

SECOND REGULAR SESSION

HOUSE BILL NO. 1731

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH (80).

5157H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.010, 579.015, 579.020, 579.040, and 579.055, RSMo, and to enact in lieu thereof fifteen new sections relating to the legalization of marijuana, with penalty provisions.

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

Section A. Sections 195.010, 579.015, 579.020, 579.040, and 579.055, RSMo, are
2 repealed and fifteen new sections enacted in lieu thereof, to be known as sections 195.010,
3 195.2150, 195.2153, 195.2156, 195.2159, 195.2162, 195.2165, 195.2168, 195.2171, 195.2174,
4 195.2177, 579.015, 579.020, 579.040, and 579.055, to read as follows:

195.010. The following words and phrases as used in this chapter and chapter 579,
2 unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled substances to such an
4 extent as to create a tolerance for such drugs, and who does not have a medical need for such
5 drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control
6 with reference to his or her addiction;

7 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,
8 ingestion, or any other means, directly to the body of a patient or research subject by:

9 (a) A practitioner (or, in his or her presence, by his or her authorized agent); or

10 (b) The patient or research subject at the direction and in the presence of the practitioner;

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
14 lawful course of the carrier's or warehouseman's business;

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.

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
16 authorized to investigate, commence and prosecute an action under this chapter;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
18 through V listed in this chapter;

19 (6) "Controlled substance analogue", a substance the chemical structure of which is
20 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

21 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
22 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
23 nervous system of a controlled substance included in Schedule I or II; or

24 (b) With respect to a particular individual, which that individual represents or intends
25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
27 system of a controlled substance included in Schedule I or II. The term does not include a
28 controlled substance; any substance for which there is an approved new drug application; any
29 substance for which an exemption is in effect for investigational use, for a particular person,
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the
31 extent conduct with respect to the substance is pursuant to the exemption; or any substance to
32 the extent not intended for human consumption before such an exemption takes effect with
33 respect to the substance;

34 (7) "Counterfeit substance", a controlled substance which, or the container or labeling
35 of which, without authorization, bears the trademark, trade name, or other identifying mark,
36 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
37 other than the person who in fact manufactured, distributed, or dispensed the substance;

38 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
39 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
40 substance, whether or not there is an agency relationship, and includes a sale;

41 (9) "Dentist", a person authorized by law to practice dentistry in this state;

42 (10) "Depressant or stimulant substance":

43 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
44 or any derivative of barbituric acid which has been designated by the United States Secretary of
45 Health and Human Services as habit forming under 21 U.S.C. Section 352(d);

46 (b) A drug containing any quantity of:

47 a. Amphetamine or any of its isomers;

48 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

49 c. Any substance the United States Attorney General, after investigation, has found to
50 be, and by regulation designated as, habit forming because of its stimulant effect on the central
51 nervous system;

52 (c) Lysergic acid diethylamide; or

53 (d) Any drug containing any quantity of a substance that the United States Attorney
54 General, after investigation, has found to have, and by regulation designated as having, a
55 potential for abuse because of its depressant or stimulant effect on the central nervous system or
56 its hallucinogenic effect;

57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
60 delivery. "Dispenser" means a practitioner who dispenses;

61 (12) "Distribute", to deliver other than by administering or dispensing a controlled
62 substance;

63 (13) "Distributor", a person who distributes;

64 (14) "Drug":

65 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
66 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
67 supplement to any of them;

68 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
69 prevention of disease in humans or animals;

70 (c) Substances, other than food, intended to affect the structure or any function of the
71 body of humans or animals; and

72 (d) Substances intended for use as a component of any article specified in this
73 subdivision. It does not include devices or their components, parts or accessories;

74 (15) "Drug-dependent person", a person who is using a controlled substance and who
75 is in a state of psychic or physical dependence, or both, arising from the use of such substance
76 on a continuous basis. Drug dependence is characterized by behavioral and other responses
77 which include a strong compulsion to take the substance on a continuous basis in order to
78 experience its psychic effects or to avoid the discomfort caused by its absence;

