

SECOND REGULAR SESSION

HOUSE BILL NO. 2869

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRICE IV.

4551H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 195.010, 579.015, 579.020, 579.040, 579.055, and 579.105, RSMo, and to enact in lieu thereof twenty-three new sections relating to the legalization of marijuana for adult use, 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Section A. Sections 195.010, 579.015, 579.020, 579.040, 579.055, and 579.105, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 195.010, 195.2300, 195.2303, 195.2309, 195.2310, 195.2312, 195.2315, 195.2317, 195.2318, 195.2321, 195.2322, 195.2324, 195.2327, 195.2330, 195.2333, 544.405, 557.058, 579.015, 579.020, 579.040, 579.055, 579.105, and 610.134, to read as follows:

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

(1) "Acute pain", pain, whether resulting from disease, accidental or intentional trauma, or other causes, that the practitioner reasonably expects to last only a short period of time. Acute pain shall not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life care, or medication-assisted treatment for substance use disorders;

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

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

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.

- 14 (a) A practitioner (or, in his or her presence, by his or her authorized agent); or
15 (b) The patient or research subject at the direction and in the presence of the
16 practitioner;
- 17 (4) "Agent", an authorized person who acts on behalf of or at the direction of a
18 manufacturer, distributor, or dispenser. The term does not include a common or contract
19 carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the
20 usual and lawful course of the carrier's or warehouseman's business;
- 21 (5) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney
22 general authorized to investigate, commence and prosecute an action under this chapter;
- 23 (6) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
24 through V listed in this chapter;
- 25 (7) "Controlled substance analogue", a substance the chemical structure of which is
26 substantially similar to the chemical structure of a controlled substance in Schedule I or II
27 and:
- 28 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
29 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the
30 central nervous system of a controlled substance included in Schedule I or II; or
31 (b) With respect to a particular individual, which that individual represents or intends
32 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
33 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
34 nervous system of a controlled substance included in Schedule I or II. The term does not
35 include a controlled substance; any substance for which there is an approved new drug
36 application; any substance for which an exemption is in effect for investigational use, for a
37 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C.
38 Section 355) to the extent conduct with respect to the substance is pursuant to the exemption;
39 or any substance to the extent not intended for human consumption before such an exemption
40 takes effect with respect to the substance;
- 41 (8) "Counterfeit substance", a controlled substance which, or the container or labeling
42 of which, without authorization, bears the trademark, trade name, or other identifying mark,
43 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
44 other than the person who in fact manufactured, distributed, or dispensed the substance;
- 45 (9) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
46 person to another of drug paraphernalia or of a controlled substance, or an imitation
47 controlled substance, whether or not there is an agency relationship, and includes a sale;
- 48 (10) "Dentist", a person authorized by law to practice dentistry in this state;
- 49 (11) "Depressant or stimulant substance":

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

53 (b) A drug containing any quantity of:

54 a. Amphetamine or any of its isomers;

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

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

59 (c) Lysergic acid diethylamide; or

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

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

68 (13) "Distribute", to deliver other than by administering or dispensing a controlled
69 substance;

70 (14) "Distributor", a person who distributes;

71 (15) "Drug":

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

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

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

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

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

86 (17) "Drug enforcement agency", the Drug Enforcement Administration in the United
87 States Department of Justice, or its successor agency;

88 (18) "Drug paraphernalia", all equipment, products, substances and materials of any
89 kind which are used, intended for use, or designed for use, in planting, propagating,
90 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,
91 processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or
92 otherwise introducing into the human body a controlled substance, **except marijuana if in**
93 **compliance with sections 195.2300 to 195.2333**, or an imitation controlled substance in
94 violation of this chapter or chapter 579. It includes, but is not limited to:

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

98 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
99 converting, producing, processing, or preparing controlled substances or imitation controlled
100 substances;

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

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

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

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

112 (g) Separation gins and sifters used, intended for use, or designed for use in removing
113 twigs and seeds from, or in otherwise cleaning or refining, marijuana **if in violation of**
114 **sections 195.2300 to 195.2333**;

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

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

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

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

125 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or
126 otherwise introducing marijuana **if in violation of sections 195.2300 to 195.2333**, cocaine,
127 hashish, or hashish oil into the human body, such as:

128 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without
129 screens, permanent screens, hashish heads, or punctured metal bowls;

130 b. Water pipes;

131 c. Carburetion tubes and devices;

132 d. Smoking and carburetion masks;

133 e. Roach clips meaning objects used to hold burning material, such as a marijuana
134 cigarette, that has become too small or too short to be held in the hand;

135 f. Miniature cocaine spoons and cocaine vials;

136 g. Chamber pipes;

137 h. Carburetor pipes;

138 i. Electric pipes;

139 j. Air-driven pipes;

140 k. Chillums;

141 l. Bongs;

142 m. Ice pipes or chillers;

143 (m) Substances used, intended for use, or designed for use in the manufacture of a
144 controlled substance.

