

FIRST REGULAR SESSION

SENATE BILL NO. 395

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 4, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1979S.01I

AN ACT

To repeal sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, and to enact in lieu thereof thirty-five new sections relating to cannabis, with penalty provisions.

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

Section A. Sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 195.202, 195.211, 195.222, 195.223, 195.900, 195.903, 195.906, 195.909, 195.912, 195.915, 195.918, 195.921, 195.924, 195.927, 195.930, 195.933, 195.936, 195.939, 195.942, 195.945, 195.948, 195.951, 195.954, 195.957, 195.960, 195.963, 195.966, 195.969, 195.972, 195.975, 195.978, 195.981, 195.984, 195.985, and 263.250, to read as follows:

195.202. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.900 to 195.985**, it is unlawful for any person to possess or have under his control a controlled substance.

2. Any person who violates this section with respect to any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is guilty of a class C felony.

3. Any person who violates this section with respect to not more than thirty-five grams of marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.

195.211. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.900 to 195.985**, and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 with intent to distribute, deliver, manufacture, or produce a controlled substance.

6 2. Any person who violates or attempts to violate this section with respect
7 to manufacturing or production of a controlled substance of any amount except
8 for five grams or less of marijuana in a residence where a child resides or within
9 two thousand feet of the real property comprising a public or private elementary
10 or public or private elementary or secondary school, public vocational school or
11 a public or private community college, college or university, or any school bus is
12 guilty of a class A felony.

13 3. Any person who violates or attempts to violate this section with respect
14 to any controlled substance except five grams or less of marijuana is guilty of a
15 class B felony.

16 4. Any person who violates this section with respect to distributing or
17 delivering not more than five grams of marijuana is guilty of a class C felony.

195.222. 1. A person commits the crime of trafficking drugs in the first
2 degree if, except as authorized by sections 195.005 to 195.425, [he] **such person**
3 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
4 manufacture or produce more than thirty grams of a mixture or substance
5 containing a detectable amount of heroin. Violations of this subsection shall be
6 punished as follows:

7 (1) If the quantity involved is more than thirty grams but less than ninety
8 grams the person shall be sentenced to the authorized term of imprisonment for
9 a class A felony;

10 (2) If the quantity involved is ninety grams or more the person shall be
11 sentenced to the authorized term of imprisonment for a class A felony which term
12 shall be served without probation or parole.

13 2. A person commits the crime of trafficking drugs in the first degree if,
14 except as authorized by sections 195.005 to 195.425, [he] **such person**
15 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
16 manufacture or produce more than one hundred fifty grams of a mixture or
17 substance containing a detectable amount of coca leaves, except coca leaves and
18 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine
19 or their salts have been removed; cocaine salts and their optical and geometric
20 isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and
21 salts of isomers; or any compound, mixture, or preparation which contains any
22 quantity of any of the foregoing substances. Violations of this subsection shall
23 be punished as follows:

24 (1) If the quantity involved is more than one hundred fifty grams but less
25 than four hundred fifty grams the person shall be sentenced to the authorized
26 term of imprisonment for a class A felony;

27 (2) If the quantity involved is four hundred fifty grams or more the person
28 shall be sentenced to the authorized term of imprisonment for a class A felony
29 which term shall be served without probation or parole.

30 3. A person commits the crime of trafficking drugs in the first degree if,
31 except as authorized by sections 195.005 to 195.425, **[he] such person**
32 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
33 manufacture or produce more than eight grams of a mixture or substance
34 described in subsection 2 of this section which contains cocaine base. Violations
35 of this subsection shall be punished as follows:

36 (1) If the quantity involved is more than eight grams but less than
37 twenty-four grams the person shall be sentenced to the authorized term of
38 imprisonment for a class A felony;

39 (2) If the quantity involved is twenty-four grams or more the person shall
40 be sentenced to the authorized term of imprisonment for a class A felony which
41 term shall be served without probation or parole.

42 4. A person commits the crime of trafficking drugs in the first degree if,
43 except as authorized by sections 195.005 to 195.425, **[he] such person**
44 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
45 manufacture or produce more than five hundred milligrams of a mixture or
46 substance containing a detectable amount of lysergic acid diethylamide
47 (LSD). Violations of this subsection shall be punished as follows:

48 (1) If the quantity involved is more than five hundred milligrams but less
49 than one gram the person shall be sentenced to the authorized term of
50 imprisonment for a class A felony;

51 (2) If the quantity involved is one gram or more the person shall be
52 sentenced to the authorized term of imprisonment for a class A felony which term
53 shall be served without probation or parole.

