attempts to purchase, or brings into this state more than thirty grams
88 of any material, compound, mixture or preparation which contains any quantity of
89 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
90 subsection shall be punished as follows:

91 (1) If the quantity involved is more than thirty grams but less than ninety grams the
92 person shall be guilty of a class B felony;

93 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
94 grams, the person shall be guilty of a class A felony;

95 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
96 of a class A felony and the term of imprisonment shall be served without probation or parole.

195.900. 1. Sections 195.900 to 195.985 shall be known and may be cited as the
2 "Missouri Compassionate Care Act".

3 2. (1) The general assembly hereby declares that sections 195.900 to 195.985 shall
4 be deemed an exercise of the police powers of the state for the protection of the economic
5 and social welfare and the health, peace, and morals of the people of this state.

6 (2) The general assembly further declares that it is unlawful under state law to
7 cultivate, manufacture, distribute, or sell medical cannabis, except in compliance with the
8 terms, conditions, limitations, and restrictions in sections 195.900 to 195.985 or when acting
9 as a primary caregiver in compliance with the terms, conditions, limitations, and
10 restrictions of sections 195.900 to 195.985.

11 3. As used in sections 195.900 to 195.985, the following terms shall mean:

12 (1) "Adequate supply", two and one-half ounces of usable cannabis during a period
13 of fourteen days and that is derived solely from an intrastate source. Subject to the rules
14 of the department of health and senior services, a patient may apply for a waiver if a
15 physician provides a substantial medical basis in a signed written statement asserting that,
16 based on the patient's medical history and in the physician's professional judgment, two
17 and one-half ounces is an insufficient adequate supply for a fourteen-day period to
18 properly alleviate the patient's debilitating medical condition or symptoms associated with
19 the debilitating medical condition. This subdivision shall not be construed to authorize the
20 possession of more than two and one-half ounces at any time without authority from the
21 department of health and senior services. The premixed weight of medical cannabis used
22 in making a cannabis-infused product shall apply toward the limit on the total amount of
23 medical cannabis a registered qualifying patient may possess at any one time;

24 (2) "Cannabis", marijuana, hashish, and other substances which are identified as
25 including any parts of the plant Cannabis Sativa, whether growing; the seeds thereof, the
26 resin extracted from any part of such plant; and any compound, manufacture, salt,
27 derivative, mixture, or preparation of such plant, its seeds, or resin, including
28 tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally
29 occurring or synthetically produced ingredients, whether produced directly or indirectly
30 by extraction, or independently by means of chemical synthesis or by a combination of
31 extraction and chemical synthesis; but shall not include the mature stalks of such plant,
32 fiber produced from such stalks, oil or cake made from the seeds of such plant, any other
33 compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks
34 except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant
35 which is incapable of germination;

36 (3) "Commercially available candy, cakes, and cookies", any product that is
37 manufactured and packaged in the form of bars, cakes, cookies, drops, or pieces and that
38 includes a sweetened mixture of dough, chocolate, caramel, nougat, nuts, fruit, cream,
39 honey, marshmallow, or any similar combination to create a dessert-like confection, cakes,
40 or cookies;

41 (4) "Debilitating medical condition", one or more of the following:

42 (a) Cancer, glaucoma, positive status for human immunodeficiency virus (HIV),
43 acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis (ALS),
44 Crohn's disease, Parkinson's disease and the symptoms thereof, ulcerative colitis, agitation
45 of Alzheimer's disease, post-traumatic stress disorder, or the treatment of such conditions;

46 (b) A chronic or debilitating disease or medical condition or its treatment that
47 produces one or more of the following: cachexia or wasting syndrome, severe debilitating
48 pain, severe nausea, seizures, or severe and persistent muscle spasms, including but not
49 limited to those characteristics of multiple sclerosis; or

50 (c) Any other debilitating medical condition or its treatment that is added by the
51 department of health and senior services by rule under section 195.981;

52 (5) "Department", the department of health and senior services;

53 (6) "Division", the division of alcohol and tobacco control within the department
54 of public safety;

55 (7) "Good cause", for purposes of refusing or denying a license renewal,
56 reinstatement, or initial license issuance:

57 (a) The licensee applicant has violated, does not meet, or has failed to comply with
58 any of the terms, conditions, or provisions of sections 195.900 to 195.985, any rules
59 promulgated thereunder, or any supplemental local law, rules, or regulations;

60 (b) The licensee or applicant has failed to comply with any special terms or
61 conditions that were placed on its license under an order of the state or local licensing
62 authority;

63 (c) The licensed premises have been operated in a manner that adversely affects the
64 public health or welfare or the safety of the immediate neighborhood in which the
65 establishment is located;

66 (8) "License", to grant a license or registration under sections 195.900 to 195.985;

67 (9) "Licensed premises", the premises specified in an application for a license
68 under sections 195.900 to 195.985, which are owned or in possession of the licensee and
69 within which the licensee is authorized to cultivate, manufacture, distribute, or sell medical
70 cannabis in accordance with the provisions of sections 195.900 to 195.985;

71 (10) "Licensee", a person licensed or registered under sections 195.900 to 195.985;

72 (11) "Limited access area", a building, room, or other contiguous area upon the
73 licensed premises where medical cannabis is grown, cultivated, stored, weighed, displayed,
74 packaged, sold, or possessed for sale, under control of the licensee, with limited access to
75 only those persons licensed by the division. All areas of ingress or egress to limited access
76 areas shall be clearly identified as such by a sign as designated by the division;

77 (12) "Local licensing authority", an authority designated by municipal or county
78 charter or ordinance;

79 (13) "Medical cannabis", cannabis that is grown and sold under sections 195.900
80 to 195.985 for a purpose authorized under sections 195.900 to 195.985;

81 (14) "Medical cannabis center", a person licensed under sections 195.900 to 195.985
82 to operate a business as described in sections 195.900 to 195.985 that sells medical cannabis
83 to registered patients or primary caregivers but is not a primary caregiver;

84 (15) "Medical cannabis cultivation and production facility", a person licensed
85 under sections 195.900 to 195.985 to operate a business as described in section 195.957;

86 (16) "Medical cannabis-infused product", a product infused with medical cannabis
87 that is intended for use or consumption other than by smoking, including but not limited
88 to edible products, ointments, and tinctures. Such products, when manufactured or sold
89 by a licensed medical cannabis center, shall not be considered a food or drug for the
90 purposes of chapter 196;

91 (17) "Medical cannabis testing facility", a public or private laboratory licensed and
92 certified, or approved by the division, to conduct research and analyze medical cannabis
93 for contaminants and potency;

94 (18) "Person", a natural person, partnership, association, company, corporation,
95 limited liability company, or organization, or a manager, agent, owner, director, servant,
96 officer, or employee thereof;

97 (19) "Premises", a distinct and definite location, which may include a building, a
98 part of a building, a room, or any other definite contiguous area;

99 (20) "Primary caregiver", a natural person, other than the patient or the patient's
100 physician, who is eighteen years of age or older and has significant responsibility for
101 managing the well-being of a patient who has a debilitating medical condition;

102 (21) "School", a public or private preschool, or a public or private elementary,
103 middle, junior high, or high school;

104 (22) "State licensing authority", the division of alcohol and tobacco control which
105 is responsible for regulating and controlling the licensing of the cultivation, manufacture,
106 distribution, and sale of medical cannabis in this state.

107 **4. Local governments may enact reasonable zoning rules that limit the use of land**
108 **for operation of medical cannabis centers and medical cannabis cultivation and production**
109 **facilities to specified areas and that regulate the time, place, and manner of such facilities.**
110 **The operation of sections 195.900 to 195.985 shall be statewide unless a municipality,**
111 **county, or city, by either a majority of the registered voters voting at a regular election or**
112 **special election called in accordance with state law vote to prohibit the operation of medical**
113 **cannabis centers and medical cannabis cultivation and production facilities in the**
114 **municipality, county, or city.**

195.903. 1. For the purpose of regulating and controlling the licensing of the
2 **cultivation, manufacture, distribution, and sale of medical cannabis in this state, the**
3 **division of alcohol and tobacco control is hereby designated as the state licensing authority.**

4 **2. The state supervisor of alcohol and tobacco control may employ such officers and**
5 **employees as may be determined to be necessary, with such officers and employees being**
6 **part of the division. The division shall, at its discretion and based upon workload, employ**
7 **no more than one full-time equivalent employee for each ten medical cannabis centers**
8 **licensed or making application with the authority. No moneys shall be appropriated to the**
9 **division from the general revenue fund for the operation of sections 195.900 to 195.985, nor**
10 **shall the division expend any general revenue fund moneys for the operation of sections**
11 **195.900 to 195.985.**

12 **3. During fiscal year 2016, the division shall consider employment of temporary or**
13 **contract staff to conduct background investigations. The additional cost of the background**
14 **investigations shall not exceed five hundred thousand dollars.**

195.906. 1. The division shall:

2 **(1) Grant or refuse state licenses for the cultivation, manufacture, distribution, and**
3 **sale of medical cannabis as provided by law; suspend, fine, restrict, or revoke such licenses**
4 **upon a violation of sections 195.900 to 195.985, or a rule promulgated under sections**
5 **195.900 to 195.985; and impose any penalty authorized by sections 195.900 to 195.985 or**
6 **any rule promulgated under sections 195.900 to 195.985. The division may take any action**
7 **with respect to a registration under sections 195.900 to 195.985 as it may with respect to**
8 **a license under sections 195.900 to 195.985, in accordance with the procedures established**
9 **under sections 195.900 to 195.985;**

10 **(2) Promulgate such rules and such special rulings and findings as necessary for**
11 **the proper regulation and control of the cultivation, manufacture, distribution, and sale**
12 **of medical cannabis and for the enforcement of sections 195.900 to 195.985;**

13 **(3) Upon denial of a state license, provide written notice of the grounds for such**
14 **denial of a state license to the applicant and to the local authority and the right of the**

15 applicant to a right to a hearing before the administrative hearing commission under
16 subsection 2 of section 195.924;

17 (4) Maintain the confidentiality of reports obtained from licensees showing the sales
18 volume or quantity of medical cannabis sold or any other records that are exempt from
19 inspection under state law;

20 (5) Develop such forms, licenses, identification cards, and applications as are
21 necessary in the discretion of the division for the administration of sections 195.900 to
22 195.985 or any of the rules promulgated under sections 195.900 to 195.985;

23 (6) Prepare and submit an annual report accounting to the governor for the
24 efficient discharge of all responsibilities assigned by law or directive to the state licensing
25 authority; and

26 (7) In recognition of the potential medicinal value of medical cannabis, make a
27 request by January 1, 2016, to the federal Drug Enforcement Administration to consider
28 rescheduling, for pharmaceutical purposes, medical cannabis from a Schedule I controlled
29 substance to a Schedule II controlled substance.