145

146 In determining whether an object, product, substance or material is drug paraphernalia, a
147 court or other authority should consider, in addition to all other logically relevant factors, the
148 following:

149 a. Statements by an owner or by anyone in control of the object concerning its use;

150 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under
151 any state or federal law relating to any controlled substance or imitation controlled substance;

152 c. The proximity of the object, in time and space, to a direct violation of this chapter
153 or chapter 579;

154 d. The proximity of the object to controlled substances or imitation controlled
155 substances;

156 e. The existence of any residue of controlled substances or imitation controlled
157 substances on the object;

158 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control
159 of the object, to deliver it to persons who he or she knows, or should reasonably know, intend
160 to use the object to facilitate a violation of this chapter or chapter 579; the innocence of an
161 owner, or of anyone in control of the object, as to direct violation of this chapter or chapter
162 579 shall not prevent a finding that the object is intended for use, or designed for use as drug
163 paraphernalia;

164 g. Instructions, oral or written, provided with the object concerning its use;

165 h. Descriptive materials accompanying the object which explain or depict its use;

166 i. National or local advertising concerning its use;

167 j. The manner in which the object is displayed for sale;

168 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of
169 like or related items to the community, such as a licensed distributor or dealer of tobacco
170 products;

171 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales
172 of the business enterprise;

173 m. The existence and scope of legitimate uses for the object in the community;

174 n. Expert testimony concerning its use;

175 o. The quantity, form or packaging of the product, substance or material in relation to
176 the quantity, form or packaging associated with any legitimate use for the product, substance
177 or material;

178 (19) "Federal narcotic laws", the laws of the United States relating to controlled
179 substances;

180 (20) "Hospital", a place devoted primarily to the maintenance and operation of
181 facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week,
182 of three or more nonrelated individuals suffering from illness, disease, injury, deformity or
183 other abnormal physical conditions; or a place devoted primarily to provide, for not less than
184 twenty-four consecutive hours in any week, medical or nursing care for three or more
185 nonrelated individuals. The term hospital does not include convalescent, nursing, shelter or
186 boarding homes as defined in chapter 198;

187 (21) "Illegal industrial hemp":

188 (a) All nonseed parts and varieties of the *Cannabis sativa* L. plant, growing or not,
189 that contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-
190 tenths of one percent on a dry weight basis;

191 (b) Illegal industrial hemp shall be destroyed in the most effective manner possible,
192 and such destruction shall be verified by the Missouri state highway patrol;

193 (22) "Immediate precursor", a substance which:

194 (a) The state department of health and senior services has found to be and by rule
195 designates as being the principal compound commonly used or produced primarily for use in
196 the manufacture of a controlled substance;

197 (b) Is an immediate chemical intermediary used or likely to be used in the
198 manufacture of a controlled substance; and

199 (c) The control of which is necessary to prevent, curtail or limit the manufacture of
200 the controlled substance;

201 (23) "Imitation controlled substance", a substance that is not a controlled substance,
202 which by dosage unit appearance (including color, shape, size and markings), or by
203 representations made, would lead a reasonable person to believe that the substance is a
204 controlled substance. In determining whether the substance is an imitation controlled
205 substance the court or authority concerned should consider, in addition to all other logically
206 relevant factors, the following:

207 (a) Whether the substance was approved by the federal Food and Drug
208 Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in
209 the federal Food and Drug Administration-approved package, with the federal Food and Drug
210 Administration-approved labeling information;

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

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

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

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

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

224 (24) "Industrial hemp":

225 (a) All nonseed parts and varieties of the *Cannabis sativa* L. plant, growing or not,
226 that contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not
227 exceed three-tenths of one percent on a dry weight basis or the maximum concentration
228 allowed under federal law, whichever is greater;

229 (b) Any *Cannabis sativa* L. seed that is part of a growing crop, retained by a grower
230 for future planting, or used for processing into or use as agricultural hemp seed;

231 (c) Industrial hemp includes industrial hemp commodities and products and topical or
232 ingestible animal and consumer products derived from industrial hemp with a delta-9
233 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry
234 weight basis;