54 5. A person commits the crime of trafficking drugs in the first degree if,
55 except as authorized by sections 195.005 to 195.425, **[he] such person**
56 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
57 manufacture or produce more than thirty grams of a mixture or substance
58 containing a detectable amount of phencyclidine (PCP). Violations of this
59 subsection shall be punished as follows:

60 (1) If the quantity involved is more than thirty grams but less than ninety
61 grams the person shall be sentenced to the authorized term of imprisonment for
62 a class A felony;

63 (2) If the quantity involved is ninety grams or more the person shall be
64 sentenced to the authorized term of imprisonment for a class A felony which term
65 shall be served without probation or parole.

66 6. A person commits the crime of trafficking drugs in the first degree if,
67 except as authorized by sections 195.005 to 195.425, [he] **such person**
68 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
69 manufacture or produce more than four grams of phencyclidine. Violations of this
70 subsection shall be punished as follows:

71 (1) If the quantity involved is more than four grams but less than twelve
72 grams the person shall be sentenced to the authorized term of imprisonment for
73 a class A felony;

74 (2) If the quantity involved is twelve grams or more the person shall be
75 sentenced to the authorized term of imprisonment for a class A felony which term
76 shall be served without probation or parole.

77 7. A person commits the crime of trafficking drugs in the first degree if,
78 except as authorized by sections 195.005 to 195.425[, he] **and sections 195.900**
79 **to 195.985, such person** distributes, delivers, manufactures, produces or
80 attempts to distribute, deliver, manufacture or produce more than thirty
81 kilograms of a mixture or substance containing marijuana. Violations of this
82 subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty kilograms but less than
84 one hundred kilograms the person shall be sentenced to the authorized term of
85 imprisonment for a class A felony;

86 (2) If the quantity involved is one hundred kilograms or more the person
87 shall be sentenced to the authorized term of imprisonment for a class A felony
88 which term shall be served without probation or parole.

89 8. A person commits the crime of trafficking drugs in the first degree if,
90 except as authorized by sections 195.005 to 195.425, [he] **such person**
91 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
92 manufacture or produce more than thirty grams of any material, compound,
93 mixture or preparation which contains any quantity of the following substances
94 having a stimulant effect on the central nervous system: amphetamine, its salts,
95 optical isomers and salts of its optical isomers; methamphetamine, its salts,

96 optical isomers and salts of its optical isomers; phenmetrazine and its salts; or
97 methylphenidate. Violations of this subsection or attempts to violate this
98 subsection shall be punished as follows:

99 (1) If the quantity involved is more than thirty grams but less than ninety
100 grams the person shall be sentenced to the authorized term of imprisonment for
101 a class A felony;

102 (2) If the quantity involved is ninety grams or more, or if the quantity
103 involved was thirty grams or more and the location of the offense was within two
104 thousand feet of a school or public housing as defined in section 195.214 or
105 section 195.218 or within a motor vehicle, or any structure or building which
106 contains rooms furnished for the accommodation or lodging of guests, and kept,
107 used, maintained, advertised, or held out to the public as a place where sleeping
108 accommodations are sought for pay or compensation to transient guests or
109 permanent guests, the person shall be sentenced to the authorized term of
110 imprisonment for a class A felony which term shall be served without probation
111 or parole.

112 9. A person commits the crime of trafficking drugs in the first degree if,
113 except as authorized by sections 195.005 to 195.425, [he or she] **such person**
114 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
115 manufacture or produce more than thirty grams of any material, compound,
116 mixture or preparation which contains any quantity of
117 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts
118 to violate this subsection shall be punished as follows:

119 (1) If the quantity involved is more than thirty grams but less than ninety
120 grams the person shall be sentenced to the authorized term of imprisonment for
121 a class A felony;

122 (2) If the quantity involved is ninety grams or more, or if the quantity
123 involved was thirty grams or more and the location of the offense was within two
124 thousand feet of a school or public housing as defined in section 195.214 or
125 section 195.218 or within a motor vehicle, or any structure or building which
126 contains rooms furnished for the accommodation or lodging of guests, and kept,
127 used, maintained, advertised, or held out to the public as a place where sleeping
128 accommodations are sought for pay or compensation to transient guests or
129 permanent guests, the person shall be sentenced to the authorized term of
130 imprisonment for a class A felony which term shall be served without probation
131 or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second
2 degree if, except as authorized by sections 195.005 to 195.425, [he] **such person**
3 possesses or has under his **or her** control, purchases or attempts to purchase, or
4 brings into this state more than thirty grams of a mixture or substance
5 containing a detectable amount of heroin. Violations of this subsection shall be
6 punished as follows:

7 (1) If the quantity involved is more than thirty grams but less than ninety
8 grams the person shall be guilty of a class B felony;

9 (2) If the quantity involved is ninety grams or more the person shall be
10 guilty of a class A felony.