79 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
80 States Department of Justice, or its successor agency;

81 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
82 which are used, intended for use, or designed for use, in planting, propagating, cultivating,
83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the

85 human body a controlled substance, **except marijuana if in compliance with sections 195.2150**
86 **to 195.2177**, or an imitation controlled substance in violation of this chapter or chapter 579. It
87 includes, but is not limited to:

88 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
89 growing or harvesting of any species of plant which is a controlled substance or from which a
90 controlled substance can be derived;

91 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
92 converting, producing, processing, or preparing controlled substances or imitation controlled
93 substances;

94 (c) Isomerization devices used, intended for use, or designed for use in increasing the
95 potency of any species of plant which is a controlled substance or an imitation controlled
96 substance;

97 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
98 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
99 substances;

100 (e) Scales and balances used, intended for use, or designed for use in weighing or
101 measuring controlled substances or imitation controlled substances;

102 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
103 and lactose, used, intended for use, or designed for use in cutting controlled substances or
104 imitation controlled substances;

105 (g) Separation gins and sifters used, intended for use, or designed for use in removing
106 twigs and seeds from, or in otherwise cleaning or refining, marijuana **if in violation of sections**
107 **195.2150 to 195.2177**;

108 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
109 designed for use in compounding controlled substances or imitation controlled substances;

110 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
111 for use in packaging small quantities of controlled substances or imitation controlled substances;

112 (j) Containers and other objects used, intended for use, or designed for use in storing or
113 concealing controlled substances or imitation controlled substances;

114 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
115 for use in parenterally injecting controlled substances or imitation controlled substances into the
116 human body;

117 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
118 introducing marijuana **if in violation of sections 195.2150 to 195.2177**, cocaine, hashish, or
119 hashish oil into the human body, such as:

- 120 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
121 permanent screens, hashish heads, or punctured metal bowls;
- 122 b. Water pipes;
- 123 c. Carburetion tubes and devices;
- 124 d. Smoking and carburetion masks;
- 125 e. Roach clips meaning objects used to hold burning material, such as a marijuana
126 cigarette, that has become too small or too short to be held in the hand;
- 127 f. Miniature cocaine spoons and cocaine vials;
- 128 g. Chamber pipes;
- 129 h. Carburetor pipes;
- 130 i. Electric pipes;
- 131 j. Air-driven pipes;
- 132 k. Chillums;
- 133 l. Bongs;
- 134 m. Ice pipes or chillers;
- 135 (m) Substances used, intended for use, or designed for use in the manufacture of a
136 controlled substance;
- 137
- 138 In determining whether an object, product, substance or material is drug paraphernalia, a court
139 or other authority should consider, in addition to all other logically relevant factors, the
140 following:
- 141 a. Statements by an owner or by anyone in control of the object concerning its use;
- 142 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
143 state or federal law relating to any controlled substance or imitation controlled substance;
- 144 c. The proximity of the object, in time and space, to a direct violation of this chapter or
145 chapter 579;
- 146 d. The proximity of the object to controlled substances or imitation controlled
147 substances;
- 148 e. The existence of any residue of controlled substances or imitation controlled
149 substances on the object;
- 150 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of
151 the object, to deliver it to persons who he or she knows, or should reasonably know, intend to
152 use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner,
153 or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not
154 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 155 g. Instructions, oral or written, provided with the object concerning its use;