235 (25) "Initial prescription", a prescription issued to a patient who has never previously
236 been issued a prescription for the drug or its pharmaceutical equivalent or who was previously
237 issued a prescription for the drug or its pharmaceutical equivalent, but the date on which the
238 current prescription is being issued is more than five months after the date the patient last
239 used or was administered the drug or its equivalent;

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

244 (27) "Manufacture", the production, preparation, propagation, compounding or
245 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
246 substance, either directly or by extraction from substances of natural origin, or independently
247 by means of chemical synthesis, or by a combination of extraction and chemical synthesis,
248 and includes any packaging or repackaging of the substance or labeling or relabeling of its
249 container. This term does not include the preparation or compounding of a controlled
250 substance or an imitation controlled substance or the preparation, compounding, packaging or
251 labeling of a narcotic or dangerous drug:

252 (a) By a practitioner as an incident to his or her administering or dispensing of a
253 controlled substance or an imitation controlled substance in the course of his or her
254 professional practice; or

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

257 (28) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,
258 including, but not limited to *Cannabis Sativa* L., except industrial hemp, *Cannabis Indica*,
259 *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not,
260 the seeds thereof, the resin extracted from any part of the plant; and every compound,
261 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does
262 not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made
263 from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or
264 preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or
265 the sterilized seed of the plant which is incapable of germination;

266 (29) "Methamphetamine precursor drug", any drug containing ephedrine,
267 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of
268 optical isomers;

269 (30) "Narcotic drug", any of the following, whether produced directly or indirectly by
270 extraction from substances of vegetable origin, or independently by means of chemical
271 synthesis, or by a combination of extraction and chemical analysis:

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

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

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

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

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

282 (31) "Official written order", an order written on a form provided for that purpose by
283 the United States Commissioner of Narcotics, under any laws of the United States making
284 provision therefor, if such order forms are authorized and required by federal law, and if no
285 such order form is provided, then on an official form provided for that purpose by the
286 department of health and senior services;

287 (32) "Opiate" or "opioid", any substance having an addiction-forming or addiction-
288 sustaining liability similar to morphine or being capable of conversion into a drug having
289 addiction-forming or addiction-sustaining liability. The term includes its racemic and
290 levorotatory forms. It does not include, unless specifically controlled under section 195.017,
291 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts
292 (dextromethorphan);

293 (33) "Opium poppy", the plant of the species *Papaver somniferum* L., except its
294 seeds;

295 (34) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug
296 other than a controlled substance;

297 (35) "Person", an individual, corporation, government or governmental subdivision or
298 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal
299 or commercial entity;

300 (36) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
301 where the context so requires, the owner of a store or other place of business where controlled
302 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter

303 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
304 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

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

306 (38) "Possessed" or "possessing a controlled substance", a person, with the
307 knowledge of the presence and nature of a substance, has actual or constructive possession of
308 the substance. A person has actual possession if he has the substance on his or her person or
309 within easy reach and convenient control. A person who, although not in actual possession,
310 has the power and the intention at a given time to exercise dominion or control over the
311 substance either directly or through another person or persons is in constructive possession of
312 it. Possession may also be sole or joint. If one person alone has possession of a substance
313 possession is sole. If two or more persons share possession of a substance, possession is
314 joint;

315 (39) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
316 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
317 this state to distribute, dispense, conduct research with respect to or administer or to use in
318 teaching or chemical analysis, a controlled substance in the course of professional practice or
319 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
320 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
321 controlled substance in the course of professional practice or research;

322 (40) "Production", includes the manufacture, planting, cultivation, growing, or
323 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
324 substance;

325 (41) "Registry number", the number assigned to each person registered under the
326 federal controlled substances laws;

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

329 (43) "State" when applied to a part of the United States, includes any state, district,
330 commonwealth, territory, insular possession thereof, and any area subject to the legal
331 authority of the United States of America;

332 (44) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in
333 another schedule, any natural or synthetic material, compound, mixture, or preparation that
334 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
335 limited to any substance listed in paragraph (11) of subdivision (4) of subsection 2 of section
336 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
337 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
338 isomers, esters, ethers, or salts is possible within the specific chemical designation, however,

339 it shall not include any approved pharmaceutical authorized by the United States Food and
340 Drug Administration;

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

347 (46) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
348 or imitation controlled substances that he himself has not produced or prepared, on official
349 written orders, but not on prescriptions.

