

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

1 AMEND House Amendment No. \_\_\_\_ to House Committee Bill No. 15, Page 1, Line 1, by  
2 inserting after the words "House Committee Bill No. 15," the following:

3  
4 "Page 2, Section 190.220, Line 42, by inserting immediately after said section and line the  
5 following:

6  
7 "192.945. 1. As used in this section, the following terms shall mean:

8 (1) "Department", the department of health and senior services;

9 (2) "Hemp extract", as such term is defined in section 195.207;

10 (3) "Hemp extract registration card", a card issued by the department under this section;

11 (4) [~~"Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to~~  
12 ~~three or more treatment options overseen by the neurologist;~~

13 ~~—(5) "Neurologist", a physician who is licensed under chapter 334 and board certified in~~  
14 ~~neurology;~~

15 ~~—(6)] "Parent", a parent or legal guardian of a minor who is responsible for the minor's~~  
16 ~~medical care;~~

17 (5) "Physician", any person currently licensed to practice medicine under chapter 334;

18 [(7)] (6) "Registrant", an individual to whom the department issues a hemp extract  
19 registration card under this section;

20 (7) "Seizure disorders", epilepsy or nonepileptic seizures that are triggered by other physical  
21 or psychological disorders and conditions;

22 (8) "Serious condition":

23 (a) Cancer, positive status for human immunodeficiency virus or acquired immune  
24 deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage  
25 to the nervous tissue of the spinal cord with objective neurological indication of intractable  
26 spasticity, epilepsy, inflammatory bowel disease, neuropathies, Huntington's disease, post-traumatic  
27 stress disorder, rheumatoid arthritis; or

28 (b) Any of the following conditions clinically associated with, or a complication of, a  
29 condition under this subdivision or its treatment: cachexia or wasting syndrome, severe or chronic  
30 pain, severe nausea, seizures, severe or persistent muscle spasms.

31 2. The department shall issue a hemp extract registration card to an individual who:

32 (1) Is eighteen years of age or older;

33 (2) Is a Missouri resident;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (3) Provides the department with a [statement] recommendation signed by a [neurologist]  
2 physician that:

3 (a) Indicates that the individual suffers from [intractable epilepsy] a serious condition or  
4 seizure disorder and may benefit from treatment with hemp extract; [and]

5 (b) Is consistent with a record from the [neurologist] physician concerning the individual  
6 contained in the database described in subsection 9 of this section;

7 (c) Indicates the physician, by training or experience, is qualified to treat the serious  
8 condition or seizure disorder; and

9 (d) States that the individual is under the physician's continuing care for the serious  
10 condition or seizure disorder;

11 (4) Pays the department a fee in an amount established by the department under subsection  
12 6 of this section; and

13 (5) Submits an application to the department on a form created by the department that  
14 contains:

15 (a) The individual's name and address;

16 (b) A copy of the individual's valid photo identification; and

17 (c) Any other information the department considers necessary to implement the provisions  
18 of this section.

19 3. The department shall issue a hemp extract registration card to a parent who:

20 (1) Is eighteen years of age or older;

21 (2) Is a Missouri resident;

22 (3) Provides the department with a [statement] recommendation signed by a [neurologist]  
23 physician that:

24 (a) Indicates that a minor in the parent's care suffers from [intractable epilepsy] a serious  
25 condition or seizure disorder and may benefit from treatment with hemp extract; [and]

26 (b) Is consistent with a record from the [neurologist] physician concerning the minor  
27 contained in the database described in subsection [9] 10 of this section;

28 (c) The physician, by training or experience, is qualified to treat the serious condition or  
29 seizure disorder; and

30 (d) The minor is under the physician's continuing care for the serious condition or seizure  
31 disorder;

32 (4) Pays the department a fee in an amount established by the department under subsection  
33 6 of this section; and

34 (5) Submits an application to the department on a form created by the department that  
35 contains:

36 (a) The parent's name and address;

37 (b) The minor's name;

38 (c) A copy of the parent's valid photo identification; and

39 (d) Any other information the department considers necessary to implement the provisions  
40 of this section.

41 4. The department shall maintain a record of the name of each registrant and the name of  
42 each minor receiving care from a registrant.

43 5. The department may promulgate rules to authorize clinical trials involving hemp extract  
44 and shall promulgate rules to:

45 (1) Implement the provisions of this section including establishing the information the  
46 applicant is required to provide to the department and establishing in accordance with  
47 recommendations from the department of public safety the form and content of the hemp extract  
48 registration card; and

1 (2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a  
 2 registrant, which shall be in addition to any other state [~~or federal~~] regulations[; and  
 3 ~~The department may promulgate rules to authorize clinical trials involving hemp extract~~].

4 6. The department shall establish fees that are no greater than the amount necessary to cover  
 5 the cost the department incurs to implement the provisions of this section.

6 7. The registration cards issued under this section shall be valid for one year and renewable  
 7 if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this  
 8 section.