- 156 h. Descriptive materials accompanying the object which explain or depict its use;
- 157 i. National or local advertising concerning its use;
- 158 j. The manner in which the object is displayed for sale;
- 159 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like
- 160 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 161 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of
- 162 the business enterprise;
- 163 m. The existence and scope of legitimate uses for the object in the community;
- 164 n. Expert testimony concerning its use;
- 165 o. The quantity, form or packaging of the product, substance or material in relation to
- 166 the quantity, form or packaging associated with any legitimate use for the product, substance or
- 167 material;
- 168 (18) "Federal narcotic laws", the laws of the United States relating to controlled
- 169 substances;
- 170 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
- 171 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
- 172 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
- 173 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
- 174 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
- 175 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
- 176 in chapter 198;
- 177 (20) "Immediate precursor", a substance which:
- 178 (a) The state department of health and senior services has found to be and by rule
- 179 designates as being the principal compound commonly used or produced primarily for use in the
- 180 manufacture of a controlled substance;
- 181 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
- 182 of a controlled substance; and
- 183 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
- 184 controlled substance;
- 185 (21) "Imitation controlled substance", a substance that is not a controlled substance,
- 186 which by dosage unit appearance (including color, shape, size and markings), or by
- 187 representations made, would lead a reasonable person to believe that the substance is a controlled
- 188 substance. In determining whether the substance is an imitation controlled substance the court
- 189 or authority concerned should consider, in addition to all other logically relevant factors, the
- 190 following:

191 (a) Whether the substance was approved by the federal Food and Drug Administration
192 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
193 Drug Administration approved package, with the federal Food and Drug Administration
194 approved labeling information;

195 (b) Statements made by an owner or by anyone else in control of the substance
196 concerning the nature of the substance, or its use or effect;

197 (c) Whether the substance is packaged in a manner normally used for illicit controlled
198 substances;

199 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
200 or federal law related to controlled substances or fraud;

201 (e) The proximity of the substances to controlled substances;

202 (f) Whether the consideration tendered in exchange for the noncontrolled substance
203 substantially exceeds the reasonable value of the substance considering the actual chemical
204 composition of the substance and, where applicable, the price at which over-the-counter
205 substances of like chemical composition sell. An imitation controlled substance does not include
206 a placebo or registered investigational drug either of which was manufactured, distributed,
207 possessed or delivered in the ordinary course of professional practice or research;

208 (22) "Laboratory", a laboratory approved by the department of health and senior services
209 as proper to be entrusted with the custody of controlled substances but does not include a
210 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

211 (23) "Manufacture", the production, preparation, propagation, compounding or
212 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
213 substance, either directly or by extraction from substances of natural origin, or independently by
214 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
215 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
216 This term does not include the preparation or compounding of a controlled substance or an
217 imitation controlled substance or the preparation, compounding, packaging or labeling of a
218 narcotic or dangerous drug:

219 (a) By a practitioner as an incident to his or her administering or dispensing of a
220 controlled substance or an imitation controlled substance in the course of his or her professional
221 practice, or

222 (b) By a practitioner or his or her authorized agent under his or her supervision, for the
223 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

224 (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,
225 including, but not limited to *Cannabis Sativa* L., *Cannabis Indica*, *Cannabis Americana*,
226 *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin

227 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
228 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
229 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
230 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
231 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
232 germination;

233 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
234 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
235 isomers;

236 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
237 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
238 or by a combination of extraction and chemical analysis:

239 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
240 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
241 esters, ethers, and salts is possible within the specific chemical designation. The term does not
242 include the isoquinoline alkaloids of opium;

243 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
244 and derivatives of ecgonine or their salts have been removed;

245 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

246 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

247 (e) Any compound, mixture, or preparation containing any quantity of any substance
248 referred to in paragraphs (a) to (d) of this subdivision;

249 (27) "Official written order", an order written on a form provided for that purpose by the
250 United States Commissioner of Narcotics, under any laws of the United States making provision
251 therefor, if such order forms are authorized and required by federal law, and if no such order
252 form is provided, then on an official form provided for that purpose by the department of health
253 and senior services;

254 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining
255 liability similar to morphine or being capable of conversion into a drug having addiction-forming
256 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
257 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
258 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

259 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

260 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug
261 other than a controlled substance;

262 (31) "Person", an individual, corporation, government or governmental subdivision or
263 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
264 commercial entity;

265 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where
266 the context so requires, the owner of a store or other place of business where controlled
267 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter
268 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
269 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

270 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

271 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge
272 of the presence and nature of a substance, has actual or constructive possession of the substance.
273 A person has actual possession if he has the substance on his or her person or within easy reach
274 and convenient control. A person who, although not in actual possession, has the power and the
275 intention at a given time to exercise dominion or control over the substance either directly or
276 through another person or persons is in constructive possession of it. Possession may also be
277 sole or joint. If one person alone has possession of a substance possession is sole. If two or
278 more persons share possession of a substance, possession is joint;