**195.2300. 1. Sections 195.2300 to 195.2333 shall be known and may be cited as
2 the "Adult Use Act".**

**3 2. As used in sections 195.2300 to 195.2333, unless context requires otherwise,
4 the following terms mean:**

**5 (1) "Applicant", any person who is a resident of this state or a corporation
6 incorporated under the laws of this state;**

**7 (2) "Concentrated marijuana product" or "marijuana concentrate", a product
8 derived from cannabis that is produced by extracting cannabinoids from the plant
9 through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking
10 fats; water, ice, or dry ice; or butane, propane, carbon dioxide, ethanol, or isopropanol;**

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

**14 (4) "Division", the division of alcohol and tobacco control within the department
15 of public safety;**

**16 (5) "Industrial hemp", the plant of the genus Cannabis and any part of such
17 plant with a delta-9 tetrahydrocannabinol concentration that does not exceed three-
18 tenths of one percent on a dry-weight basis;**

19 (6) "Locality", a town, village, city, county, or city not within a county;

**20 (7) "Marijuana", all parts of the plant of the genus Cannabis; the seeds thereof;
21 the resin extracted from any part of the plant; and every compound, manufacture, salt,
22 derivative, mixture, or preparation of the plant, its seeds, or its resin, including
23 marijuana concentrate. "Marijuana" shall not include industrial hemp, nor shall it
24 include fiber produced from the stalks, oil, or cake made from the seeds of the plant;
25 sterilized seed of the plant that is incapable of germination; or the weight of any other**

26 ingredient combined with marijuana to prepare topical or oral administrations, food,
27 drink, or other products;

28 (8) "Marijuana accessories", any equipment, products, or materials of any kind
29 that are used, intended for use, or designed for use in planting, propagating, cultivating,
30 growing, harvesting, composting, manufacturing, compounding, converting, producing,
31 processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing,
32 or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana
33 into the human body;

34 (9) "Marijuana cultivation facility", an entity licensed to cultivate, prepare,
35 process, package, and sell marijuana to retail marijuana stores, to marijuana product
36 manufacturing facilities, and to other marijuana cultivation facilities, but not to
37 consumers;

38 (10) "Marijuana establishment", a marijuana cultivation facility, a marijuana
39 testing facility, a marijuana product manufacturing facility, a retail marijuana store, or
40 a consumption lounge;

41 (11) "Marijuana product manufacturing facility", an entity licensed to purchase
42 marijuana; manufacture, prepare, process, and package marijuana products; and sell
43 marijuana and marijuana products to other marijuana product manufacturing facilities
44 and to retail marijuana stores, but not to consumers;

45 (12) "Marijuana products", concentrated marijuana products and marijuana
46 products that are comprised of marijuana and other ingredients and are intended for
47 use or consumption including, but not limited to, edible products, ointments, and
48 tinctures;

49 (13) "Marijuana testing facility", an entity licensed to analyze and certify the
50 safety and potency of marijuana;

51 (14) "Member of an impacted family", an individual who has a parent, legal
52 guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to
53 August 28, 2022, was arrested for, convicted of, or adjudicated delinquent for any
54 offense that is eligible for expungement under section 610.134;

55 (15) "Retail marijuana store", an entity licensed to purchase marijuana from
56 marijuana cultivation facilities and marijuana and marijuana products from marijuana
57 product manufacturing facilities, and to sell or deliver marijuana and marijuana
58 products to consumers;

59 (16) "Social equity applicant", an applicant that meets one of the following
60 criteria:

61 **(a) An applicant with at least fifty-one percent ownership and control by one or**
62 **more individuals who have resided in a community disproportionately impacted by**
63 **marijuana prohibition and enforcement for at least five of the preceding ten years;**

64 **(b) An applicant with at least fifty-one percent ownership and control by one or**
65 **more individuals who:**

66 **a. Have been arrested for, convicted of, or adjudicated delinquent for any**
67 **offense that is eligible for expungement under section 610.134; or**

68 **b. Are members of impacted families; or**

69 **(c) For an applicant with a minimum of ten full-time employees, an applicant**
70 **with at least fifty-one percent of current employees, or potential employees based on**
71 **offers of employment, who:**

72 **a. Currently reside in a community disproportionately impacted by marijuana**
73 **prohibition and enforcement; or**

74 **b. Have been arrested for, convicted of, or adjudicated delinquent for any**
75 **offense that is eligible for expungement under section 610.134 or are members of**
76 **impacted families.**

