

SECOND REGULAR SESSION

# HOUSE BILL NO. 1726

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AUNE.

3941H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for certain medical marijuana dispensary facility license applications.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be  
2 known as section 135.450, to read as follows:

**135.450. 1. As used in this section, the following terms mean:**

2 **(1) "Eligible taxpayer", any taxpayer who is subject to the tax imposed under**  
3 **chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and**  
4 **who is a:**

5 **(a) Minority business enterprise;**

6 **(b) Service-disabled veteran business; or**

7 **(c) Women's business enterprise;**

8 **(2) "Medical marijuana dispensary facility", the same meaning as defined under**  
9 **Article XIV, Section 1 of the Constitution of Missouri;**

10 **(3) "Minority business enterprise", a business that is:**

11 **(a) A sole proprietorship owned and controlled by a minority;**

12 **(b) A partnership or joint venture owned and controlled by minorities in which**  
13 **at least fifty-one percent of the ownership interest is held by minorities and the**  
14 **management and daily business operations of which are controlled by one or more**  
15 **owners who are minorities; or**

16 **(c) A corporation or other entity whose management and daily business**  
17 **operations are controlled by one or more owners who are minorities and that is at least**

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.

18 **fifty-one percent owned by one or more minorities or, if stock is issued, at least fifty-one**  
19 **percent of the stock is owned by one or more minorities;**

20 **(4) "Service-disabled veteran business", a business that is:**

21 **(a) A sole proprietorship owned and controlled by a service-disabled veteran;**

22 **(b) A partnership or joint venture owned and controlled by service-disabled**  
23 **veterans in which at least fifty-one percent of the ownership interest is held by service-**  
24 **disabled veterans and the management and daily business operations of which are**  
25 **controlled by one or more owners who are service-disabled veterans; or**

26 **(c) A corporation or other entity whose management and daily business**  
27 **operations are controlled by one or more owners who are service-disabled veterans and**  
28 **that is at least fifty-one percent owned by service-disabled veterans or, if stock is issued,**  
29 **at least fifty-one percent of the stock is owned by one or more service-disabled veterans;**

30 **(5) "Tax credit", a credit against the tax otherwise due under chapter 143,**  
31 **excluding withholding tax imposed by sections 143.191 to 143.265;**

32 **(6) "Women's business enterprise", a business that is:**

33 **(a) A sole proprietorship owned and controlled by a woman;**

34 **(b) A partnership or joint venture owned and controlled by women in which at**  
35 **least fifty-one percent of the ownership interest is held by women and the management**  
36 **and daily business operations of which are controlled by one or more owners who are**  
37 **women; or**

38 **(c) A corporation or other entity whose management and daily business**  
39 **operations are controlled by one or more owners who are women and that is at least**  
40 **fifty-one percent owned by women or, if stock is issued, at least fifty-one percent of the**  
41 **stock is owned by one or more women.**

42 **2. For tax years beginning on or after January 1, 2023, an eligible taxpayer**  
43 **whose medical marijuana dispensary facility license application is approved by the**  
44 **department of health and senior services shall be allowed to claim a tax credit against**  
45 **the taxpayer's state tax liability in an amount equal to three thousand dollars in tax year**  
46 **2023, with such amount annually adjusted for inflation in subsequent years. This tax**  
47 **credit shall not be allowed for a fee for a medical marijuana dispensary facility license**  
48 **renewal, a second or additional medical marijuana dispensary facility license to the**  
49 **same eligible taxpayer, or the annual medical marijuana dispensary facility license fee.**

50 **3. The amount of the tax credit claimed shall not exceed the amount of the**  
51 **taxpayer's state tax liability for the tax year in which the credit is claimed. However,**  
52 **any tax credit that cannot be claimed in the tax year the license application was made**  
53 **may be carried over only to the next subsequent tax year.**

54           **4. Tax credits issued under the provisions of this section shall not be transferred,**  
55 **sold, assigned, or otherwise conveyed.**

56           **5. The department of revenue may promulgate rules to implement the provisions**  
57 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**  
58 **that is created under the authority delegated in this section shall become effective only if**  
59 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
60 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
61 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
62 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
63 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
64 **28, 2022, shall be invalid and void.**

65           **6. Under section 23.253 of the Missouri sunset act:**

66           **(1) The program authorized under this section shall automatically sunset on**  
67 **December thirty-first six years after the effective date of this section unless reauthorized**  
68 **by an act of the general assembly;**

69           **(2) If such program is reauthorized, the program authorized under this section**  
70 **shall automatically sunset on December thirty-first twelve years after the effective date**  
71 **of the reauthorization of this section;**

72           **(3) This section shall terminate on September first of the calendar year**  
73 **immediately following the calendar year in which the program authorized under this**  
74 **section is sunset; and**

75           **(4) Nothing in this subsection shall prevent a taxpayer from claiming a tax credit**  
76 **that was properly issued before the program was sunset.**

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