11 2. A person commits the crime of trafficking drugs in the second degree
12 if, except as authorized by sections 195.005 to 195.425, [he] **such person**
13 possesses or has under his **or her** control, purchases or attempts to purchase, or
14 brings into this state more than one hundred fifty grams of a mixture or
15 substance containing a detectable amount of coca leaves, except coca leaves and
16 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine
17 or their salts have been removed; cocaine salts and their optical and geometric
18 isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and
19 salts of isomers; or any compound, mixture, or preparation which contains any
20 quantity of any of the foregoing substances. Violations of this subsection shall
21 be punished as follows:

22 (1) If the quantity involved is more than one hundred fifty grams but less
23 than four hundred fifty grams the person shall be guilty of a class B felony;

24 (2) If the quantity involved is four hundred fifty grams or more the person
25 shall be guilty of a class A felony.

26 3. A person commits the crime of trafficking drugs in the second degree
27 if, except as authorized by sections 195.005 to 195.425, [he] **such person**
28 possesses or has under his **or her** control, purchases or attempts to purchase, or
29 brings into this state more than eight grams of a mixture or substance described
30 in subsection 2 of this section which contains cocaine base. Violations of this
31 subsection shall be punished as follows:

32 (1) If the quantity involved is more than eight grams but less than
33 twenty-four grams the person shall be guilty of a class B felony;

34 (2) If the quantity involved is twenty-four grams or more the person shall
35 be guilty of a class A felony.

36 4. A person commits the crime of trafficking drugs in the second degree

37 if, except as authorized by sections 195.005 to 195.425, [he] **such person**
38 possesses or has under his **or her** control, purchases or attempts to purchase, or
39 brings into this state more than five hundred milligrams of a mixture or
40 substance containing a detectable amount of lysergic acid diethylamide
41 (LSD). Violations of this subsection shall be punished as follows:

42 (1) If the quantity involved is more than five hundred milligrams but less
43 than one gram the person shall be guilty of a class B felony;

44 (2) If the quantity involved is one gram or more the person shall be guilty
45 of a class A felony.

46 5. A person commits the crime of trafficking drugs in the second degree
47 if, except as authorized by sections 195.005 to 195.425, [he] **such person**
48 possesses or has under his **or her** control, purchases or attempts to purchase, or
49 brings into this state more than thirty grams of a mixture or substance
50 containing a detectable amount of phencyclidine (PCP). Violations of this
51 subsection shall be punished as follows:

52 (1) If the quantity involved is more than thirty grams but less than ninety
53 grams the person shall be guilty of a class B felony;

54 (2) If the quantity involved is ninety grams or more the person shall be
55 guilty of a class A felony.

56 6. A person commits the crime of trafficking drugs in the second degree
57 if, except as authorized by sections 195.005 to 195.425, [he] **such person**
58 possesses or has under his **or her** control, purchases or attempts to purchase, or
59 brings into this state more than four grams of phencyclidine. Violations of this
60 subsection shall be punished as follows:

61 (1) If the quantity involved is more than four grams but less than twelve
62 grams the person shall be guilty of a class B felony;

63 (2) If the quantity involved is twelve grams or more the person shall be
64 guilty of a class A felony.

65 7. A person commits the crime of trafficking drugs in the second degree
66 if, except as authorized by sections 195.005 to 195.425[, he] **and sections**
67 **195.900 to 195.985, such person** possesses or has under his **or her** control,
68 purchases or attempts to purchase, or brings into this state more than thirty
69 kilograms or more of a mixture or substance containing marijuana. Violations of
70 this subsection shall be punished as follows:

71 (1) If the quantity involved is more than thirty kilograms but less than
72 one hundred kilograms the person shall be guilty of a class B felony;

73 (2) If the quantity involved is one hundred kilograms or more the person
74 shall be guilty of a class A felony.

75 8. A person commits the class A felony of trafficking drugs in the second
76 degree if, except as authorized by sections 195.005 to 195.425, [he] **and sections**
77 **195.900 to 195.985, such person** possesses or has under his **or her** control,
78 purchases or attempts to purchase, or brings into this state more than five
79 hundred marijuana plants.

80 9. A person commits the crime of trafficking drugs in the second degree
81 if, except as authorized by sections 195.005 to 195.425, [he] **such person**
82 possesses or has under his **or her** control, purchases or attempts to purchase, or
83 brings into this state more than thirty grams of any material, compound, mixture
84 or preparation which contains any quantity of the following substances having a
85 stimulant effect on the central nervous system: amphetamine, its salts, optical
86 isomers and salts of its optical isomers; methamphetamine, its salts, isomers and
87 salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations
88 of this subsection or attempts to violate this subsection shall be punished as
89 follows:

90 (1) If the quantity involved is more than thirty grams but less than ninety
91 grams the person shall be guilty of a class B felony;

92 (2) If the quantity involved is ninety grams or more but less than four
93 hundred fifty grams, the person shall be guilty of a class A felony;

94 (3) If the quantity involved is four hundred fifty grams or more, the
95 person shall be guilty of a class A felony and the term of imprisonment shall be
96 served without probation or parole.