279 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
280 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
281 this state to distribute, dispense, conduct research with respect to or administer or to use in
282 teaching or chemical analysis, a controlled substance in the course of professional practice or
283 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
284 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
285 controlled substance in the course of professional practice or research;

286 (36) "Production", includes the manufacture, planting, cultivation, growing, or
287 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
288 substance;

289 (37) "Registry number", the number assigned to each person registered under the federal
290 controlled substances laws;

291 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction
292 made by any person, whether as principal, proprietor, agent, servant or employee;

293 (39) "State" when applied to a part of the United States, includes any state, district,
294 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
295 of the United States of America;

296 (40) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in
297 another schedule, any natural or synthetic material, compound, mixture, or preparation that

298 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
299 limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section
300 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
301 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
302 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
303 shall not include any approved pharmaceutical authorized by the United States Food and Drug
304 Administration;

305 (41) "Ultimate user", a person who lawfully possesses a controlled substance or an
306 imitation controlled substance for his or her own use or for the use of a member of his or her
307 household or immediate family, regardless of whether they live in the same household, or for
308 administering to an animal owned by him or by a member of his or her household. For purposes
309 of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling,
310 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

311 (42) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
312 or imitation controlled substances that he himself has not produced or prepared, on official
313 written orders, but not on prescriptions.

**195.2150. 1. As used in sections 195.2150 to 195.2177, unless context requires
2 otherwise, the following terms mean:**

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

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

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

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

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

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

26 **(7) "Marijuana cultivation facility", an entity licensed to cultivate, prepare, and**
27 **package marijuana and sell marijuana to retail marijuana stores, to marijuana product**
28 **manufacturing facilities, and to other marijuana cultivation facilities, but not to**
29 **consumers;**

30 **(8) "Marijuana establishment", a marijuana cultivation facility, a marijuana**
31 **testing facility, a marijuana product manufacturing facility, or a retail marijuana store;**

32 **(9) "Marijuana-product manufacturing facility", an entity licensed to purchase**
33 **marijuana; manufacture, prepare, and package marijuana products; and sell marijuana**
34 **and marijuana products to other marijuana-product manufacturing facilities and to retail**
35 **marijuana stores but not to consumers;**

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

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

41 **(12) "Retail marijuana store", an entity licensed to purchase marijuana from**
42 **marijuana cultivation facilities and marijuana and marijuana products from marijuana**
43 **product manufacturing facilities and to sell marijuana and marijuana products to**
44 **consumers;**

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

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

5 **(1) Possessing marijuana or marijuana accessories; or**

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

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

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

15 **(2) Display or transport marijuana or marijuana products; purchase marijuana**
16 **from a marijuana cultivation facility; purchase marijuana or marijuana products from a**
17 **marijuana product manufacturing facility; or sell marijuana or marijuana products to**
18 **consumers, if the person conducting the activities described in this subdivision has**
19 **obtained a current, valid license to operate a retail marijuana store or is acting in his or**
20 **her capacity as an owner, employee, or agent of a licensed retail marijuana store;**

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

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

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

29 **(6) Cultivate, harvest, process, package, transport, display, or possess marijuana;**
30 **deliver or transfer marijuana to a marijuana testing facility; sell marijuana to a marijuana**
31 **cultivation facility, a marijuana-product manufacturing facility, or a retail marijuana**
32 **store; or purchase marijuana from a marijuana cultivation facility, if the person**
33 **conducting the activities described in this subdivision has obtained a current, valid license**
34 **to operate a marijuana cultivation facility or is acting in his or her capacity as an owner,**
35 **employee, or agent of a licensed marijuana cultivation facility;**

36 **(7) Package, process, transport, manufacture, display, or possess marijuana or**
37 **marijuana products; deliver or transfer marijuana or marijuana products to a marijuana**
38 **testing facility; sell marijuana or marijuana products to a retail marijuana store or a**
39 **marijuana product manufacturing facility; purchase marijuana from a marijuana**
40 **cultivation facility; or purchase marijuana or marijuana products from a marijuana-**
41 **product manufacturing facility, if the person conducting the activities described in this**

