

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 15, Page 6, Section 195.010, Line 91, by inserting immediately
2 after the first instance of the words "controlled substance" the phrase "except marijuana if in
3 compliance with sections 195.2150 to 195.2177"; and

4
5 Further amend said bill, page, and section, Line 111, by inserting after the word "marijuana" the
6 phrase if in violation of sections 195.2150 to 195.2177"; and

7
8 Further amend said bill and section, Page 7, Line 122, by inserting after the word "marijuana" the
9 phrase if in violation of sections 195.2150 to 195.2177"; and

10
11 Further amend said bill, Page 16, Section 195.265, Line 34, by inserting after all of said section and
12 line the following:

13 "195.2150. 1. As used in sections 195.2150 to 195.2177, unless context requires otherwise,
14 the following terms mean:

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

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

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

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

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

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

36 (7) "Marijuana cultivation facility", an entity licensed to cultivate, prepare, and package

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1 marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing
2 facilities, and to other marijuana cultivation facilities, but not to consumers;

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

5 (9) "Marijuana-product manufacturing facility", an entity licensed to purchase marijuana;
6 manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products
7 to other marijuana-product manufacturing facilities and to retail marijuana stores but not to
8 consumers;

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

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

14 (12) "Retail marijuana store", an entity licensed to purchase marijuana from marijuana
15 cultivation facilities and marijuana and marijuana products from marijuana product manufacturing
16 facilities and to sell marijuana and marijuana products to consumers;

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

21 195.2153. 1. Notwithstanding any other provision of law, the following acts are not
22 unlawful and shall not be an offense under Missouri law or the law of any locality within Missouri
23 or be a basis for seizure or forfeiture of assets under Missouri law for persons twenty-one years of
24 age or older:

25 (1) Possessing marijuana or marijuana accessories; or

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

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

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

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

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

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

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

47 (6) Cultivate, harvest, process, package, transport, display, or possess marijuana; deliver or
48 transfer marijuana to a marijuana testing facility; sell marijuana to a marijuana cultivation facility, a

1 marijuana-product manufacturing facility, or a retail marijuana store; or purchase marijuana from a
 2 marijuana cultivation facility, if the person conducting the activities described in this subdivision
 3 has obtained a current, valid license to operate a marijuana cultivation facility or is acting in his or
 4 her capacity as an owner, employee, or agent of a licensed marijuana cultivation facility;

5 (7) Package, process, transport, manufacture, display, or possess marijuana or marijuana
 6 products; deliver or transfer marijuana or marijuana products to a marijuana testing facility; sell
 7 marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing
 8 facility; purchase marijuana from a marijuana cultivation facility; or purchase marijuana or
 9 marijuana products from a marijuana-product manufacturing facility, if the person conducting the
 10 activities described in this subdivision has obtained a current, valid license to operate a marijuana
 11 product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of
 12 a licensed marijuana product manufacturing facility;

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

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

20 195.2156. 1. Any locality in this state may, after voter approval under this section, allow
 21 for the growing, manufacturing, selling, displaying, transferring, delivering, packaging, processing,
 22 cultivating, or harvesting of marijuana or marijuana products, as provided for under sections
 23 195.2150 to 195.2177. The question shall be submitted to the qualified voters of the locality at a
 24 general, primary, or special election upon the motion of the governing body of the locality or upon
 25 the petition of eight percent of the qualified voters of the locality determined on the basis of the
 26 number of votes cast for governor in such locality at the last gubernatorial election held prior to the
 27 filing of the petition. The elected officials of the locality shall give legal notice as provided in
 28 chapter 115. If a majority of the votes cast on the question by the qualified voters voting thereon
 29 are in favor of allowing the growing, manufacturing, selling, displaying, transferring, delivering,
 30 packaging, processing, cultivating, or harvesting of marijuana or marijuana products, then such acts
 31 shall not be unlawful, as authorized in sections 195.2150 to 195.2177. If a majority of the votes
 32 cast on the question by the qualified voters voting thereon are opposed to the growing,
 33 manufacturing, selling, displaying, transferring, delivering, packaging, processing, cultivating, or
 34 harvesting of marijuana or marijuana products or if the locality fails to submit the issue to the
 35 qualified voters, such acts shall be unlawful and constitute an offense within that locality.

36 2. If a county, by affirmative vote, allows for the growing, manufacturing, selling,
 37 displaying, transferring, delivering, packaging, processing, cultivating, or harvesting of marijuana or
 38 marijuana products, any city, town, or village in such county may submit the issue for a vote within
 39 that locality under the procedures set out in subsection 1 of this section. If a majority of the votes
 40 cast on the question by the qualified voters voting thereon are opposed to the growing,
 41 manufacturing, selling, displaying, transferring, delivering, packaging, processing, cultivating, or
 42 harvesting of marijuana or marijuana products, then the locality shall prohibit the acts affirmed by
 43 the county.