30 2. (1) Rules promulgated under subdivision (2) of subsection 1 of this section may
31 include, but shall not be limited to, the following:

32 (a) Compliance with, enforcement or violation of any provision of sections 195.900
33 to 195.985, or any rule issued under sections 195.900 to 195.985, including procedures and
34 grounds for denying, suspending, fining, restricting, or revoking a state license issued
35 under sections 195.900 to 195.985;

36 (b) Specifications of duties of officers and employees of the division;

37 (c) Instructions for local licensing authorities and law enforcement officers;

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

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

41 (f) Prohibition of misrepresentation and unfair practices;

42 (g) Control of informational and product displays on licensed premises;

43 (h) Development of individual identification cards for owners, officers, managers,
44 contractors, employees, and other support staff of entities licensed under sections 195.900
45 to 195.985, including a fingerprint-based criminal record check as may be required by the
46 division prior to issuing a card;

47 (i) Identification of state licensees and their owners, officers, managers, and
48 employees;

49 (j) Security requirements for any premises licensed under sections 195.900 to
50 195.985, including, at a minimum, lighting, physical security, video, alarm requirements,

51 and other minimum procedures for internal control as deemed necessary by the division
52 to properly administer and enforce the provisions of sections 195.900 to 195.985, including
53 reporting requirements for changes, alterations, or modifications to the premises;

54 (k) Regulation of the storage of, warehouses for, and transportation of medical
55 cannabis;

56 (l) Sanitary requirements for medical cannabis centers and medical cannabis
57 cultivation and production facilities, including but not limited to, sanitary requirements
58 for the preparation of medical cannabis-infused products;

59 (m) The specification of acceptable forms of picture identification that a medical
60 cannabis center may accept when verifying a sale;

61 (n) Labeling standards;

62 (o) Records to be kept by licensees and the required availability of the records;

63 (p) State licensing procedures, including procedures for renewals, reinstatements,
64 initial licenses, and the payment of licensing fees;

65 (q) The reporting and transmittal of monthly sales tax payments by medical
66 cannabis centers;

67 (r) Authorization for the department of revenue to have access to licensing
68 information to ensure sales and income tax payment and effective administration of
69 sections 195.900 to 195.985;

70 (s) Authorization for the division to impose administrative penalties and procedures
71 of issuing, appealing and creating a violation list and schedule of administrative penalties;
72 and

73 (t) Such other matters as are necessary for the fair, impartial, stringent, and
74 comprehensive administration of sections 195.900 to 195.985.

75 (2) Nothing in sections 195.900 to 195.985 shall be construed as delegating to the
76 division the power to fix prices for medical cannabis.

77 (3) Nothing in sections 195.900 to 195.985 shall be construed to limit a law
78 enforcement agency's ability to investigate unlawful activity in relation to a medical
79 cannabis center or medical cannabis cultivation and production facility. A law
80 enforcement agency shall have the authority to run a Missouri criminal background check
81 of a primary caregiver, licensee, or employee of a licensee during an investigation of
82 unlawful activity related to medical cannabis.

195.909. 1. A local licensing authority may issue only the following medical
2 cannabis licenses upon payment of the fee and compliance with all local licensing
3 requirements to be determined by the local licensing authority:

4 (1) A medical cannabis center license;

5 **(2) A medical cannabis cultivation and production facility license.**

6 **2. (1) A local licensing authority shall not issue a local license within a municipality**
7 **or the unincorporated portion of a county unless the governing body of the municipality**
8 **has adopted an ordinance or the governing body of the county has adopted a resolution**
9 **containing specific standards for license issuance, or if no such ordinance or resolution is**
10 **adopted prior to January 1, 2017, a local licensing authority shall consider the minimum**
11 **licensing requirements of this section when issuing a license.**

12 **(2) In addition to all other standards applicable to the issuance of licenses under**
13 **sections 195.900 to 195.985, the local governing body may adopt additional standards for**
14 **the issuance of medical cannabis center or medical cannabis cultivation and production**
15 **facility licenses consistent with the intent of sections 195.900 to 195.985 that may include**
16 **but not be limited to:**

17 **(a) Distance restrictions between premises for which local licenses are issued;**

18 **(b) Reasonable restrictions on the size of an applicant's licensed premises; and**

19 **(c) Any other requirements necessary to ensure the control of the premises and the**
20 **ease of enforcement of the terms and conditions of the license.**

21 **3. An application for a license specified in subsection 1 of this section shall be filed**
22 **with the appropriate local licensing authority on forms provided by the state licensing**
23 **authority and shall contain such information as the state licensing authority may require**
24 **and any forms as the local licensing authority may require. Each application shall be**
25 **verified by the oath or affirmation of the persons prescribed by the state licensing**
26 **authority.**

27 **4. An applicant shall file with the application for a local license, plans and**
28 **specifications for the interior of the building if the building to be occupied is in existence**
29 **at the time. If the building is not in existence, the applicant shall file a plot plan and a**
30 **detailed sketch for the interior and submit an architect's drawing of the building to be**
31 **constructed. In its discretion, the local or state licensing authority may impose additional**
32 **requirements necessary for the approval of the application.**

195.912. 1. Upon receipt of an application for a local license, except an application
2 **for renewal or for transfer of ownership, a local licensing authority shall schedule and hold**
3 **a public hearing upon the application to be held not less than thirty days after the date of**
4 **the application, but not more than ninety days from the date of the application. If the local**
5 **licensing authority fails to hold a public hearing within such time lines, the application**
6 **shall be considered approved. If the local licensing authority schedules a hearing for a**
7 **medical cannabis center application, it shall post and publish public notice thereof not less**
8 **than ten days prior to the hearing. The local licensing authority shall give public notice by**

9 the posting of a sign in a conspicuous place on the medical cannabis center premises for
10 which application has been made and by publication in a newspaper of general circulation
11 in the county in which the medical cannabis center premises are located.

12 2. Public notice given by posting shall include a sign of suitable material, not less
13 than twenty-two inches wide and twenty-six inches high, composed of letters not less than
14 one inch in height and stating the type of license applied for, the date of the hearing, the
15 name and address of the applicant, and such other information as may be required to fully
16 apprise the public of the nature of the application. The sign shall contain the names and
17 addresses of the officers, directors, or manager of the facility to be licensed.

18 3. Public notice given by publication shall contain the same information as that
19 required for signs.

20 4. If the building in which medical cannabis is to be sold is in existence at the time
21 of the application, a sign posted as required in subsections 1 and 2 of this section shall be
22 placed so as to be conspicuous and plainly visible to the general public. If the building is
23 not constructed at the time of the application, the applicant shall post a sign at the premises
24 upon which the building is to be constructed in such a manner that the notice shall be
25 conspicuous and plainly visible to the general public.

26 5. (1) A local licensing authority or a license applicant with local licensing
27 authority approval may request that the state licensing authority conduct a concurrent
28 review of a new license application prior to the local licensing authority's final approval
29 of the license application. Local licensing authorities who permit concurrent review shall
30 continue to independently review the applicant's license application.

31 (2) When conducting a concurrent application review, the state licensing authority
32 may advise the local licensing authority of any items that it finds that may result in the
33 denial of the license application. Upon correction of the noted discrepancies if the
34 correction is permitted by the state licensing authority, the state licensing authority shall
35 notify the local licensing authority of its conditional approval of the license application
36 subject to the final approval by the local licensing authority. The state licensing authority
37 shall then issue the applicant's state license upon receiving evidence of final approval by
38 the local licensing authority.

39 (3) All applications submitted for concurrent review shall be accompanied by all
40 applicable state license and application fees. Any applications which are later denied or
41 withdrawn may allow for a refund of license fees only. All application fees provided by an
42 applicant shall be retained by the respective licensing authority.

195.915. 1. Not less than five days prior to the date of the public hearing authorized
2 in section 195.912, the local licensing authority shall make known its findings, based on its

3 investigation, in writing to the applicant and other parties of interest. The local licensing
4 authority has authority to refuse to issue a license provided for in this section for good
5 cause, subject to judicial review.

6 2. Before entering a decision approving or denying the application for a local
7 license, the local licensing authority may consider, except where sections 195.900 to 195.985
8 specifically provides otherwise, the facts and evidence adduced as a result of its
9 investigation, as well as any other facts pertinent to the type of license for which
10 application has been made, including the number, type, and availability of medical
11 cannabis outlets located in or near the premises under consideration, and any other
12 pertinent matters affecting the qualifications of the applicant for the conduct of the type
13 of business proposed.

14 3. Within thirty days after the public hearing or completion of the application
15 investigation, a local licensing authority shall issue its decision approving or denying an
16 application for local licensure. The decision shall be in writing and shall state the reasons
17 for the decision. The local licensing authority shall send a copy of the decision by certified
18 mail to the applicant at the address shown in the application.

19 4. After approval of an application, a local licensing authority shall not issue a local
20 license until the building in which the business to be conducted is ready for occupancy with
21 such furniture, fixtures, and equipment in place as are necessary to comply with the
22 applicable provisions of sections 195.900 to 195.985, and then only after the local licensing
23 authority has inspected the premises to determine that the applicant has complied with the
24 architect's drawing and the plot plan and detailed sketch for the interior of the buildings
25 submitted with the application.

26 5. After approval of an application for local licensure, the local licensing authority
27 shall notify the state licensing authority of such approval, who shall investigate and either
28 approve or disapprove the application for state licensure.

195.918. 1. (1) The division of alcohol and tobacco control shall not issue more
2 than a statewide total of thirty state licenses for medical cannabis centers and a statewide
3 total of thirty state licenses for medical cannabis cultivation and production facilities;
4 except that, an applicant for a medical cannabis center license may be approved for an
5 additional two medical cannabis center licenses in accordance with subdivision (2) of this
6 subsection. Such additional medical cannabis center licenses shall not be counted toward
7 the thirty license statewide limit for medical cannabis centers.

8 (2) Licenses shall be geographically disbursed by the division, in consultation with
9 the department of health and senior services, based on the demographics of the state and
10 patient demand to ensure statewide access for patients. If more than thirty medical

11 cannabis centers are necessary to provide sufficient patient access, a medical cannabis
12 center licensee may be approved for up to an additional two medical cannabis center
13 licenses, subject to approval by the local licensing authority.

14 2. Before the division of alcohol and tobacco control issues a state license to an
15 applicant, the applicant shall:

16 (1) (a) Procure and file with the division evidence of a good and sufficient bond in
17 the amount of five thousand dollars with corporate surety thereon duly licensed to do
18 business with the state, approved as to form by the state attorney general, and conditioned
19 that the applicant shall report and pay all sales and use taxes due to the state, or for which
20 the state is the collector or collecting agent, in a timely manner, as provided in law.

21 (b) A corporate surety shall not be required to make payments to the state claiming
22 under such bond until a final determination of failure to pay taxes due to the state has been
23 made by the division or a court of competent jurisdiction.