195.2303. 1. Notwithstanding any other provision of law, the following acts are
2 **not unlawful and shall not be an offense under Missouri law or the law of any locality**
3 **within Missouri or be a basis for seizure or forfeiture of assets under Missouri law for**
4 **persons twenty-one years of age or older:**

5 **(1) Possessing three pounds or less of marijuana, or its equivalent by weight if a**
6 **marijuana concentrate or if tetrahydrocannabinol (THC), or marijuana accessories.**
7 **The possession limits under this subdivision shall be cumulative; or**

8 **(2) Consuming marijuana, so long as such consumption does not exceed the**
9 **possession limit under subdivision (1) of this subsection. Marijuana may be consumed**
10 **outdoors or within consumption lounges; however, nothing in sections 195.2300 to**
11 **195.2333 shall permit consumption that is conducted in a manner that endangers others.**

12 **2. Notwithstanding any other provision of law, it shall not be unlawful and shall**
13 **not be an offense under Missouri law or be a basis for seizure or forfeiture of assets**
14 **under Missouri law for persons twenty-one years of age or older to:**

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

17 **(2) Display, transport, or store marijuana or marijuana products; purchase**
18 **marijuana from a marijuana cultivation facility; purchase marijuana or marijuana**
19 **products from a marijuana product manufacturing facility; or sell marijuana or**
20 **marijuana products to consumers if the person conducting the activities described in**
21 **this subdivision has obtained a current, valid license to operate a retail marijuana store**

22 or is acting in his or her capacity as an owner, employee, or agent of a licensed retail
23 marijuana store;

24 (3) Grow, process, prepare, or transport no more than six flowering marijuana
25 plants, six clone plants that are under eighteen inches in height, and six marijuana
26 plants in a vegetative state, provided that the growing takes place in an enclosed, locked
27 space; is not conducted openly or publicly; and the marijuana is not made available for
28 sale;

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

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

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

41 (7) Package, repackage, process, prepare, transport, manufacture, display, or
42 possess marijuana or marijuana products; deliver or transfer marijuana or marijuana
43 products to a marijuana testing facility; sell marijuana or marijuana products to a retail
44 marijuana store or a marijuana product manufacturing facility; purchase marijuana
45 from a marijuana cultivation facility; or purchase marijuana or marijuana products
46 from a marijuana product manufacturing facility if the person conducting the activities
47 described in this subdivision has obtained a current, valid license to operate a marijuana
48 product manufacturing facility or is acting in his or her capacity as an owner, employee,
49 or agent of a licensed marijuana product manufacturing facility;

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

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

195.2309. 1. Before July 1, 2024, the division shall adopt rules and regulations
2 necessary for implementation of sections 195.2300 to 195.2333. Any rule or portion of a

3 rule, as that term is defined in section 536.010, that is created under the authority
4 delegated in this section shall become effective only if it complies with and is subject to
5 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
6 chapter 536 are nonseverable, and if any of the powers vested with the general assembly
7 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
8 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
9 and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

10 2. Such rules and regulations shall include:

11 (1) Procedures for the issuance, renewal, suspension, and revocation of a license
12 to operate a marijuana establishment, as defined in section 195.2300, with such
13 procedures subject to all requirements of chapter 536;

14 (2) A schedule of application, licensing, and renewal fees, provided that the
15 application fees shall not cumulatively exceed four thousand dollars and the renewal
16 fees shall not exceed one hundred dollars per license, adjusted annually based on the
17 rate of inflation according to the consumer price index, unless the division determines a
18 greater fee is necessary to carry out its responsibilities under sections 195.2300 to
19 195.2333;

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

22 (4) Security requirements for marijuana establishments;

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

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

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

30 (8) A plan to promote and encourage participation in the marijuana industry by
31 people from communities that have been disproportionately impacted by marijuana
32 prohibition and enforcement and to positively impact those communities;

33 (9) Restrictions on the advertising and displaying of marijuana and marijuana
34 products; and

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

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

40 marijuana store shall not be required to acquire and record personal information about
41 consumers other than information typically acquired in a financial transaction
42 conducted at a retail liquor store.

195.2310. For an applicant who is a social equity applicant, the division shall
2 waive any license application fee required under subdivision (2) of subsection 2 of
3 section 195.2309; however, the social equity applicant shall be required to reimburse the
4 division fifty percent of the application fee within one year of licensure. The division
5 may require the social equity applicant to attest that the applicant meets the criteria for
6 such fee waiver.

