

SS SCS HCS#2 HB 1896 -- CONTROLLED SUBSTANCES

This bill provides that the standard for issuing a certification that a patient suffers from a medical condition that would qualify the patient for medical marijuana via telemedicine is the same standard currently required to issue a prescription via telemedicine.

This bill specifies that if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, Department of Health and Senior Services (DHSS) shall promulgate emergency rules to implement such change within 30 days of publication of the change in the Federal Register, unless the DHSS objects to the change. If the DHSS promulgates emergency rules under this bill, the rules may remain in effect until the legislature concludes its next regular session following the imposition of the rules.

Additionally, this bill updates the schedules of controlled substances in Missouri to mirror the most recent update to the schedules in 19 CFR 30-1.002 and further updates by the Drug Enforcement Agency in the Federal Register (Sections 195.015 and 195.017, RSMo).

This bill prohibits the requirement of a prescription for the dispensation, sale, or distribution of any drug containing any detectable amount of ephedrine, phenylpropanolamine, or psuedoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits set forth in law. This provision shall expire when state's methamphetamine laboratory seizure incidents, as reported by the State Highway Patrol, exceed 300 incidents in a year. All current local ordinances and regulations regarding prescriptions for the dispensation, sale, or distribution of any drug containing any detectable amount of ephedrine, phenylpropanolamine, or psuedoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits set forth in law that are in effect prior to August 28, 2020, shall be void and of no effect on August 28, 2020. This bill also changes the amounts that can be sold, dispensed, or otherwise provided to a person in a 30-day period without a prescription from a maximum of 9 grams to a maximum of 7.2 grams and adds an annual limit of 43.2 grams. (Sections 195.417 and 579.060)

This bill prohibits the sale of edible marijuana-infused products that are designed, produced, or marketed in a manner to appeal to persons under 18 years of age, including candies, gummies, lollipops, cotton candy, or products in the shape of a human, animal, or fruit. Each package that contains at least 10

milligrams of THC must be stamped with a universal symbol. Any medical marijuana licensed or certified entity regulated by the DHSS found to have violated this bill shall be subject to sanctions, including an administrative penalty. The DHSS shall develop a process by which a licensed or certified entity may seek approval of a product design, package, or label prior to manufacture or sale to determine compliance with these provisions (Section 195.805).

Under the provisions of this bill, the DHSS shall require all employees, officers, managers, staff, and owners of marijuana facilities to submit fingerprints for criminal background checks to the State Highway Patrol. The fingerprint submissions must be a part of the medical marijuana facility application. All fingerprint cards and fees must be sent to the State Highway Patrol. The fingerprints will also be forwarded to the FBI for a federal criminal background check.

This bill shall be effective upon its passage and approval or July 1, 2020, whichever occurs later (Sections 191.1146, 195.815, and Section B).

This bill adds to the offense of trafficking drugs in the first degree knowingly distributing, delivering, manufacturing, or producing or attempting to distribute, deliver, manufacture, or produce more than 10 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 20 milligrams or more of fentanyl or any derivative thereof, or any mixture or substance containing 20 milligrams or more of fentanyl, it is a class A felony. If it involves more than 10 milligrams, it is a class B felony. Additionally, one gram or more of flunitrazepam (Rohypnol) or any amount of gamma-hydroxybutyric acid (GHB) is a class B felony for the first offense and a class A felony for the second or subsequent offense. (Section 579.065).

The bill adds to the offense of trafficking drugs in the second degree knowingly possessing or having under one's control, purchasing or attempting to purchase, or bringing into the state more than 10 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 20 milligrams or more of fentanyl or any derivative thereof, or any mixture or substance containing 20 milligrams or more of fentanyl, it is a class B felony. If it involves more than 10 milligrams, it is a class C felony. Additionally, the offense is a class C felony for the first offense and class B felony for the second or subsequent offense for the trafficking of less than one gram of flunitrazepam (Rohypnol) (Section 579.068).