24 (c) All bonds required under this subdivision shall be renewed at such time as the
25 bondholder's license is renewed. The renewal may be accomplished through a
26 continuation certificate issued by the surety; and

27 (2) Submit documentation acceptable to the division that the applicant has at least
28 five hundred thousand dollars in liquid assets. Documentation acceptable to the division
29 includes a signed statement from a Missouri certified public accountant attesting to proof
30 of the required amount of liquid assets under the control of the applicant. Such statement
31 shall be dated within thirty calendar days before the date the application is submitted.

195.921. 1. Applications for a state license under the provisions of sections 195.900
2 to 195.985 shall be made to the division of alcohol and tobacco control on forms prepared
3 and furnished by the division and shall set forth such information as the division may
4 require to enable the division to determine whether a state license shall be granted. The
5 information shall include the name and address of the applicant, the names and addresses
6 of the officers, directors, or managers, and all other information deemed necessary by the
7 division. Each application shall be verified by the oath or affirmation of such person or
8 persons as the division may prescribe.

9 2. The division shall not issue a state license under this section until the local
10 licensing authority has approved the application for a local license and issued a local
11 license as provided for in sections 195.909 to 195.918.

12 3. Nothing in sections 195.900 to 195.985 shall preempt or otherwise impair the
13 power of a local government to enact ordinances or resolutions concerning matters
14 authorized to local governments.

195.924. 1. The division shall deny a state license if the premises on which the applicant proposes to conduct its business do not meet the requirements of sections 195.900 to 195.985.

2. If the division denies a state license under subsection 1 of this section, the applicant shall be entitled to a hearing before the administrative hearing commission. The division shall provide written notice of the grounds for denial of the state license to the applicant and to the local licensing authority at least fifteen days prior to the hearing.

195.927. 1. (1) A license provided by sections 195.900 to 195.985 shall not be issued to or held by:

(a) A person until the annual fee has been paid;

(b) A person whose criminal history indicates that he or she is not of good moral character;

(c) A corporation, if the criminal history of any of its officers, directors, or stockholders indicates that the officer, director, or stockholder is not of good moral character;

(d) A licensed physician making patient recommendations;

(e) A person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates he or she is not of good moral character and reputation satisfactory to the respective licensing authority;

(f) A person under twenty-one years of age;

(g) A person licensed under sections 195.900 to 195.985 who during a period of licensure or who at the time of application has failed to:

a. Provide a surety bond, proof of liquid assets, or file any tax return with a taxing agency;

b. Pay any taxes, interest, or penalties due;

c. Pay any judgments due to a government agency;

d. Stay out of default on a government-issued student loan;

e. Pay child support; or

f. Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments owed to a government agency, or an outstanding delinquency for child support.

(h) A person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony or a person who at any time has been convicted of a felony under any state or federal law regarding the possession, distribution, or use of a controlled substance;

29 (i) A person who employs another person at a medical cannabis center or medical
30 cannabis cultivation and production facility who has not passed a criminal background
31 check;

32 (j) A sheriff, deputy sheriff, police officer, or prosecuting officer, or any officer or
33 employee of the division or a local licensing authority;

34 (k) A person whose authority to be a primary caregiver as defined in sections
35 195.900 to 195.985 has been revoked by the department;

36 (l) A person for a license for a location that is currently licensed as a retail food
37 establishment or wholesale food registrant; or

38 (m) A person who has an officer who is not a resident of Missouri. All officers shall
39 be residents of Missouri, however, managers and employees may be nonresidents. All
40 stockholders who legally and beneficially own or control sixty percent or more of the stock
41 in amount and in voting rights shall be residents of Missouri and bona fide residents of the
42 state for a period of three years continuously immediately prior to the date of filing of
43 application for a license.

44 2. (1) In investigating the qualifications of an applicant or a licensee, the division
45 shall have access to criminal background check information furnished by a criminal justice
46 agency subject to any restrictions imposed by such agency. In the event the division
47 considers the applicant's criminal background check information, the division shall also
48 consider any information provided by the applicant regarding such criminal background
49 check, including but not limited to evidence of rehabilitation, character references, and
50 educational achievements, especially those items pertaining to the period of time between
51 the applicant's last criminal conviction and the consideration of the application for a state
52 license.

53 (2) As used in subdivision (1) of this subsection, "criminal justice agency" means
54 any federal, state, or municipal court or any governmental agency or subunit of such
55 agency that administers criminal justice under a statute or executive order and that
56 allocates a substantial part of its annual budget to the administration of criminal justice.

57 (3) At the time of filing an application for issuance or renewal of a state medical
58 cannabis center license or medical cannabis cultivation and production facility license, an
59 applicant shall submit a set of his or her fingerprints and file personal history information
60 concerning the applicant's qualifications for a state license on forms prepared by the
61 division. The division shall submit the fingerprints to the Missouri state highway patrol
62 for the purpose of conducting a fingerprint-based criminal background check. The
63 Missouri state highway patrol shall forward the fingerprints to the Federal Bureau of
64 Investigation for the purpose of conducting a fingerprint-based criminal background

65 check. The division may acquire a name-based criminal background check for an
66 applicant or a license holder who has twice submitted to a fingerprint-based criminal
67 background check and whose fingerprints are unclassifiable. An applicant who has
68 previously submitted fingerprints for state licensing purposes may request that the
69 fingerprints on file be used. The division shall use the information resulting from the
70 fingerprint-based criminal history record check to investigate and determine whether an
71 applicant is qualified to hold a state license under sections 195.900 to 195.985. The division
72 may verify any of the information an applicant is required to submit.

195.930. The division or a local licensing authority shall not receive or act upon an
2 application for the issuance of a state or local license under sections 195.900 to 195.985:

3 (1) If the application for a state or local license concerns a particular location that
4 is the same as or within one thousand feet of a location for which, within the two years
5 immediately preceding the date of the application, the division or a local licensing authority
6 denied an application for the same class of license due to the nature of the use or other
7 concern related to the location;

8 (2) Until it is established that the applicant is or shall be entitled to possession of
9 the premises for which application is made under a lease, rental agreement, or other
10 arrangement for possession of the premises or by virtue of ownership of the premises;

11 (3) For a location in an area where the cultivation, manufacture, and sale of
12 medical cannabis as contemplated is not permitted under the applicable local zoning laws
13 of the municipality or county;

14 (4) (a) If the building in which medical cannabis is to be sold is located within one
15 thousand feet of a school; an alcohol or drug treatment facility; or the principal campus
16 of a college, university, or seminary, or a residential child care facility. The provisions of
17 this subdivision shall not affect the renewal or reissuance of a license once granted or apply
18 to licensed premises located or to be located on land owned by a municipality, nor shall the
19 provisions of this subdivision apply to an existing licensed premises on land owned by the
20 state, or apply to a license in effect and actively doing business before such principal
21 campus was constructed.

22 (b) The distances referred to in this subdivision are to be computed by direct
23 measurement from the nearest property line of the land used for a school or campus to the
24 nearest portion of the building in which medical cannabis is to be sold.

25 (c) In addition to the requirements of section 195.909, the local licensing authority
26 shall consider the evidence and make a specific finding of fact as to whether the building
27 in which the medical cannabis is to be sold is located within the distance restrictions
28 established by or under this subdivision.

195.933. 1. A state or local license granted under the provisions of sections 195.900 to 195.985 shall not be transferable except as provided in this section, but this section shall not prevent a change of location as provided in subsection 13 of section 195.936.

2. For a transfer of ownership, a license holder shall apply to the division and the local licensing authority on forms prepared and furnished by the division. In determining whether to permit a transfer of ownership, the division and the local licensing authority shall consider only the requirements of sections 195.900 to 195.985, any rules promulgated by the division, and any other local restrictions. The local licensing authority may hold a hearing on the application for transfer of ownership. The local licensing authority shall not hold a hearing under this subsection until the local licensing authority has posted a notice of hearing in the manner described in section 195.912 on the licensed medical cannabis center premises for a period of ten days and has provided notice of the hearing to the applicant at least ten days prior to the hearing. Any transfer of ownership hearing by the division shall be held in compliance with the requirements specified in section 195.912.

195.936. 1. Sections 195.900 to 195.985 authorizes a county or municipality to enact reasonable regulations or other restrictions applicable to licenses of medical cannabis centers and medical cannabis cultivation and production facility based on local zoning, health, safety and public welfare laws for the distribution of medical cannabis that are more restrictive than sections 195.900 to 195.985.

2. A medical cannabis center or medical cannabis cultivation and production facility shall not operate until it has been licensed by the local licensing authority and the state licensing authority under sections 195.900 to 195.985. In connection with a license, the applicant shall provide a complete and accurate list of all owners, officers, and employees who work at, manage, own, or are otherwise associated with the operation and shall provide a complete and accurate application as required by the division.

3. A medical cannabis center or medical cannabis cultivation and production facility shall notify the division in writing within ten days after an owner, officer, or employee ceases to work at, manage, own, or otherwise be associated with the operation. The owner, officer, or employee shall surrender his or her identification card to the division on or before the date of the notification.

4. A medical cannabis center or medical cannabis cultivation and production facility shall notify the division in writing of the name, address, and date of birth of an owner, officer, manager, or employee before the new owner, officer, or employee begins working at, managing, owning, or begins an association with the operation. The owner, officer, manager, or employee shall pass a fingerprint-based criminal background check

22 as required by the division and obtain the required identification prior to being associated
23 with, managing, owning, or working at the operation.

24 5. A medical cannabis center or medical cannabis cultivation and production
25 facility shall not acquire, possess, cultivate, deliver, transfer, transport, supply, or dispense
26 cannabis for any purpose except to assist patients with debilitating medical conditions.

27 6. All owners of a licensed medical cannabis center or licensed medical cannabis
28 cultivation and production facility shall be authorized to do business in Missouri. A local
29 licensing authority shall not issue a license provided for in sections 195.900 to 195.985 until
30 that share of the license application fee due to the state has been received by the division.
31 All licenses granted under sections 195.900 to 195.985 shall be valid for a period not to
32 exceed two years from the date of issuance unless revoked or suspended under sections
33 195.900 to 195.985 or the rules promulgated under sections 195.900 to 195.985.

34 7. Before granting a local or state license, the respective licensing authority may
35 consider, except where sections 195.900 to 195.985 specifically provides otherwise, the
36 requirements of sections 195.900 to 195.985 and any rules promulgated under sections
37 195.900 to 195.985, and all other reasonable restrictions that are or may be placed upon
38 the licensee by the licensing authority. With respect to a second or additional license for
39 the same licensee or the same owner of another licensed business under sections 195.900
40 to 195.985, each licensing authority shall consider the effect on competition of granting or
41 denying the additional licenses to such licensee and shall not approve an application for a
42 second or additional license that has the effect of restraining competition.

43 8. (1) Each license issued under sections 195.900 to 195.985 is separate and distinct.
44 It is unlawful for a person to exercise any of the privileges granted under a license other
45 than the license that the person holds or for a licensee to allow any other person to exercise
46 the privileges granted under the licensee's license. A separate license shall be required for
47 each specific business or business entity and each geographical location.

48 (2) At all times, a licensee shall possess and maintain possession of the premises for
49 which the license is issued by ownership, lease, rental, or other arrangement for possession
50 of the premises.