195.2312. 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 of twelve percent. The department of
4 revenue shall direct the division to establish procedures for the collection of all taxes
5 levied. The tax shall be evidenced by stamps that shall be furnished by and purchased
6 from the department of revenue, and such department shall enforce any such tax in a
7 manner similar to taxes levied on cigarettes under chapter 149.

8 2. (1) All such tax revenue shall be deposited in the adult use fund established
9 under section 195.2333. Moneys in the fund shall be used to pay for the direct and
10 indirect costs associated with the implementation, administration, and enforcement of
11 sections 195.2300 to 195.2333, any application fee waiver under section 195.2310, and
12 any costs associated with the expungement process under section 610.134.

13 (2) Any excess moneys remaining in the fund after all costs under subdivision (1)
14 of this subsection have been paid shall be divided as follows:

15 (a) Forty-four percent to the general revenue fund;

16 (b) Twenty percent to the department of mental health for mental health and
17 substance abuse services;

18 (c) Sixteen percent to the division for waivers of license application fees for social
19 equity applicants;

20 (d) Ten percent to the department of elementary and secondary education;

21 (e) Five percent to the department of public safety for law enforcement training
22 and for public education and safety campaigns; and

23 (f) Five percent to the division for the plan to promote and encourage
24 participation in the marijuana industry by people from communities that have been
25 disproportionately impacted by marijuana prohibition and enforcement.

26 3. Nothing in this section shall prohibit state and local sales tax as imposed under
27 the sales tax law and local sales tax law; however, such tax shall not exceed twenty-four
28 percent.

29 **4. Any sale of marijuana for medical use shall not be subject to taxation under**
30 **this section.**

195.2315. 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, 2023;**

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**
8 **after receipt of an application unless the division finds the applicant is not in compliance**
9 **with rules and regulations enacted under section 195.2309; and**

10 **(4) Upon denial of an application, notify the applicant in writing within fourteen**
11 **days of the denial decision of the specific reason for the denial.**

195.2317. 1. If an applicant's application for licensure is denied, within thirty
2 **days of receipt of such denial, an applicant may appeal such denial to the adult use**
3 **board established under subsection 2 of this section.**

4 **2. (1) There is hereby established the "Adult Use Board", which shall be**
5 **composed of five members. One member shall be appointed by the director of the**
6 **department of health and senior services. One member shall be appointed by the**
7 **division. Three members shall be appointed by the governor with the advice and**
8 **consent of the senate. The three members appointed by the governor shall be**
9 **knowledgeable in the areas of health care, mental health, and public safety. The**
10 **governor, with the advice and consent of the senate, shall fill any vacancy on the board**
11 **for the remainder of the unexpired term. No more than two of the members appointed**
12 **by the governor shall be of the same political party. The members shall be appointed for**
13 **a term of two years; except that, the initial members appointed by the governor shall**
14 **serve for three years.**

15 **(2) The board shall elect from among its members a chair and a vice chair, who**
16 **shall act as chair in his or her absence. The board shall meet at the call of the chair. The**
17 **chair may call meetings at such times as he or she deems advisable and shall call a**
18 **meeting if requested to do so by three or more members of the board.**

19 **(3) Members of the board shall not be compensated for their services but shall be**
20 **reimbursed for actual and necessary expenses incurred in the performance of their**
21 **duties.**

195.2318. Nothing in sections 195.2300 to 195.2333 shall require an employer to
2 **permit or accommodate the use, consumption, possession, transfer, display,**

3 transportation, sale, or growing of marijuana in the workplace or to affect the ability of
4 employers to have policies restricting the use of marijuana by employees.

195.2321. Nothing in sections 195.2300 to 195.2333 shall allow driving under the
2 influence of or while impaired by marijuana or supersede statutory laws related to
3 driving under the influence of or while impaired by marijuana, nor shall sections
4 195.2300 to 195.2333 prevent the state from enacting and imposing penalties for driving
5 under the influence of or while impaired by marijuana.

195.2322. Any person possessing marijuana in violation of sections 195.2300 to
2 195.2333 shall be subject to a fine of:

- 3 (1) Four thousand dollars for the first violation;
- 4 (2) Eight thousand dollars for the second violation; and
- 5 (3) Twelve thousand dollars for a third and subsequent violation.

195.2324. Nothing in sections 195.2300 to 195.2333 shall permit the transfer of
2 marijuana, with or without remuneration, to a person under twenty-one years of age or
3 to allow a person under twenty-one years of age to purchase, possess, use, transport,
4 grow, or consume marijuana.