44 195.2159. 1. Before July 1, 2020, the division shall adopt rules and regulations necessary
 45 for implementation of sections 195.2150 to 195.2177. Any rule or portion of a rule, as that term is
 46 defined in section 536.010, that is created under the authority delegated in this section shall become
 47 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 48 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the

1 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
2 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
3 rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and
4 void.

5 2. Such rules and regulations shall include:

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

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

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

13 (4) Security requirements for marijuana establishments;

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

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

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

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

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

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

27 195.2162. 1. A tax shall be levied upon the sale of marijuana or transfer of marijuana by a
28 marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana
29 store at a rate not to exceed twenty percent prior to January 1, 2023, and at a rate to be determined
30 by the department of revenue thereafter. The department of revenue shall direct the division to
31 establish procedures for the collection of all taxes levied. The tax shall be evidenced by stamps
32 which shall be furnished by and purchased from the department of revenue, and such department
33 shall enforce any such tax in a manner similar to taxes levied on cigarettes under chapter 149.

34 2. All such tax revenue shall be deposited to the credit of the general revenue; however, no
35 more than five percent shall be used to fund programs involving early childhood education and
36 social services, and no such tax revenue shall be used to fund any pension or public retirement plan.

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

39 195.2165. Each application for an annual license to operate a marijuana establishment shall
40 be submitted to the division.

41 The division shall:

42 (1) Begin accepting and processing applications on October 1, 2020;

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

45 (3) Issue an annual license to the applicant between forty-five and ninety days after receipt
46 of an application unless the division finds the applicant is not in compliance with rules and
47 regulations enacted under section 195.2159, provided that if a locality has enacted a numerical limit
48 on the number of marijuana establishments and a greater number of applicants seek licenses, the

1 division shall solicit and consider input from the locality as to the locality's preference or
 2 preferences for licensure; and

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

5 195.2168. Nothing in sections 195.2150 to 195.2177 shall require an employer to permit or
 6 accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of
 7 marijuana in the workplace or to affect the ability of employers to have policies restricting the use
 8 of marijuana by employees.

9 195.2171. Nothing in sections 195.2150 to 195.2177 allows driving under the influence of
 10 or while impaired by marijuana or supersedes statutory laws related to driving under the influence
 11 of or while impaired by marijuana, nor shall sections 195.2150 to 195.2177 prevent the state from
 12 enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

13 195.2174. Nothing in sections 195.2150 to 195.2177 shall permit the transfer of marijuana,
 14 with or without remuneration, to a person under twenty-one years of age or to allow a person under
 15 twenty-one years of age to purchase, possess, use, transport, grow, or consume marijuana.

16 195.2177. Nothing in sections 195.2150 to 195.2177 shall prohibit a person, employer,
 17 school, hospital, detention facility, corporation, or any other entity that occupies, owns, or controls a
 18 property from prohibiting or otherwise regulating the possession, consumption, use, display,
 19 transfer, distribution, sale, transportation, or growing of marijuana on or in such property."; and

20
 21 Further amend said bill, Page 28, Section 376.811, Line 82, by inserting after all of said section and
 22 line the following:

23
 24 "579.015. 1. A person commits the offense of possession of a controlled substance if he or
 25 she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.

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

29 3. The offense of possession of more than ten grams but thirty-five grams or less of
 30 marijuana if possessed by a person under twenty-one years of age or more than ten grams but thirty-
 31 five grams or less of any synthetic cannabinoid is a class A misdemeanor.

32 4. The offense of possession of not more than ten grams of marijuana if possessed by a
 33 person under twenty-one years of age or not more than ten grams of any synthetic cannabinoid is a
 34 class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws
 35 related to controlled substances of this state, or of the United States, or any state, territory, or
 36 district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in
 37 the same manner as required by section 558.021.

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

42 579.020. 1. A person commits the offense of delivery of a controlled substance if, except as
 43 authorized in this chapter or chapter 195, he or she:

44 (1) Knowingly distributes or delivers a controlled substance;

45 (2) Attempts to distribute or deliver a controlled substance;

46 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any
 47 amount of a controlled substance; or

48 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled

1 substances.

2 2. Except ~~when~~ if the controlled substance is thirty-five grams or less of ~~[marijuana or]~~
3 synthetic cannabinoid or is marijuana in compliance with the provisions of sections 195.2150 to
4 195.2177 or as otherwise provided under subsection 5 of this section, the offense of delivery of a
5 controlled substance is a class C felony.

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

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

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

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

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

17 579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug
18 paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to
19 distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one
20 reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest,
21 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
22 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
23 substance, except marijuana if in compliance with sections 195.2150 to 195.2177, or an imitation
24 controlled substance in violation of this chapter.

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

27 579.055. 1. A person commits the offense of manufacture of a controlled substance if,
28 except as authorized in this chapter or chapter 195, he or she:

29 (1) Knowingly manufactures, produces, or grows a controlled substance;

30 (2) Attempts to manufacture, produce, or grow a controlled substance; or

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

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

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

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

44
45 Further amend said bill by amending the title, enacting clause, and intersectional references
46 accordingly.