51 9. (1) The licenses provided under sections 195.900 to 195.985 shall specify the date
52 of issuance, the period of licensure, the name of the licensee, and the premises licensed.
53 The licensee shall conspicuously display the license at all times on the licensed premises.

54 (2) A local licensing authority shall not transfer location of or renew a license to sell
55 medical cannabis until the applicant for the license produces a license issued and granted
56 by the state licensing authority covering the whole period for which a license or license
57 renewal is sought.

58 **10. In computing any period of time prescribed by sections 195.900 to 195.985, the**
59 **day of the act, event, or default from which the designated period of time begins to run**
60 **shall not be included. Saturdays, Sundays, and legal holidays shall be counted as any other**
61 **day.**

62 **11. A licensee shall report each transfer or change of financial interest in the license**
63 **to the division and the local licensing authority thirty days prior to any transfer or change**
64 **under subsection 13 of this section. A report shall be required for transfers of capital stock**
65 **of any corporation regardless of size.**

66 **12. Each licensee shall manage the licensed premises himself or herself or employ**
67 **a separate and distinct manager on the premises and shall report the name of the manager**
68 **to the division and the local licensing authority. The licensee shall report any change in**
69 **manager to the division and local licensing authority thirty days prior to such change.**

70 **13. (1) A licensee may move his or her permanent location to any other place in the**
71 **same municipality for which the license was originally granted, or in the same county if the**
72 **license was granted for a place outside the corporate limits of a municipality, but it shall**
73 **be unlawful to cultivate, manufacture, distribute or sell medical cannabis at any such place**
74 **until permission to do so is granted by the division and the local licensing authority**
75 **provided for in sections 195.900 to 195.985.**

76 **(2) In permitting a change of location, the division and the local licensing authority**
77 **shall consider all reasonable restrictions that are or may be placed upon the new location**
78 **by the governing body or local licensing authority of the municipality or county any such**
79 **change in location shall be in accordance with all requirements of sections 195.900 to**
80 **195.985 and rules promulgated under sections 195.900 to 195.985.**

195.939. 1. (1) Ninety days prior to the expiration date of an existing license, the
2 **division shall notify the licensee of the expiration date by first class mail at the licensee's**
3 **address of record with the division. A licensee shall apply for the renewal of an existing**
4 **license to the local licensing authority not less than forty-five days and to the division not**
5 **less than thirty days prior to the date of expiration. A local licensing authority shall not**
6 **accept an application for renewal of a license after the date of expiration, except as**
7 **provided in subsection 2 of this section. The division may extend the expiration date of the**
8 **license and accept a late application for renewal of a license provided that the applicant has**
9 **filed a timely renewal application with the local licensing authority. All renewals filed with**
10 **the local licensing authority and subsequently approved by the local licensing authority**
11 **shall next be processed by the division. The division or the local licensing authority, in its**
12 **discretion, subject to the requirements of this section and based upon reasonable grounds,**
13 **may waive the forty-five day or thirty day time requirements set forth in this subsection.**

14 **The local licensing authority may hold a hearing on the application for renewal only if the**
15 **licensee has had complaints filed against it, has a history of violations, or there are**
16 **allegations against the licensee that constitute good cause.**

17 **(2) The local licensing authority shall not hold a renewal hearing provided for by**
18 **this subsection for a medical cannabis center until it has posted a notice of hearing on the**
19 **licensed medical cannabis center premises in the manner described in section 195.912 for**
20 **a period of ten days and provided notice to the applicant at least ten days prior to the**
21 **hearing. The local licensing authority may refuse to renew any license for good cause,**
22 **subject to judicial review.**

23 **2. (1) Notwithstanding the provisions of subsection 1 of this section, a licensee**
24 **whose license has been expired for not more than ninety days may file a late renewal**
25 **application upon the payment of a nonrefundable late application fee of five hundred**
26 **dollars to the local licensing authority. A licensee who files a late renewal application and**
27 **pays the requisite fees may continue to operate until both the state and local licensing**
28 **authorities have taken final action to approve or deny the licensee's late renewal**
29 **application.**

30 **(2) The state and local licensing authorities shall not accept a late renewal**
31 **application more than ninety days after the expiration of a licensee's permanent annual**
32 **license. A licensee whose permanent annual license has been expired for more than ninety**
33 **days shall not cultivate, manufacture, distribute, or sell any medical cannabis until all**
34 **required licenses have been obtained.**

195.942. The division or local licensing authority may, in its discretion, revoke or
2 **elect not to renew any license if it determines that the licensed premises have been inactive**
3 **without good cause for at least one year.**

195.945. 1. The division, by rule, shall require a complete disclosure of all persons
2 **having a direct or indirect financial interest and the extent of such interest in each license**
3 **issued under sections 195.900 to 195.985.**

4 **2. A person shall not have an unreported financial interest in a license under**
5 **sections 195.900 to 195.985 unless such person has undergone a fingerprint-based criminal**
6 **background check as provided for by the division in its rules; except that, this subsection**
7 **shall not apply to banks, savings and loan associations, or industrial banks supervised and**
8 **regulated by an agency of the state or federal government, or to FHA-approved**
9 **mortgagees, or to stockholders, directors, or officers thereof.**

10 **3. This section is intended to prohibit and prevent the control of the outlets for the**
11 **sale of medical cannabis by a person or party other than the persons licensed under the**
12 **provisions of sections 195.900 to 195.985.**

195.948. 1. For the purpose of regulating the cultivation, manufacture, distribution, testing and sale of medical cannabis, the division may, in its discretion and upon application in the prescribed form made to it, issue and grant to the applicant a license or registration from any of the following classes, subject to the provisions and restrictions provided by sections 195.900 to 195.985:

(1) Medical cannabis center license;

(2) Medical cannabis cultivation and production facility license;

(3) Medical cannabis testing facility registration;

(4) Occupational licenses and registrations for owners, managers, operators, employees, contractors, and other support staff employed by, working in, or having access to restricted areas of the licensed premises as determined by the division. The division may take any action with respect to a registration under sections 195.900 to 195.985 as it may with respect to a license under sections 195.900 to 195.985, in accordance with the procedures established under sections 195.900 to 195.985.

2. In order to do business in Missouri under sections 195.900 to 195.985, a business shall hold both a medical cannabis center license and a medical cannabis cultivation and production facility license.

3. All persons licensed under sections 195.900 to 195.985 shall collect sales tax on all sales made under the licensing activities.

4. A state-chartered bank or a credit union may loan money to any person licensed under sections 195.900 to 195.985 for the operation of a licensed business.

195.951. 1. A medical cannabis center license shall be issued only to a person selling medical cannabis under the terms and conditions of sections 195.900 to 195.985.

2. Notwithstanding the provision of this section, a medical cannabis center licensee may also sell medical cannabis-infused products that are prepackaged and labeled under subsection 7 of section 195.951.

3. Every person selling medical cannabis as provided for in this section shall sell only medical cannabis grown in its medical cannabis cultivation and production facility licensed under sections 195.900 to 195.985. The provisions of this subsection shall not apply to medical cannabis-infused products.

4. Notwithstanding the requirements of subsection 3 of this section to the contrary, a medical cannabis licensee shall not purchase more than thirty percent of its total on-hand inventory of medical cannabis from another licensed medical cannabis center in Missouri. A medical cannabis center shall not sell more than thirty percent of its total on-hand inventory to another Missouri medical cannabis licensee.

15 **5. Prior to initiating a sale, the employee of the medical cannabis center making the**
16 **sale shall verify that the purchaser has a valid registration card issued under section**
17 **195.981 and a valid picture identification card that matches the name on the registration**
18 **card.**

19 **6. A licensed medical cannabis center may provide a small amount of its medical**
20 **cannabis for testing to a medical cannabis testing facility.**

21 **7. All medical cannabis sold at a licensed medical cannabis center shall be labeled**
22 **as follows:**

23 **(1) Labeling of cannabis, excluding medical cannabis-infused products. The**
24 **medical cannabis center shall place a legible, firmly affixed label on which the wording is**
25 **no less than one-sixteenth inch in size on each package of cannabis that it prepares for**
26 **dispensing and which contains at a minimum the following information:**

27 **(a) The registered qualifying patient's name;**

28 **(b) The name and registration number of the medical cannabis center that**
29 **produced the cannabis, together with the medical cannabis center's telephone number and**
30 **mailing address, and website information, if any;**

31 **(c) The quantity of usable cannabis contained within the package;**

32 **(d) The date that the medical cannabis center packaged the contents;**

33 **(e) A batch number, sequential serial number, and bar code when used, to identify**
34 **the batch associated with manufacturing and processing;**

35 **(f) The cannabinoid profile of the cannabis contained within the package, including**
36 **tetrahydrocannabinol (THC) level;**

37 **(g) A statement that the product has been tested for contaminants, that there were**
38 **no adverse findings, and the date of testing, and the following statement, including**
39 **capitalization: "This product has not been analyzed or approved by the FDA. There is**
40 **limited information on the side effects of using this product, and there may be associated**
41 **health risks. Do not drive or operate machinery when under the influence of this product.**
42 **KEEP THIS PRODUCT AWAY FROM CHILDREN.";**

43 **(2) Labeling of medical cannabis-infused products. The medical cannabis center**
44 **shall place a legible firmly affixed label on which the wording is no less than one-sixteenth**
45 **inch in size on each medical cannabis-infused product that it prepares for dispensing and**
46 **which contains at a minimum the following information:**

47 **(a) The registered qualifying patient's name;**

48 **(b) The name and registration number of the medical cannabis center that**
49 **produced the medical cannabis-infused product, together with the medical cannabis**
50 **center's telephone number and mailing address, and website information, if any;**

- 51 (c) The name of the product;
- 52 (d) The quantity of usable cannabis contained within the product as measured in
53 ounces;
- 54 (e) A list of ingredients, including the cannabinoid profile of the cannabis contained
55 within the product, including the tetrahydrocannabinol (THC) level;
- 56 (f) The date of product creation and the recommended "use by" or expiration date;
- 57 (g) To identify the batch associated with manufacturing and processing, a batch
58 number, sequential serial number, and bar code when used;
- 59 (h) Directions for use of the product if relevant;
- 60 (i) A statement that the product has been tested for contaminants, that there were
61 no adverse findings, and the date of testing;
- 62 (j) A warning if nuts or other known allergens are contained in the product; and
- 63 (k) The following statement, including capitalization: "This product has not been
64 analyzed or approved by the FDA. There is limited information on the side effects of using
65 this product, and there may be associated health risks. Do not drive or operate machinery
66 when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM**
67 **CHILDREN.**";

68 (3) Cannabis shall be packaged in plain, opaque, tamper-proof, and child-proof
69 containers without depictions of the product, cartoons, or images other than the medical
70 cannabis center's logo. Edibles shall not bear a reasonable resemblance to any product
71 available for consumption as commercially available candy, cakes and cookies as defined
72 in section 195.900.