9 8. Only the physician may recommend hemp extract and sign the recommendation  
 10 described in subsection 2 or 3 of this section as part of the treatment plan of a patient diagnosed  
 11 with a serious condition or seizure disorder.

12 9. The [~~neurologist~~] physician who signs the [~~statement~~] recommendation described in  
 13 subsection 2 or 3 of this section shall:

14 (1) Keep a record of the [~~neurologist's~~] physician's evaluation and observation of a patient  
 15 who is a registrant or minor under a registrant's care including the patient's response to hemp  
 16 extract; [~~and~~]

17 (2) Transmit the record described in subdivision (1) of this subsection to the department;  
 18 and

19 (3) Notify the patient or the patient's parent or guardian if the patient is a minor, prior to  
 20 providing a recommendation, that hemp extract has not been approved by the Federal Drug  
 21 Administration and by using such treatment the patient or patient's parent or guardian is accepting  
 22 the risks involved in using an unapproved product.

23 [~~9-~~] 10. The department shall maintain a database of the records described in subsection [~~8~~]  
 24 9 of this section and treat the records as identifiable health data.

25 [~~10-~~] 11. The department may share the records described in subsection [~~9~~] 10 of this  
 26 section with a higher education institution for the purpose of studying hemp extract.

27 [~~11-~~] 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 28 created under the authority delegated in this section shall become effective only if it complies with  
 29 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
 30 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
 31 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
 32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
 33 adopted after July 14, 2014, shall be invalid and void.

34 192.947. 1. No individual or health care entity organized under the laws of this state shall  
 35 be subject to any adverse action by the state or any agency, board, or subdivision thereof, including  
 36 civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or  
 37 administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or  
 38 commission if such individual or health care entity, in its normal course of business and within its  
 39 applicable licenses and regulations, acts in good faith upon or in furtherance of any order or  
 40 recommendation by a [~~neurologist~~] physician authorized under section 192.945 relating to the  
 41 medical use and administration of hemp extract with respect to an eligible patient.

42 2. The provisions of subsection 1 of this section shall apply to the recommendation,  
 43 possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract,  
 44 including any act in preparation of such dispensing or administration.

45  
 46 3. [~~This section shall not be construed to limit the rights provided under law for a patient to~~  
 47 ~~bring a civil action for damages against a physician, hospital, registered or licensed practical nurse,~~  
 48 ~~pharmacist, any other individual or entity providing health care services, or an employee of any~~

1 ~~entity listed in this subsection]~~ Notwithstanding the provisions of section 538.210 or any other law  
 2 to the contrary, a physician licensed under chapter 334, or a hospital, who provides medical  
 3 treatment to any patient under section 192.945 shall not be liable for any civil damages for acts or  
 4 omissions unless the damages were occasioned by gross negligence or willful or wanton acts or  
 5 omissions by such physician, or hospital, in rendering such treatment."; and

6  
 7 Further amend said bill, Page 15, Section 195.206, Line 38, by inserting after all of said section and  
 8 line the following:

9  
 10 "195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term  
 11 "hemp extract" shall mean an extract from a cannabis plant or a mixture or preparation containing  
 12 cannabis plant material that:

13 (1) Is composed of no more than ~~[three-tenths]~~ nine-tenths percent tetrahydrocannabinol by  
 14 weight;

15 (2) Is composed of at least ~~[five]~~ one and one-half percent cannabidiol by weight; and

16 (3) Contains no other psychoactive substance.

17 2. Notwithstanding any other provision of this chapter ~~or chapter 579~~, an individual who  
 18 has been issued a valid hemp extract registration card under section 192.945, or is a minor under a  
 19 registrant's care, and possesses or uses hemp extract is not subject to the penalties described in this  
 20 chapter ~~or chapter 579~~ for possession or use of the hemp extract if the individual:

21 (1) Possesses or uses the hemp extract only to treat ~~[intractable epilepsy]~~ a serious condition  
 22 or seizure disorder as defined in section 192.945;

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

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

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

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

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

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

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

35 3. Notwithstanding any other provision of this chapter ~~or chapter 579~~, an individual who  
 36 possesses hemp extract lawfully under subsection 2 of this section and administers hemp extract to a  
 37 minor suffering from ~~[intractable epilepsy]~~ a serious condition or seizure disorder is not subject to  
 38 the penalties described in this chapter ~~or chapter 579~~ for administering the hemp extract to the  
 39 minor if:

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

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

43 4. An individual who has ~~[been issued]~~ a valid hemp extract registration card under section  
 44 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract  
 45 pursuant to this section. Subject to any rules or regulations promulgated by the department of  
 46 health and senior services, an individual may apply for a waiver if a physician provides a substantial  
 47 medical basis in a signed, written statement asserting that, based on the patient's medical history, in  
 48 the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate

1 the patient's medical condition or symptoms associated with such medical condition."; and

2  
3 Further amend said bill, Page 23, Section 217.364, Line 37, by inserting after all of said section and  
4 line the following:

5  
6 "261.265. 1. For purposes of this section, the following terms shall mean:

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

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

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

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

17 (5) "Entity", a person, corporation, nonprofit corporation, limited liability corporation,  
18 general or limited partnership, or other legal entity;

19 (6) "Grower", a nonprofit entity issued a cultivation and production facility license by the  
20 department of agriculture that produces hemp extract for the treatment of [~~intractable epilepsy~~] a  
21 serious condition or seizure disorder as such terms are defined under section 192.945;

22 [~~(6)~~] (7) "Hemp":

23 (a) All nonseed parts and varieties of the *cannabis sativa* plant, whether growing or not, that  
24 contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the  
25 lesser of:

26 a. [~~Three-tenths~~] Nine-tenths of one percent on a dry weight basis; or

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

29 (b) Any *cannabis sativa* seed that is:

30 a. Part of a growing crop;

31 b. Retained by a grower for future planting; or

32 c. For processing into or use as agricultural hemp seed.

33 This term shall not include industrial hemp commodities or products;

34 [~~(7)~~] (8) "Hemp monitoring system", an electronic tracking system that includes, but is not  
35 limited to, testing and data collection established and maintained by the cultivation and production  
36 facility and is available to the department for the purposes of documenting the hemp extract  
37 production and retail sale of the hemp extract.

38 2. The department shall issue a cultivation and production facility license to [~~a nonprofit~~] an  
39 entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1  
40 of section 195.207 or hemp on the entity's property if the entity has submitted to the department an  
41 application as required by the department under subsection 7 of this section, [~~the entity~~] meets all  
42 requirements of this section and the department's rules, and there are fewer than [~~two~~] ten licensed  
43 cultivation and production facilities operating in the state. Any cultivation and production facility  
44 license issued before August 28, 2018, shall continue to be valid even if the licensed entity does not  
45 meet the residency requirement under this subsection, and the licensed entity may implement the  
46 new provisions defined in this section upon its enactment.

47 3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp  
48 extract as defined in section 195.207 for the treatment of persons suffering from [~~intractable~~

1 epilepsy as defined in section 192.945] a serious condition or seizure disorder, consistent with any  
 2 and all state [~~or federal~~] regulations regarding the production, manufacture, or distribution of such  
 3 product. The department shall not issue more than [~~two~~] five cultivation and production facility  
 4 licenses for the operation of such facilities at any one time in 2018, and not more than ten  
 5 cultivation and production facility licenses for the operation of such facilities at any one time in  
 6 2019.

7 4. The department shall maintain a list of growers.

8 5. All growers shall keep records in accordance with rules adopted by the department.

9 Upon at least three days' notice, the director of the department may audit the required records during  
 10 normal business hours. The director may conduct an audit for the purpose of ensuring compliance  
 11 with this section.

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

17 (1) [~~Three-tenths~~] Nine-tenths of one percent on a dry weight basis; or

18 (2) The percent based on a dry weight basis determined by the federal Controlled  
 19 Substances Act under 21 U.S.C. Section 801, et seq., the director may detain, seize, or embargo the  
 20 crop.

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

22 (1) Application requirements for licensing, including requirements for the submission of  
 23 fingerprints and the completion of a criminal background check;

24 (2) Security requirements for cultivation and production facility premises, including, at a  
 25 minimum, lighting, physical security, video and alarm requirements;

26 (3) Rules relating to hemp monitoring systems as defined in this section;

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

30 (5) Requirements that any hemp extract received from a legal source be submitted to a  
 31 testing facility designated by the department to ensure that such hemp extract complies with the  
 32 provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides.  
 33 Any hemp extract that is not submitted for testing or which after testing is found not to comply with  
 34 the provisions of section 195.207 shall not be distributed or used and shall be submitted to the  
 35 department for destruction; and

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

38 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
 39 under the authority delegated in this section shall become effective only if it complies with and is  
 40 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
 41 chapter 536 are nonseverable, and if any of the powers vested with the general assembly under  
 42 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
 43 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
 44 July 14, 2014, shall be invalid and void.

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

48 10. In addition to any other liability or penalty provided by law, the director may revoke or

1 refuse to issue or renew a cultivation and production facility license and may impose a civil penalty  
2 on a grower for any violation of this section, or section 192.945 or 195.207. The director may not  
3 impose a civil penalty under this section that exceeds two thousand five hundred dollars.

4 11. The department shall establish fees that are no greater than the amount necessary to  
5 cover the cost the department incurs to implement the provisions of this section."; and

6  
7 Further amend said bill,"; and

8  
9 Further amend said bill by amending the title, enacting clause, and intersectional references  
10 accordingly.

11  
12 THIS AMENDS 6522H01.14H