195.2327. 1. Nothing in sections 195.2300 to 195.2333 shall prohibit a person,
2 employer, school, hospital, detention facility, corporation, or any other entity that
3 occupies, owns, or controls a property from prohibiting or otherwise regulating the
4 possession, consumption, use, display, transfer, distribution, sale, transportation, or
5 growing of marijuana on or in such property.

6 2. If a residential property owner prohibits the possession, consumption, use, or
7 growth of marijuana on his or her property, the owner shall explicitly state in the lease
8 that possession, consumption, use, or growth of marijuana is prohibited.

195.2330. An institution of higher education based in Missouri may engage in
2 research and study of the growth, cultivation, or marketing of marijuana. Institutions
3 of higher education based in Missouri and research centers directed or operated by such
4 institutions shall not be required to obtain a license from the division for the production
5 of marijuana.

195.2333. 1. There is hereby created in the state treasury the "Adult Use Fund",
2 which shall consist of moneys collected under section 195.2312. The state treasurer shall
3 be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
4 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
5 appropriation, moneys in the fund shall be used solely for the administration of section
6 195.2312.

7 **2. The state treasurer shall invest moneys in the fund in the same manner as**
8 **other funds are invested. Any interest and moneys earned on such investments shall be**
9 **credited to the fund.**

544.405. Any person who has been charged with an offense involving marijuana,
2 **marijuana products, or marijuana drug paraphernalia prior to the enactment of**
3 **sections 195.2300 to 195.2333 shall have such charge immediately dismissed.**

557.058. 1. Any conviction, remaining sentence, ongoing supervision, or unpaid
2 **court-ordered restitution of any person who on August 28, 2022, is or will be serving a**
3 **sentence of incarceration, probation, parole, or other form of community supervision as**
4 **a result of the person's conviction of an offense involving marijuana, marijuana**
5 **products, or marijuana paraphernalia that was committed prior to the enactment of**
6 **sections 195.2300 to 195.2333 and such offense has been expunged under section 610.134**
7 **shall have the conviction, remaining sentence, ongoing supervision, or unpaid court-**
8 **ordered restitution vacated by operation of law. The office of state courts administrator**
9 **may take any administrative action necessary to vacate the conviction, remaining**
10 **sentence, ongoing supervision, or unpaid court-ordered restitution.**

11 **2. The department of health and senior services, in conjunction with the division**
12 **of workforce development, shall establish a six-week work training program for any**
13 **person subject to subsection 1 of this section. The work training program shall train**
14 **and educate the person for workforce entry into the marijuana industry.**

579.015. 1. A person commits the offense of possession of a controlled substance if
2 **he 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 [~~thirty five grams or~~**
5 **~~less of~~] marijuana or any synthetic cannabinoid is a class D felony.**

6 **3. [~~The offense of possession of more than ten grams but thirty five grams or less of~~**
7 **~~marijuana or any synthetic cannabinoid is a class A misdemeanor.~~**

8 **4. [~~The offense of possession of not more than ten grams of marijuana or any synthetic~~**
9 **~~cannabinoid is a class D misdemeanor.] If the defendant has previously been found guilty of~~**
10 **any offense of the laws related to controlled substances of this state, or of the United States, or**
11 **any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt**
12 **shall be pleaded and proven in the same manner as required by section 558.021.**

13 **[5-] 4. In any complaint, information, or indictment, and in any action or proceeding**
14 **brought for the enforcement of any provision of this chapter or chapter 195, it shall not be**
15 **necessary to include any exception, excuse, proviso, or exemption contained in this chapter or**
16 **chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption**
17 **shall be upon the defendant.**

18 **5. If the controlled substance under this section is marijuana or any synthetic**
19 **cannabinoid, the provisions of this section shall not apply.**

 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 the controlled substance is ~~[thirty-five grams]~~ **three pounds** or less of
10 marijuana or synthetic cannabinoid, **or its equivalent by weight if a marijuana concentrate**
11 **or tetrahydrocannabinol (THC)**, or as otherwise provided under subsection ~~[5]~~ **6** of this
12 section, the offense of delivery of a controlled substance is a class C felony.