73 8. A licensed medical cannabis center shall comply with all provisions of law as
74 such provisions relate to persons with disabilities.

195.954. A medical cannabis cultivation and production facility license may be
2 issued only to a person licensed under this section who grows and cultivates medical
3 cannabis and who manufactures medical cannabis-infused products under the terms and
4 conditions of sections 195.900 to 195.985.

195.957. 1. (1) Medical cannabis-infused products shall be prepared on a licensed
2 premises that is used exclusively for the manufacture and preparation of medical
3 cannabis-infused products and which uses equipment that is used exclusively for the
4 manufacture and preparation of medical cannabis-infused products.

(2) Except for a registered qualifying patient or primary caregiver who are not
6 subject to such requirements, only a licensed medical cannabis cultivation and production
7 facility is permitted to produce medical cannabis-infused products. A medical cannabis
8 cultivation and production facility may produce medical cannabis-infused products for

9 only such facility's medical cannabis center, and up to two additional medical cannabis
10 centers under common ownership.

11 (3) The medical cannabis cultivation and production facility shall have all cannabis
12 cultivated by such facility tested in accordance with the following:

13 (a) Cannabis shall be tested for the cannabinoid profile and for contaminants as
14 specified by the division, including but not limited to mold, mildew, heavy metals,
15 plant-growth regulators, and the presence of nonorganic pesticides. The division may
16 require additional testing;

17 (b) The facility shall maintain the results of all testing for no less than one year;

18 (c) The facility shall have and follow a policy and procedure for responding to
19 results indicating contamination, which shall include destruction of contaminated product
20 and assessment of the source of contamination. Such policy shall be available to registered
21 qualifying patients and primary caregivers;

22 (d) All testing shall be conducted by an independent laboratory that is:

23 a. Accredited to International Organization for Standardization (ISO) 17025 by a
24 third-party accrediting body such as A2LA or ACLASS; or

25 b. Certified, registered, or accredited by an organization approved by the division;

26 (e) The facility shall arrange for testing to be conducted in accordance with the
27 frequency required by the division;

28 (f) A facility shall have a contractual arrangement with a laboratory for the
29 purposes of testing cannabis, including a stipulation that those individuals responsible for
30 testing at the laboratory be licensed;

31 (g) An executive of a facility is prohibited from having any financial or other
32 interest in a laboratory providing testing services for any medical cannabis cultivation and
33 production facility;

34 (h) No individual employee of a laboratory providing testing services for medical
35 cannabis cultivation and production facilities shall receive direct financial compensation
36 from any medical cannabis cultivation and production facility;

37 (i) All transportation of cannabis to and from laboratories providing cannabis
38 testing services shall comply with rules promulgated under paragraph (d) of subdivision
39 (1) of subsection 2 of section 195.906;

40 (j) All storage of cannabis at a laboratory providing cannabis testing services shall
41 comply with subdivision (4) of this subsection; and

42 (k) All excess cannabis shall be returned to the source medical cannabis cultivation
43 and production facility and be disposed of under paragraph (e) of subdivision (7) of this
44 subsection.

45 **(4) (a) All cannabis in the process of cultivation, production, preparation,**
46 **transport, or analysis shall be housed and stored in such a manner as to prevent diversion,**
47 **theft, or loss.**

48 **(b) Such items shall be accessible only to the minimum number of specifically**
49 **authorized dispensary agents essential for efficient operation.**

50 **(c) Such items shall be returned to a secure location immediately after completion**
51 **of the process or at the end of the scheduled business day.**

52 **(d) If a manufacturing process cannot be completed at the end of a working day,**
53 **the processing area or tanks, vessels, bins, or bulk containers containing cannabis shall be**
54 **securely locked inside an area or building that affords adequate security.**

55 **(5) A medical cannabis cultivation and production facility shall process cannabis**
56 **in a safe and sanitary manner. A facility shall process the leaves and flowers of the female**
57 **cannabis plant only, which shall be:**

58 **(a) Well cured and free of seeds and stems;**

59 **(b) Free of dirt, sand, debris, and other foreign matter;**

60 **(c) Free of contamination by mold, rot, other fungus, and bacterial diseases;**

61 **(d) Prepared and handled on food-grade stainless steel tables; and**

62 **(e) Packaged in a secure area.**

63 **(6) Production of edible medical cannabis-infused products shall take place in**
64 **compliance with the following:**

65 **(a) All edible medical cannabis-infused products shall be prepared, handled, and**
66 **stored in compliance with the sanitation requirements in subdivision (7) of this subsection**
67 **and any other applicable rules or state law; and**

68 **(b) Any edible medical cannabis-infused product that is made to resemble a typical**
69 **food or beverage product shall be packaged in an opaque package and labeled as required**
70 **by subsection 7 of section 195.951.**

71 **(7) All facilities, including those that develop or process nonedible medical**
72 **cannabis-infused products, shall comply with the following sanitary requirements:**

73 **(a) Any dispensary agent whose job includes contact with cannabis or nonedible**
74 **medical cannabis-infused products, including cultivation, production, or packaging, is**
75 **subject to the requirements for food handlers under state law and in accordance with rules**
76 **of the department of health and senior services;**

77 **(b) Any dispensary agent working in direct contact with preparation of cannabis**
78 **or nonedible medical cannabis-infused products shall conform to sanitary practices while**
79 **on duty, including:**

80 **a. Maintaining adequate personal cleanliness; and**

81 **b. Washing hands thoroughly in an adequate hand-washing area before starting**
82 **work, and at any other time when hands may have become soiled or contaminated;**

83 **(c) Hand-washing facilities shall be adequate and convenient and shall be furnished**
84 **with running water at a suitable temperature. Hand-washing facilities shall be located in**
85 **the facility in production areas and where good sanitary practices require employees to**
86 **wash and sanitize their hands, and shall provide effective hand cleaning and sanitizing**
87 **preparations and sanitary towel service or suitable drying devices;**

88 **(d) There shall be sufficient space for placement of equipment and storage of**
89 **materials as is necessary for the maintenance of sanitary operations;**

90 **(e) Litter and waste shall be properly removed, disposed of so as to minimize the**
91 **development of odor, and minimize the potential for the waste attracting and harboring**
92 **pests. The operating systems for waste disposal shall be maintained in an adequate**
93 **manner;**

94 **(f) Floors, walls, and ceilings shall be constructed in such a manner that they may**
95 **be adequately kept clean and in good repair;**

96 **(g) There shall be adequate safety lighting in all processing and storage areas, as**
97 **well as areas where equipment or utensils are cleaned;**

98 **(h) Buildings, fixtures, and other physical facilities shall be maintained in a**
99 **sanitary condition;**

100 **(i) All contact surfaces, including utensils and equipment, shall be maintained in**
101 **a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently**
102 **as necessary to protect against contamination, using a sanitizing agent registered by the**
103 **United States Environmental Protection Agency (EPA), in accordance with labeled**
104 **instructions. Equipment and utensils shall be so designed and of such material and**
105 **workmanship as to be adequately cleanable;**

106 **(j) All toxic items shall be identified, held, and stored in a manner that protects**
107 **against contamination of cannabis and medical cannabis-infused products;**

108 **(k) A facility's water supply shall be sufficient for necessary operations. Any**
109 **private water source shall be capable of providing a safe, potable, and adequate supply of**
110 **water to meet the facility's needs;**

111 **(l) Plumbing shall be of adequate size and design, and adequately installed and**
112 **maintained to carry sufficient quantities of water to required locations throughout the**
113 **facility. Plumbing shall properly convey sewage and liquid disposable waste from the**
114 **facility. There shall be no cross-connections between the potable and waste water lines;**

115 **(m) A facility shall provide its employees with adequate readily accessible toilet**
116 **facilities that are maintained in a sanitary condition and in good repair;**

117 (n) Products that may support the rapid growth of undesirable microorganisms
118 shall be held in a manner that prevents the growth of such microorganisms; and

119 (o) Storage and transportation of finished products shall be under conditions that
120 shall protect them against physical, chemical, and microbial contamination as well as
121 against deterioration of them or their container.

122 2. (1) A medical cannabis cultivation and production facility shall provide
123 adequate lighting, ventilation, temperature, humidity, space, and equipment.

124 (2) A facility shall have separate areas for storage of cannabis that is outdated,
125 damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging
126 have been opened or breached, until such products are destroyed.

127 (3) Facility storage areas shall be maintained in a clean and orderly condition.

128 (4) Facility storage areas shall be free from infestation by insects, rodents, birds,
129 and pests of any kind.

130 (5) Facility storage areas shall be maintained in accordance with the security
131 requirements promulgated under paragraph (j) of subdivision (1) of subsection 2 of section
132 195.906.

195.960. 1. Until a medical cannabis cultivation and production facility's
2 cultivation or production process has been validated, such facility shall not wholesale,
3 transfer, or process into a medical cannabis concentrate or medical cannabis product any
4 medical cannabis, medical cannabis concentrate, or medical cannabis product unless
5 samples from the harvest batch or production batch from which such medical cannabis,
6 medical cannabis concentrate, or medical cannabis product was derived was tested by a
7 medical cannabis testing facility for contaminants and passed all contaminant tests
8 required by subsection 3 of this section.

9 2. (1) A medical cannabis cultivation and production facility's cultivation process
10 shall be deemed valid if every harvest batch that it produced during a twelve-week period
11 passed all contaminant tests required by subsection 3 of this section, including at least
12 twelve test batches that were submitted at least six days apart and contain samples from
13 entirely different harvest batches.

14 (2) A facility's production process shall be deemed valid if every production batch
15 that it produced during a four-week period passed all contaminant tests required by
16 subsection 3 of this section, including at least four test batches that were submitted at least
17 six days apart which contain samples from entirely different production batches.

18 3. (1) Each harvest batch of medical cannabis and production batch of medical
19 cannabis concentrate and medical cannabis product shall be tested for microbial
20 contamination by a medical cannabis testing facility. The microbial contamination test

21 shall include, but not be limited to, testing to determine the presence of and amounts
22 present of salmonella sp., escherichia coli. and other bile tolerant bacteria.

23 (2) Each harvest batch of medical cannabis and production batch of medical
24 cannabis concentrate and medical cannabis product shall be tested for mold contamination
25 by a medical cannabis testing facility. The mold contamination test shall include, but shall
26 be limited to, testing to determine presence and the level of aspergillus sp., mucor sp.,
27 penicillium sp., and thermophilic cctinomyces sp.

28 (3) Each harvest batch of medical cannabis produced by a facility shall be tested
29 for filth and other visible contamination by a medical cannabis testing facility. The filth
30 contamination test shall include, but shall not be limited to, the detection, separation,
31 quantification, identification, and interpretation of extraneous materials, including insects,
32 rodent droppings, visible adulterants and other contaminants, in medical cannabis flowers
33 and trim.

