

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 1896

100TH GENERAL ASSEMBLY

4303H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 191 and 195, RSMo, by adding thereto two new sections relating to background checks in the medical marijuana industry, with a penalty provision and an emergency clause for a certain section.

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 two new sections, to be known as sections 191.255 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.

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

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

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.

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 the searching of the federal criminal history files under section 43.540.**
16 **The 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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