13 3. Except as otherwise provided under subsection ~~[4]~~ **5** of this section, the offense of
14 delivery of ~~[thirty-five grams]~~ **three pounds** or less of marijuana or synthetic cannabinoid, **or**
15 **its equivalent by weight if a marijuana concentrate or THC**, is a class E felony **if**
16 **delivered by a person under twenty-one years of age.**

17 4. **Except as provided under subsection 5 of this section, the offense of delivery of**
18 **three pounds or less of marijuana or synthetic cannabinoid, or its equivalent by weight**
19 **if a marijuana concentrate or THC, to a person under twenty-one years of age is a class**
20 **E felony.**

21 **5.** The offense of delivery of ~~[thirty-five grams]~~ **three pounds** or less of marijuana or
22 synthetic cannabinoid, **or its equivalent by weight if a marijuana concentrate or THC**, to a
23 person less than seventeen years of age who is at least two years younger than the defendant
24 is a class C felony.

25 ~~[5-]~~ **6.** The offense of delivery of a controlled substance is a class B felony if:

26 (1) The delivery or distribution is any amount of a controlled substance except ~~[thirty-~~
27 ~~five-grams]~~ **three pounds** or less of marijuana or synthetic cannabinoid, **or its equivalent by**
28 **weight if a marijuana concentrate or THC**, to a person less than seventeen years of age
29 who is at least two years younger than the defendant; or

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

 579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale
2 of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with
3 intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in
4 which one reasonably should know, that it will be used to plant, ~~[propagate]~~ **propagate**,

5 cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test,
6 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce
7 into the human body a controlled substance, **except marijuana or marijuana products if in**
8 **compliance with sections 195.2300 to 195.2333**, or an imitation controlled substance in
9 violation of this chapter.

10 2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor,
11 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
2 if, 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,
6 produce, or grow any amount of controlled substance.

7 2. The offense of manufacturing or attempting to manufacture any amount of
8 controlled substance, **except marijuana or marijuana products as provided under**
9 **sections 195.2300 to 195.2333**, is a class B felony when committed within two thousand feet
10 of the real property comprising a public or private elementary, vocational, or secondary
11 school, community college, college, or university. It is a class A felony if a person has
12 suffered serious physical injury or has died as a result of a fire or explosion started in an
13 attempt by the defendant to produce methamphetamine.

14 3. The offense of manufacturing or attempting to manufacture any amount of a
15 controlled substance, **except [thirty-five grams] marijuana or marijuana products as**
16 **provided under section 195.2300 to 195.2333 or three pounds** or less of ~~[marijuana or]~~
17 synthetic cannabinoid, is a class C felony.

18 4. The offense of manufacturing ~~[thirty-five grams]~~ **three pounds** or less of
19 ~~[marijuana or]~~ synthetic cannabinoid is a class E felony.

579.105. 1. A person commits the offense of keeping or maintaining a public
2 nuisance if he or she knowingly keeps or maintains:

3 (1) Any room, building, structure or inhabitable structure, as defined in section
4 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any
5 amount of a controlled substance, **except [thirty-five grams or less of marijuana or thirty-five**
6 **grams] marijuana or marijuana products as provided in sections 195.2300 to 195.2333 or**
7 **three pounds** or less of any synthetic cannabinoid; or

8 (2) Any room, building, structure or inhabitable structure, as defined in section
9 556.061, where on three or more separate occasions within the period of a year, two or more
10 persons, who were not residents of the room, building, structure, or inhabitable structure,
11 gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any

12 amount of a controlled substance, except [~~thirty-five grams~~] **three pounds** or less of
13 marijuana or [~~thirty-five grams~~] **three pounds** or less of any synthetic cannabinoid.

14 2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit
15 attorney may by information or indictment charge the owner or the occupant, or both the
16 owner and the occupant of the room, building, structure, or inhabitable structure with the
17 offense of keeping or maintaining a public nuisance.

18 3. The offense of keeping or maintaining a public nuisance is a class E felony.

19 4. Upon the conviction of the owner pursuant to this section, the room, building,
20 structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

**610.134. 1. Notwithstanding any provisions of law, the court in which a person
2 was convicted of an offense involving marijuana, marijuana products, or marijuana
3 drug paraphernalia committed prior to the enactment of sections 195.2300 to 195.2333
4 shall automatically expunge the record for such offense if such offense occurred within
5 the state of Missouri and was prosecuted under the jurisdiction of a Missouri court.**

6 **2. For offenses under subsection 1 of this section that occurred:**

7 **(1) Before August 28, 2001, the record shall be expunged before August 28, 2024;**

8 **(2) After August 27, 2001, but before August 28, 2014, the record shall be
9 expunged before August 28, 2026; and**

10 **(3) After August 27, 2014, but before August 28, 2021, the record shall be
11 expunged before August 28, 2028.**

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