34 (4) Each production batch of solvent-based medical cannabis concentrate produced
35 by a facility shall be tested for residual solvent contamination by a medical cannabis testing
36 facility. The residual solvent contamination test shall include, but not be limited to, testing
37 to determine the presence of, and amounts present of, butane, propane, ethanol,
38 isopropanol, acetone, and heptane.

39 4. (1) The division may require additional tests to be conducted on a harvest batch
40 or production batch prior to a facility wholesaling, transferring, or processing into a
41 medical cannabis concentrate or medical cannabis product any medical cannabis, medical
42 cannabis concentrate, or medical cannabis product from such harvest batch or production
43 batch. Additional tests may include, but not be limited to, screening for pesticide, harmful
44 chemicals, adulterants or other types of microbials, molds, filth or residual solvents.

45 (2) (a) A production batch of medical cannabis concentrate shall be considered
46 exempt from subdivision (1) of this subsection if the facility that produced it does not
47 wholesale or transfer any portion of the production batch and it uses the entire production
48 batch to manufacture medical cannabis product; except that, a solvent-based medical
49 cannabis concentrate produced using butane, propane, ethanol, isopropanol, acetone, or
50 heptane shall still be submitted for a residual solvent contaminant test.

51 (b) A facility shall not be required to have residual solvent testing conducted on the
52 product batch of a solvent-based medical cannabis concentrate if only CO2 was used
53 during the production of the medical cannabis concentrate.

54 5. (1) (a) If a facility makes a material change to its cultivation or production
55 process, such facility shall have the first five harvest batches or production batches
56 produced using the new standard operating procedures tested for all of the contaminants

57 required by subsection 3 of this section regardless of whether its process has been
58 previously validated. If any such tests fail, such facility's process shall be revalidated.

59 (b) It shall be considered a material change if a facility begins using a new or
60 different pesticide during its cultivation process and the first five harvest batches produced
61 using the new or different pesticide shall also be tested for pesticide.

62 (c) It shall be considered a material change if a facility begins using a new or
63 different solvent or combination of solvents.

64 (d) A facility that makes a material change shall notify the medical cannabis testing
65 facility that conducts contaminant testing on the first five harvest batches or production
66 batches produced using the new standard operating procedures.

67 (e) When a harvest batch or production batch is required to be submitted for
68 testing under this subsection, the facility that produced it shall not wholesale, transfer or
69 process into a medical cannabis concentrate or medical cannabis product any of the
70 medical cannabis, medical cannabis concentrate, or medical cannabis product from such
71 harvest batch or production batch.

72 (2) If six of the ten most recently tested test batches produced by a facility fail
73 contaminant testing, the facility shall be required to revalidate its process.

74 6. Medical cannabis-infused products shall not be consumed on a premises licensed
75 under sections 195.900 to 195.985.

76 7. Notwithstanding any other provision of state law, sales of medical
77 cannabis-infused products shall not be exempt from state or local sales tax.

195.963. 1. (1) There is hereby created in the state treasury the "Medical Cannabis
2 License Cash Fund", which shall consist of all money collected by the division under
3 sections 195.900 to 195.985. The state treasurer shall be custodian of the fund. In
4 accordance with sections 30.170 and 30.180, the state treasurer may approve
5 disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the
6 fund shall be used solely for the administration of sections 195.900 to 195.985.

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

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

13 (4) There is hereby created the "Medical Cannabis Program Account" as an
14 account within the medical cannabis license cash fund. The account shall consist of all
15 moneys collected by the department of health and senior services under section 195.981.

16 the account shall be a dedicated account and, upon appropriation, money in the account
17 shall be used solely for the administration of section 195.981.

18 2. (1) The division shall require all applicants for initial state licenses under
19 sections 195.900 to 195.985 to submit a nonrefundable application fee of twelve thousand
20 five hundred dollars for a medical cannabis center license and twelve thousand five
21 hundred dollars for a medical cannabis cultivation and production facility license.

22 (2) The division shall establish all other fees for processing the following types of
23 applications, licenses, notices, or reports required to be submitted to the state licensing
24 authority:

25 (a) Applications to change location under subsection 13 of section 195.936 and rules
26 promulgated thereunder;

27 (b) Applications for transfer of ownership under section 195.933 and rules
28 promulgated thereunder;

29 (c) License renewal and expired license renewal applications under section 195.939;
30 and

31 (d) Licenses as listed in section 195.948.

32 (3) The amounts of the fees under subdivisions (1) and (2) of this subsection, when
33 added to the other fees transferred to the fund under this section, shall reflect the actual
34 direct and indirect costs of the division in the administration and enforcement of sections
35 195.900 to 195.985.

36 (4) The division may charge applicants licensed under sections 195.900 to 195.985
37 a fee for the cost of each fingerprint analysis and background investigation undertaken to
38 qualify new officers, directors, managers, or employees.

39 (5) At least annually, the division shall review the amounts of the fees and, if
40 necessary, adjust the amounts to reflect the direct and indirect costs of the division.

41 3. Except as provided in subsection 4 of this section, the division shall establish a
42 basic fee that shall be paid at the time of service of any subpoena upon the division, plus
43 a fee for meals and a fee for mileage at the rate prescribed for state officers and employees,
44 for each mile actually and necessarily traveled in going to and returning from the place
45 named in the subpoena. If the person named in the subpoena is required to attend the
46 place named in the subpoena for more than one day, there shall be paid, in advance, a sum
47 to be established by the division for each day of attendance to cover the expenses of the
48 person named in the subpoena.

49 4. The subpoena fee established under subsection 3 of this section shall not be
50 applicable to any federal, state or local governmental agency.

195.966. 1. Except as otherwise provided, all fees and fines provided for by sections 195.900 to 195.985 shall be paid to the division, which shall transmit the fees to the state treasurer. The state treasurer shall credit the fees to the medical cannabis license cash fund created in section 195.963.

2. The expenditures of the division shall be paid out of appropriations from the medical cannabis license cash fund created in section 195.963.

195.969. 1. Each application for a local license provided for in sections 195.900 to 195.985 filed with a local licensing authority shall be accompanied by an application fee and a license fee in an amount determined by the local licensing authority not to exceed ten percent of the state application fee and license fee.

2. License fees as determined by the local licensing authority shall be paid to the treasurer of the municipality or county where the licensed premises is located in advance of the approval, denial, or renewal of the license.

195.972. 1. In addition to any other sanctions prescribed by sections 195.900 to 195.985 or rules promulgated under sections 195.900 to 195.985, the division or a local licensing authority has the power, on its own motion or on complaint, after investigation and opportunity for a public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke a license issued by the respective authority for a violation by the licensee or by any of the agents or employees of the licensee of the provisions of sections 195.900 to 195.985, or any of the rules promulgated under sections 195.900 to 195.985, or of any of the terms, conditions, or provisions of the license issued by the division or local licensing authority. The division or a local licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of a hearing that the division or local licensing authority is authorized to conduct.

2. The division or local licensing authority shall provide notice of suspension, revocation, fine, or other sanction, as well as the required notice of the hearing under subsection 1 of this section by mailing the same in writing to the licensee at the address contained in the license. Except in the case of a summary suspension under section 195.984, a suspension shall not be for a longer period than six months. If a license is suspended or revoked, a part of the fees paid therefore shall not be returned to the licensee. Any license or permit may be summarily suspended by the issuing licensing authority without notice pending any prosecution, investigation, or public hearing under the terms of section 195.984. Nothing in this section shall prevent the summary suspension of a license under section 195.984. Each patient registered with a medical cannabis center that

23 has had its license summarily suspended may immediately transfer his or her primary
24 center to another licensed medical cannabis center.

25 **3. (1) Whenever a decision of the division or a local licensing authority suspending**
26 **a license for fourteen days or less becomes final, the licensee may, before the operative date**
27 **of the suspension, petition for permission to pay a fine in lieu of having the license**
28 **suspended for all or part of the suspension period. Upon the receipt of the petition, the**
29 **division or local licensing authority may, in its sole discretion, stay the proposed suspension**
30 **and cause any investigation to be made which it deems desirable and may, in its sole**
31 **discretion, grant the petition if the division or local licensing authority is satisfied that:**

32 **(a) The public welfare and morals shall not be impaired by permitting the licensee**
33 **to operate during the period set for suspension and that the payment of the fine shall**
34 **achieve the desired disciplinary purposes;**

35 **(b) The books and records of the licensee are kept in such a manner that the loss**
36 **of sales that the licensee would have suffered had the suspension gone into effect may be**
37 **determined with reasonable accuracy; and**

38 **(c) The licensee has not had his or her license suspended or revoked, nor had any**
39 **suspension stayed by payment of a fine, during the two years immediately preceding the**
40 **date of the motion or complaint that resulted in a final decision to suspend the license or**
41 **permit.**

42 **(2) The fine accepted shall be not less than five hundred dollars nor more than one**
43 **hundred thousand dollars.**

44 **(3) Payment of a fine under the provisions of this subsection shall be in the form**
45 **of cash or in the form of a certified check or cashier's check made payable to the division**
46 **or local licensing authority, whichever is appropriate.**

47 **4. Upon payment of the fine under subsection 3 of this section, the division or local**
48 **licensing authority shall enter its further order permanently staying the imposition of the**
49 **suspension. If the fine is paid to a local licensing authority, the governing body of the**
50 **authority shall cause the moneys to be paid into the general fund of the local licensing**
51 **authority. Fines paid to the division under subsection 3 of this section shall be transmitted**
52 **to the state treasurer who shall credit the same to the medical cannabis license cash fund**
53 **created in section 195.963.**

54 **5. In connection with a petition under subsection 3 of this section, the authority of**
55 **the division or local licensing authority is limited to the granting of such stays as are**
56 **necessary for the authority to complete its investigation and make its findings and, if the**
57 **authority makes such findings, to the granting of an order permanently staying the**

58 imposition of the entire suspension or that portion of the suspension not otherwise
59 conditionally stayed.

60 6. If the division or local licensing authority does not make the findings required
61 in subdivision (1) of subsection 3 of this section and does not order the suspension
62 permanently stayed, the suspension shall go into effect on the operative date finally set by
63 the division or local licensing authority.

64 7. Each local licensing authority shall report all actions taken to impose fines,
65 suspensions, and revocations to the division in a manner required by the division. No later
66 than January fifteenth of each year, the division shall compile a report of the preceding
67 year's actions in which fines, suspensions, or revocations were imposed by local licensing
68 authorities and by the division. The division shall file one copy of the report with the chief
69 clerk of the house of representatives, one copy with the secretary of the senate, and six
70 copies in the legislative library.

 195.975. 1. Each licensee shall keep a complete set of all records necessary to show
2 fully the business transactions of the licensee, all of which shall be open at all times during
3 business hours for the inspection and examination of the division or its duly authorized
4 representatives. The division may require any licensee to furnish such information as it
5 considers necessary for the proper administration of this section and may require an audit
6 to be made of the books of account and records on such occasions as it may consider
7 necessary by an auditor to be selected by the division who shall likewise have access to all
8 books and records of the licensee, and the expense thereof shall be paid by the licensee.

