

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1896

100TH GENERAL ASSEMBLY

4303H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 191 and 195, RSMo, by adding thereto three new sections relating to medical marijuana.

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

Section A. Chapters 191 and 195, RSMo, are amended by adding thereto three new sections, to be known as sections 191.255, 195.810, and 195.815, to read as follows:

191.255. 1. Notwithstanding any other provision of law to the contrary, no state agency, including employees therein, shall disclose to the federal government, any federal government employee, or any unauthorized third party, the statewide list or any individual information of persons who have applied for or obtained a medical marijuana card.

2. Any violation of this section is a class E felony.

195.810. 1. Physicians shall submit physician certifications under Article XIV of the Constitution of Missouri electronically through a web-based system provided by the department of health and senior services. In the event of system unavailability, the department shall arrange to accept physician certifications in an alternative, department-provided format and shall notify the public of those arrangements through its website.

2. Physician certifications shall be issued no earlier than thirty days before the date the patient will apply for a patient identification card or renewal of a patient identification card.

3. Physician certifications shall include at least the following information:

(1) The physician's name, as it appears in the records of the Missouri board of registration for the healing arts;

(2) The physician's license number;

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.

- 13 **(3) Whether the physician is licensed to practice medicine or osteopathy;**
14 **(4) The physician's business address, telephone number, and email address;**
15 **(5) The qualifying patient's name, date of birth, and social security number;**
16 **(6) The qualifying patient's qualifying condition;**
17 **(7) The physician's recommendation for the amount of medical marijuana the**
18 **patient should be allowed to purchase in a thirty-day period if the recommended amount**
19 **is more than four ounces of dried, unprocessed marijuana or its equivalent;**
20 **(8) Statements confirming the following:**
21 **(a) In the case of a non-emancipated qualifying patient under eighteen years of age,**
22 **before certifying the qualifying patient for use of medical marijuana, the physician**
23 **received the written consent of a parent or legal guardian who asserts he or she will serve**
24 **as a primary caregiver for the qualifying patient;**
25 **(b) The physician met with and examined the qualifying patient in person, reviewed**
26 **the qualifying patient's medical records or medical history, reviewed the qualifying**
27 **patient's current medications and allergies to medications, discussed the qualifying**
28 **patient's current symptoms, and created a medical record for the qualifying patient**
29 **regarding the meeting;**
30 **(c) In the opinion of the physician, the qualifying patient suffers from the**
31 **qualifying condition; and**
32 **(d) The physician discussed with the qualifying patient risks associated with**
33 **medical marijuana, including known contraindications applicable to the patient, risks of**
34 **medical marijuana use to fetuses, and risks of medical marijuana use to breast-feeding**
35 **infants; and**
36 **(9) The signature of the physician and date on which the physician signed.**
37 **4. The department may request to interview any physician who chooses to certify**
38 **individuals as qualifying patients. If such a request is made, the physician shall arrange**
39 **for the interview to occur as soon as possible but no later than thirty days after the**
40 **department makes the request.**
41 **5. Physicians who violate this section are subject to discipline by the board of**
42 **registration for the healing arts.**

2 **195.815. 1. The department of health and senior services shall require all officers,**
3 **managers, contractors, employees, and other support staff of licensed or certified medical**
4 **marijuana facilities, and all owners of such medical marijuana facilities with access to the**
5 **facilities or to the facilities' medical marijuana, to submit fingerprints to the Missouri state**
6 **highway patrol for the purpose of conducting state and federal fingerprint-based criminal**
7 **background checks.**

7 **2. The department shall require that such fingerprint submissions be made as a**
8 **part of a medical marijuana facility's application for licensure or certification and an**
9 **individual's application for an identification card authorizing such individual to be an**
10 **owner, officer, manager, contractor, employee, or other support staff of a medical**
11 **marijuana facility.**

12 **3. Fingerprint cards and any required fees shall be sent to the Missouri state**
13 **highway patrol's central repository. The fingerprints shall be used for searching the state**
14 **criminal history repository and shall also be forwarded to the Federal Bureau of**
15 **Investigation for searching the federal criminal history files under section 43.540. The**
16 **Missouri state highway patrol shall notify the department of any criminal history**
17 **information or lack of criminal history information on the individual. Notwithstanding**
18 **the provisions of section 610.120, all records related to any criminal history information**
19 **shall be available to the department.**

20 **4. The director may promulgate all necessary rules and regulations for the**
21 **administration of this section. Any rule or portion of a rule, as that term is defined in**
22 **section 536.010, that is created under the authority delegated in this section shall become**
23 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
24 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
25 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
26 **the effective date, or to disapprove and annul a rule are subsequently held**
27 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
28 **after August 28, 2020, shall be invalid and void.**

 Section B. Because immediate action is necessary to ensure that all owners, officers,
2 managers, contractors, employees, and other support staff of medical marijuana facilities be
3 subjected to state and federal fingerprint-based criminal background checks to insure the
4 integrity of the Missouri medical marijuana industry, the enactment of section 195.815 of this
5 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and
6 safety, and the enactment of section 195.815 of this act is hereby declared to be an emergency
7 act within the meaning of the constitution, and the enactment of section 195.815 of this act shall
8 be in full force and effect on July 1, 2020, or upon its passage and approval, whichever occurs
9 later.

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