42 subdivision has obtained a current, valid license to operate a marijuana product
43 manufacturing facility or is acting in his or her capacity as an owner, employee, or agent
44 of a licensed marijuana product manufacturing facility;

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

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

195.2156. 1. Any locality in this state may, after voter approval under this section,
2 allow for the growing, manufacturing, selling, displaying, transferring, delivering,
3 packaging, processing, cultivating, or harvesting of marijuana or marijuana products, as
4 provided for under sections 195.2150 to 195.2177. The question shall be submitted to the
5 qualified voters of the locality at a general, primary, or special election upon the motion
6 of the governing body of the locality or upon the petition of eight percent of the qualified
7 voters of the locality determined on the basis of the number of votes cast for governor in
8 such locality at the last gubernatorial election held prior to the filing of the petition. The
9 elected officials of the locality shall give legal notice as provided in chapter 115. If a
10 majority of the votes cast on the question by the qualified voters voting thereon are in favor
11 of allowing the growing, manufacturing, selling, displaying, transferring, delivering,
12 packaging, processing, cultivating, or harvesting of marijuana or marijuana products, then
13 such acts shall not be unlawful, as authorized in sections 195.2150 to 195.2177. If a
14 majority of the votes cast on the question by the qualified voters voting thereon are
15 opposed to the growing, manufacturing, selling, displaying, transferring, delivering,
16 packaging, processing, cultivating, or harvesting of marijuana or marijuana products or
17 if the locality fails to submit the issue to the qualified voters, such acts shall be unlawful
18 and constitute an offense within that locality.

19 2. If a county, by affirmative vote, allows for the growing, manufacturing, selling,
20 displaying, transferring, delivering, packaging, processing, cultivating, or harvesting of
21 marijuana or marijuana products, any city, town, or village in such county may submit the
22 issue for a vote within that locality under the procedures set out in subsection 1 of this
23 section. If a majority of the votes cast on the question by the qualified voters voting
24 thereon are opposed to the growing, manufacturing, selling, displaying, transferring,
25 delivering, packaging, processing, cultivating, or harvesting of marijuana or marijuana
26 products, then the locality shall prohibit the acts affirmed by the county.

195.2159. 1. Before July 1, 2020, the division shall adopt rules and regulations necessary for implementation of sections 195.2150 to 195.2177. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

2. Such rules and regulations shall include:

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

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

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

(4) Security requirements for marijuana establishments;

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

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

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

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

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

3. In order to ensure that individual privacy is protected, the division shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about

36 consumers other than information typically acquired in a financial transaction conducted
37 at a retail liquor store.

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

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

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

195.2165. Each application for an annual license to operate a marijuana
2 establishment shall be submitted to the division. The division shall:

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

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

7 (3) Issue an annual license to the applicant between forty-five and ninety days after
8 receipt of an application unless the division finds the applicant is not in compliance with
9 rules and regulations enacted under section 195.2159, provided that if a locality has
10 enacted a numerical limit on the number of marijuana establishments and a greater
11 number of applicants seek licenses, the division shall solicit and consider input from the
12 locality as to the locality's preference or preferences for licensure; and

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

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

195.2171. Nothing in sections 195.2150 to 195.2177 allows driving under the
2 influence of or while impaired by marijuana or supersedes statutory laws related to driving

3 under the influence of or while impaired by marijuana, nor shall sections 195.2150 to
4 195.2177 prevent the state from enacting and imposing penalties for driving under the
5 influence of or while impaired by marijuana.

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

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

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

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

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

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

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

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

- 3 (1) Knowingly distributes or delivers a controlled substance;
- 4 (2) Attempts to distribute or deliver a controlled substance;

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

7 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
8 substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 4. The offense of manufacturing thirty-five grams or less of [~~marijuana or~~] synthetic
17 cannabinoid is a class E felony.

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