9 2. The licensed premises, including any places of storage where medical cannabis
10 is grown, stored, cultivated, sold, or dispensed, shall be subject to inspection by the division
11 or local licensing authorities and their investigators, during all business hours and other
12 times of apparent activity, for the purpose of inspection or investigation. For examination
13 of any inventory or books and records required to be kept by the licensees, access shall be
14 required during business hours. Where any part of the licensed premises consists of a
15 locked area, upon demand to the licensee, such area shall be made available for inspection
16 without delay, and, upon request by authorized representatives of the division or local
17 licensing authority, the licensee shall open the area for inspection.

18 3. Each licensee shall retain all books and records necessary to show fully the
19 business transactions of the licensee for a period of the current tax year and the three
20 immediately prior tax years.

 195.978. 1. Except as otherwise provided in sections 195.900 to 195.985, it is
2 unlawful for a person:

3 **(1) To consume medical cannabis in a licensed medical cannabis center, and it shall**
4 **be unlawful for a medical cannabis licensee to allow medical cannabis to be consumed**
5 **upon its licensed premises;**

6 **(2) With knowledge, to permit or fail to prevent the use of such person's registry**
7 **identification by any other person for the unlawful purchasing of medical cannabis; or**

8 **(3) To buy, sell, transfer, give away, or acquire medical cannabis except as allowed**
9 **under sections 195.900 to 195.985.**

10 **2. It is unlawful for a person licensed under sections 195.900 to 195.985:**

11 **(1) To be within a limited-access area unless the person's license badge is displayed**
12 **as required by sections 195.900 to 195.985;**

13 **(2) To fail to designate areas of ingress and egress for limited-access areas and post**
14 **signs in conspicuous locations as required by sections 195.900 to 195.985;**

15 **(3) To fail to report a transfer required by section 195.933; or**

16 **(4) To fail to report the name of or a change in managers as required by section**
17 **195.936.**

18 **3. It is unlawful for any person licensed to sell medical cannabis under sections**
19 **195.900 to 195.985:**

20 **(1) To display any signs that are inconsistent with local laws or regulations;**

21 **(2) To use advertising material that is misleading, deceptive, or false, or that is**
22 **designed to appeal to minors;**

23 **(3) To provide public premises, or any portion thereof, for the purpose of**
24 **consumption of medical cannabis in any form;**

25 **(4) (a) To sell medical cannabis to a person not licensed under sections 195.900 to**
26 **195.985 or to a person not able to produce a valid patient registry identification card.**
27 **Notwithstanding any provision in this paragraph to the contrary, a person under**
28 **twenty-one years of age shall not be employed to sell or dispense medical cannabis at a**
29 **medical cannabis center or grow or cultivate medical cannabis at a medical cannabis**
30 **cultivation and production facility.**

31 **(b) If a licensee or a licensee's employee has reasonable cause to believe that a**
32 **person is exhibiting a fraudulent patient registry identification card in an attempt to obtain**
33 **medical cannabis, the licensee or employee shall be authorized to confiscate the fraudulent**
34 **patient registry identification card, if possible, and shall, within seventy-two hours after**
35 **the confiscation, turn it over to the department of health and senior services or local law**
36 **enforcement agency. The failure to confiscate the fraudulent patient registry identification**
37 **card or to turn it over to the department or a state or local law enforcement agency within**
38 **seventy-two hours after the confiscation shall not constitute a criminal offense;**

39 **(5) To offer for sale or solicit an order for medical cannabis in person except within**
40 **the licensed premises;**

41 **(6) To have in possession or upon the licensed premises any medical cannabis, the**
42 **sale of which is not permitted by the license;**

43 **(7) To buy medical cannabis from a person not licensed to sell as provided by**
44 **sections 195.900 to 195.985;**

45 **(8) To sell medical cannabis except in the permanent location specifically**
46 **designated in the license for sale;**

47 **(9) To have on the licensed premises any medical cannabis or cannabis**
48 **paraphernalia that shows evidence of the medical cannabis having been consumed or**
49 **partially consumed;**

50 **(10) To require a medical cannabis center and medical cannabis cultivation and**
51 **production facility to make delivery to any premises other than the specific licensed**
52 **premises where the medical cannabis is to be sold; or**

53 **(11) To sell, serve, or distribute medical cannabis at any time other than between**
54 **the hours of 8:00 a.m. and 7:00 p.m. Monday through Sunday.**

55 **4. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for:**

56 **(1) A medical cannabis center or medical cannabis cultivation and production**
57 **facility to sell, deliver, or cause to be delivered to a licensee any medical cannabis not**
58 **grown upon its licensed premises; or**

59 **(2) A medical cannabis center or medical cannabis cultivation and production**
60 **facility to sell, possess, or permit sale of medical cannabis not grown upon its licensed**
61 **premises.**

62

63 **A violation of this subsection by a licensee shall be grounds for the immediate revocation**
64 **of the license granted under sections 195.900 to 195.985.**

65 **5. It shall be unlawful for a physician who makes patient referrals to a licensed**
66 **medical cannabis center to receive anything of value from the medical cannabis center**
67 **licensee or its agents, servants, officers, or owners or anyone financially interested in the**
68 **licensee, and it shall be unlawful for a licensee licensed under sections 195.900 to 195.985**
69 **to offer anything of value to a physician for making patient referrals to the licensed**
70 **medical cannabis center.**

71 **6. A person who commits any acts that are unlawful under this section is guilty of**
72 **a class A misdemeanor.**

195.981. 1. The department of health and senior services shall promulgate rules:

2 **(1) To ensure that patients suffering from legitimate debilitating medical conditions**
3 **are able to safely gain access to medical cannabis and to ensure that such patients:**

4 **(a) Are not subject to criminal prosecution for their use of medical cannabis in**
5 **accordance with this section, and the rules of the department;**

6 **(b) Are able to establish an affirmative defense to their use of medical cannabis in**
7 **accordance with this section, and the rules of the department;**

8 **(2) To prevent persons who do not suffer from legitimate debilitating medical**
9 **conditions from using this section as a means to sell, acquire, possess, produce, use, or**
10 **transport cannabis in violation of state and federal laws.**

11 **2. As used in this section, the following terms shall mean:**

12 **(1) "Bona fide physician-patient relationship", for purposes of the medical**
13 **cannabis program:**

14 **(a) A physician and a patient have a treatment or counseling relationship, in the**
15 **course of which the physician has completed a full assessment of the patient's medical**
16 **history and current medical condition, including an appropriate personal physical**
17 **examination;**

18 **(b) The physician has consulted with the patient with respect to the patient's**
19 **debilitating medical condition before the patient applies for a registry identification card;**
20 **and**

21 **(c) The physician is available to or offers to provide follow-up care and treatment**
22 **to the patient, including but not limited to patient examinations, to determine the efficacy**
23 **of the use of medical cannabis as a treatment of the patient's debilitating medical**
24 **condition;**

25 **(2) "Department", the department of health and senior services;**

26 **(3) "Director", the director of the department of health and senior services;**

27 **(4) "In good standing", with respect to a physician's license:**

28 **(a) The physician holds a doctor of medicine or doctor of osteopathic medicine**
29 **degree from an accredited medical school;**

30 **(b) The physician holds a valid license to practice medicine in Missouri that does**
31 **not contain a restriction or condition that prohibits the recommendation of medical**
32 **cannabis; and**

33 **(c) The physician has a valid and unrestricted United States Department of Justice**
34 **Federal Drug Enforcement Administration controlled substances registration;**

35 **(5) "Medical cannabis program", the program established under sections 195.900**
36 **to 195.985;**

37 **(6) "Primary caregiver", the same meaning as such term is defined in section**
38 **195.900;**

39 **(7) "Registry identification card", the nontransferable confidential registry**
40 **identification card issued by the department to patients and primary caregivers under this**
41 **section.**

42 **3. (1) The department shall promulgate rules to implement the medical cannabis**
43 **program, including rules for the following:**

44 **(a) The establishment and maintenance of a confidential registry of patients who**
45 **have applied for and are entitled to receive a registry identification card;**

46 **(b) The development by the department of an application form and making such**
47 **form available to residents of this state seeking to be listed on the confidential registry of**
48 **patients who are entitled to receive a registry identification card;**

49 **(c) The verification by the department of medical information concerning patients**
50 **who have applied for a confidential registry card or for renewal of a registry identification**
51 **card;**

52 **(d) The development by the department of a form that shall be used by a physician**
53 **when making a medical cannabis recommendation for a patient;**

54 **(e) The conditions for issuance and renewal, and the form, of the registry**
55 **identification cards issued by patients, including but not limited to standards for ensuring**
56 **that the department issues a registry identification card to a patient only if such patient has**
57 **a bona fide physician-patient relationship with a physician in good standing and licensed**
58 **to practice medicine in the state of Missouri;**

59 **(f) Communications with law enforcement officials about registry identification**
60 **cards that have been suspended when a patient is no longer diagnosed as have a**
61 **debilitating medical condition; and**

62 **(g) A waiver process to allow a homebound patient who is on the registry to have**
63 **a primary caregiver transport the patient's medical cannabis from a licensed medical**
64 **cannabis center to the patient.**

65 **(2) The department may promulgate rules regarding the following:**

66 **(a) What constitutes significant responsibility for managing the well-being of a**
67 **patient; except that, the act of supplying medical cannabis or cannabis paraphernalia, by**
68 **itself, is insufficient to constitute significant responsibility for managing the well-being of**
69 **a patient;**

70 **(b) The development of a form for a primary caregiver to use in applying to the**
71 **registry, which form shall require, at a minimum, that the applicant provide his or her full**
72 **name, home address, date of birth, and an attestation that the applicant has a significant**

73 responsibility for managing the well-being of the patient for whom he or she is designated
74 as the primary caregiver and that he or she understands and shall abide by this section,
75 and the rules promulgated by the department under this section;

76 (c) The development of a form that constitutes written documentation, which a
77 physician shall use when making a medical cannabis recommendation for a patient; and

78 (d) The grounds and procedure for a patient to change his or her designated
79 primary caregiver.

80 (3) The department shall conduct a public review hearing to receive public input
81 on any emergency rules adopted by the department and be provided with an update from
82 the industry, caregivers, patients, and other stakeholders regarding the industry's current
83 status. The department shall provide at least five business days' notice prior to the
84 hearing.

85 4. Any resident of Missouri may petition the department to add conditions or
86 treatments to the list of debilitating medical conditions as defined in subsection 3 of section
87 195.900. The department shall consider petitions in the manner required by department
88 rule, including public notice and hearing. The department shall approve or deny a petition
89 within one hundred eighty days of its submission. The approval or denial of any petition
90 is a final decision of the department, subject to judicial review.

91 5. A physician who certifies a debilitating medical condition for an applicant to the
92 medical cannabis program shall comply with all of the following requirements:

93 (1) The physician shall have a valid and active license to practice medicine in this
94 state, which license is in good standing;

95 (2) After a physician, who has a bona fide physician-patient relationship with the
96 patient applying for the medical cannabis program, determines, for the purposes of making
97 a recommendation, that the patient has a debilitating medical condition and that the
98 patient may benefit from the use of medical cannabis, the physician shall certify to the
99 department that the patient has a debilitating medical condition and that the patient may
100 benefit from the use of medical cannabis. If the physician certifies that the patient may
101 benefit from the use of medical cannabis based on a chronic or debilitating disease or
102 medical condition, the physician shall specify the chronic or debilitating disease or medical
103 condition and, if known, the cause or source of the chronic or debilitating disease or
104 medical condition;

105 (3) The physician shall maintain a record-keeping system for all patients for whom
106 the physician has recommended the medical use of cannabis;

107 (4) A physician shall not:

108 (a) **Accept, solicit, or offer any form of pecuniary remuneration from or to a**
109 **primary caregiver, distributor, or any other provider of medical cannabis;**

110 (b) **Offer a discount or any other thing of value to a patient who uses or agrees to**
111 **use a particular primary caregiver, distributor, or other provider of medical cannabis to**
112 **procure medical cannabis;**

113 (c) **Examine a patient for purposes of diagnosing a debilitating medical condition**
114 **at a location where medical cannabis is sold or distributed; or**

115 (d) **Holds an economic interest in an enterprise that provides or distributes medical**
116 **cannabis if the physician certifies the debilitating medical condition of a patient for**
117 **participation in the medical cannabis program.**

118 6. (1) **If the department has reasonable cause to believe that a physician has**
119 **violated subdivision (1), (2), or (3) of subsection 5 of this section, or the rules promulgated**
120 **by the department, the department may refer the matter to the state board of medical**
121 **examiners for an investigation and determination.**

122 (2) **If the department has reasonable cause to believe that a physician has violated**
123 **subdivision (4) of subsection 5 of this section, the department shall conduct a hearing to**
124 **determine whether a violation has occurred. Upon a finding of unprofessional conduct by**
125 **the state board of medical examiners or a finding of a violation of subdivision (4) of**
126 **subsection 5 of this section by the department, the department shall restrict a physician's**
127 **authority to recommend the use of medical cannabis, which restrictions may include the**
128 **revocation or suspension of a physician's privilege to recommend medical cannabis. The**
129 **restriction shall be in addition to any sanction imposed by the state board of medical**
130 **examiners.**

131 7. (1) **A primary caregiver shall not delegate to any other person his or her**
132 **authority to provide medical cannabis to a patient nor may a primary caregiver engage**
133 **others to assist in providing medical cannabis to a patient.**

134 (2) **A primary caregiver shall not cultivate cannabis. Only a medical cannabis**
135 **cultivation and production facility may cultivate cannabis and only for medical use.**

136 (3) **A primary caregiver shall provide to a law enforcement agency, upon inquiry,**
137 **the registry identification card number of each of his or her patients. The department shall**
138 **maintain a registry of such information and make it available twenty-four hours per day**
139 **and seven days a week to law enforcement for verification purposes.**

140 8. (1) **To be considered in compliance with this section and the rules of the**
141 **department, a patient or primary caregiver shall have his or her registry identification**
142 **card in his or her possession at all times that he or she is in possession of any form of**
143 **medical cannabis and produce the same upon request of a law enforcement officer to**

144 **demonstrate that the patient or primary caregiver is not in violation of the law. A person**
145 **who violates this section or the rules promulgated by the department may be subject to**
146 **criminal prosecution.**

147 **(2) The department shall maintain a registry of such information and make it**
148 **available twenty-four hours per day and seven days a week to law enforcement for**
149 **verification purposes. Upon inquiry by a law enforcement officer as to an individual's**
150 **status as a patient the department shall check the registry. If the individual is not**
151 **registered as a patient or primary caregiver, the department may provide that response to**
152 **law enforcement. The department may promulgate rules to implement this subsection.**

153 **(3) The department may deny a patient's application for a registry identification**
154 **card or revoke the card if the department determines that the physician who diagnosed the**
155 **patient's debilitating medical condition, the patient, or the primary caregiver violated this**
156 **section, or the rules promulgated by the department under this section; except that, when**
157 **a physician's violation is the basis for adverse action, the department may only deny or**
158 **revoke a patient's application or registry identification card when the physician's violation**
159 **is related to the issuance of a medical cannabis recommendation.**

160 **(4) A registry identification card shall be valid for one year and shall contain a**
161 **unique identification number. It shall be the responsibility of the patient to apply to renew**
162 **his or her registry identification card prior to the date on which the card expires. The**
163 **department shall develop a form for a patient to use in renewing his or her registry**
164 **identification card.**

165 **(5) If the department grants a patient a waiver to allow a primary caregiver to**
166 **transport the patient's medical cannabis from a medical cannabis center to the patient, the**
167 **department shall designate the waiver on the patient's registry identification card.**

168 **(6) A homebound patient who receives a waiver from the department to allow a**
169 **primary caregiver to transport the patient's medical cannabis to the patient from a medical**
170 **cannabis center shall provide the primary caregiver with the patient's registry**
171 **identification card, which the primary caregiver shall carry when the primary caregiver**
172 **is transporting the medical cannabis. A medical cannabis center may provide the medical**
173 **cannabis to the primary caregiver for transport to the patient if the primary caregiver**
174 **produces the patient's registry identification card.**

175 **9. (1) The use of medical cannabis is allowed under state law to the extent that it**
176 **is carried out in accordance with sections 195.900 to 195.985 and the rules of the**
177 **department.**

178 **(2) A patient or primary caregiver shall not:**

- 179 **(a) Engage in the medical use of cannabis in a way that endangers the health and**
180 **well-being of a person;**
- 181 **(b) Engage in the medical use of cannabis in plain view or in a place open to the**
182 **general public;**
- 183 **(c) Undertake any task while under the influence of medical cannabis, when doing**
184 **so would constitute negligence or professional malpractice;**
- 185 **(d) Possess medical cannabis or otherwise engage in the use of medical cannabis in**
186 **or on the grounds of a school or in a school bus;**
- 187 **(e) Engage in the use of medical cannabis while:**
- 188 **a. In a correctional facility;**
- 189 **b. Subject to a sentence to incarceration; or**
- 190 **c. In a vehicle, aircraft, or motorboat;**
- 191 **(f) Operate, navigate, or be in actual physical control of any vehicle, aircraft, or**
192 **motorboat while under the influence of medical cannabis; or**
- 193 **(g) Use medical cannabis if the person does not have a debilitating medical**
194 **condition as diagnosed by the person's physician in the course of a bona fide**
195 **physician-patient relationship and for which the physician has recommended the use of**
196 **medical cannabis.**
- 197 **(3) A person shall not establish a business to permit patients to congregate and**
198 **smoke or otherwise consume medical cannabis.**
- 199 **10. Only licensed medical cannabis cultivation and production facilities may**
200 **cultivate medical cannabis.**
- 201 **11. If a patient raises an affirmative defense the patient's physician shall certify the**
202 **specific amounts in excess of two and one-half ounces that are necessary to address the**
203 **patient's debilitating medical condition and why such amounts are necessary. A patient**
204 **who asserts this affirmative defense shall waive confidentiality privileges related to the**
205 **condition or conditions that were the basis for the recommendation. If a patient, primary**
206 **caregiver, or physician raises an exception to the state criminal laws, the patient, primary**
207 **caregiver, or physician waives the confidentiality of his or her records related to the**
208 **condition or conditions that were the basis for the recommendation maintained by the**
209 **department for the medical cannabis program. Upon request of a law enforcement agency**
210 **for such records, the department shall only provide records pertaining to the individual**
211 **raising the exception, and shall redact all other patient, primary caregiver, or physician**
212 **identifying information.**
- 213 **12. (1) Except as provided in subdivision (2) of this subsection, the department**
214 **shall establish a basic fee that shall be paid at the time of service of any subpoena upon the**

215 department, plus a fee for meals and a fee for mileage at the rate prescribed for state
216 officers and employees, for each mile actually and necessarily traveled in going to and
217 returning from the place named in the subpoena. If the person named in the subpoena is
218 required to attend the place named in the subpoena for more than one day, there shall be
219 paid, in advance, a sum to be established by the department for each day of attendance to
220 cover the expenses of the person named in the subpoena.

221 (2) The subpoena fee established under subdivision (1) of the subsection shall not
222 be applicable to any federal, state, or local governmental agency.

223 13. The department may collect fees from patients who apply to the medical
224 cannabis program for a cannabis registry identification card for the purpose of offsetting
225 the department's direct and indirect costs of administering the program. The amount of
226 such fees shall be set by rule of the department. The amount of the fees set under this
227 section shall reflect the actual direct and indirect costs of the department in the
228 administration and enforcement of this section. All fees collected by the department
229 through the medical cannabis program shall be transferred to the state treasurer who shall
230 credit the same to the medical cannabis program account within the medical cannabis
231 license cash fund created in section 195.963.

195.984. 1. (1) The division of alcohol and tobacco control may summarily suspend
2 a license issued under sections 195.900 to 195.985 prior to a hearing in order immediately
3 to stop or restrict operations by a licensee to protect the public health, safety, or welfare.
4 The division may rescind or amend a summary suspension.

5 (2) If, based upon inspection, affidavits, or other evidence, the division determines
6 that a licensee or the products prepared by a licensee pose an immediate or serious threat
7 to the public health, safety, or welfare, the division may summarily suspend a license:

8 (a) Requiring cessation or restriction of any or all licensee operations and
9 prohibiting the use of medical cannabis produced by such licensee; or

10 (b) Placing restrictions on a licensee to the extent necessary to avert a continued
11 threat, pending final investigation results.

12 (3) The requirements of the summary suspension shall remain in effect until the
13 division rescinds or amends such requirements or until such time as the division takes final
14 action on any related pending complaint and issues a final decision.

15 2. The department of health and senior services may summarily suspend any
16 registration issued under section 195.981, pending further proceedings for denial of
17 renewal or revocation of a registration, whenever the department finds that the continued
18 registration poses an imminent danger to the public health, safety, or welfare.

195.985. Any rule or portion of a rule, as that term is defined in section 536.010,
2 that is created under the authority delegated in sections 195.900 to 195.985 shall become
3 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
4 if applicable, section 536.028. Sections 195.900 to 195.985 and chapter 536 are
5 nonseverable and if any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
8 proposed or adopted after August 28, 2015, shall be invalid and void.

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby
2 declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants
3 growing upon their land. Any person who knowingly allows such plants to grow on his land or
4 refuses to destroy such plants after being notified to do so shall allow any sheriff or such other
5 persons as designated by the county commission to enter upon any land in this state and destroy
6 such plants.

7 2. Entry to such lands shall not be made, by any sheriff or other designated person to
8 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or
9 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In
10 all such instances, the county commission shall bear the cost of destruction and notification.

11 3. The provisions of this section shall not apply to the authorized production of
12 cannabis plants for purposes of providing medical cannabis under sections 195.900 to
13 195.985.

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