97 10. A person commits the crime of trafficking drugs in the second degree
98 if, except as authorized by sections 195.005 to 195.425, [he or she] **such person**
99 possesses or has under his or her control, purchases or attempts to purchase,
100 or brings into this state more than thirty grams of any material, compound,
101 mixture or preparation which contains any quantity of
102 3,4-methylenedioxymethamphetamine. Violations of this subsection or
103 attempts to violate this subsection shall be punished as follows:

104 (1) If the quantity involved is more than thirty grams but less than ninety
105 grams the person shall be guilty of a class B felony;

106 (2) If the quantity involved is ninety grams or more but less than four
107 hundred fifty grams, the person shall be guilty of a class A felony;

108 (3) If the quantity involved is four hundred fifty grams or more, the

109 person shall be guilty of a class A felony and the term of imprisonment shall be
110 served without probation or parole.

195.900. 1. Sections 195.900 to 195.985 shall be known and may
2 be cited as the "Missouri Compassionate Care Act".

3 2. (1) The general assembly hereby declares that sections 195.900
4 to 195.985 shall be deemed an exercise of the police powers of the state
5 for the protection of the economic and social welfare and the health,
6 peace, and morals of the people of this state.

7 (2) The general assembly further declares that it is unlawful
8 under state law to cultivate, manufacture, distribute, or sell medical
9 cannabis, except in compliance with the terms, conditions, limitations,
10 and restrictions in sections 195.900 to 195.985 or when acting as a
11 primary caregiver in compliance with the terms, conditions,
12 limitations, and restrictions of sections 195.900 to 195.985.

13 3. As used in sections 195.900 to 195.985, the following terms shall
14 mean:

15 (1) "Adequate supply", two and one-half ounces of usable
16 cannabis during a period of fourteen days and that is derived solely
17 from an intrastate source. Subject to the rules of the department of
18 health and senior services, a patient may apply for a waiver if a
19 physician provides a substantial medical basis in a signed written
20 statement asserting that, based on the patient's medical history and in
21 the physician's professional judgment, two and one-half ounces is an
22 insufficient adequate supply for a fourteen-day period to properly
23 alleviate the patient's debilitating medical condition or symptoms
24 associated with the debilitating medical condition. This subdivision
25 shall not be construed to authorize the possession of more than two and
26 one-half ounces at any time without authority from the department of
27 health and senior services. The premixed weight of medical cannabis
28 used in making a cannabis-infused product shall apply toward the limit
29 on the total amount of medical cannabis a registered qualifying patient
30 may possess at any one time;

31 (2) "Cannabis", marijuana, hashish, and other substances which
32 are identified as including any parts of the plant Cannabis Sativa,
33 whether growing; the seeds thereof, the resin extracted from any part
34 of such plant; and any compound, manufacture, salt, derivative,
35 mixture, or preparation of such plant, its seeds, or resin, including

36 tetrahydrocannabinol (THC) and all other cannabinol derivatives,
37 including its naturally occurring or synthetically produced ingredients,
38 whether produced directly or indirectly by extraction, or independently
39 by means of chemical synthesis or by a combination of extraction and
40 chemical synthesis; but shall not include the mature stalks of such
41 plant, fiber produced from such stalks, oil or cake made from the seeds
42 of such plant, any other compound, manufacture, salt, derivative,
43 mixture, or preparation of such mature stalks except the resin
44 extracted therefrom, fiber, oil or cake, or the sterilized seed of such
45 plant which is incapable of germination;

46 (3) "Commercially available candy, cakes, and cookies", any
47 product that is manufactured and packaged in the form of bars, cakes,
48 cookies, drops, or pieces and that includes a sweetened mixture of
49 dough, chocolate, caramel, nougat, nuts, fruit, cream, honey,
50 marshmallow, or any similar combination to create a dessert-like
51 confection, cakes, or cookies;

52 (4) "Debilitating medical condition", one or more of the following:

53 (a) Cancer, glaucoma, positive status for human
54 immunodeficiency virus (HIV), acquired immune deficiency syndrome,
55 hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease,
56 Parkinson's disease and the symptoms thereof, ulcerative colitis,
57 agitation of Alzheimer's disease, post-traumatic stress disorder, or the
58 treatment of such conditions;

59 (b) A chronic or debilitating disease or medical condition or its
60 treatment that produces one or more of the following: cachexia or
61 wasting syndrome, severe debilitating pain, severe nausea, seizures, or
62 severe and persistent muscle spasms, including but not limited to those
63 characteristics of multiple sclerosis; or

64 (c) Any other debilitating medical condition or its treatment that
65 is added by the department of health and senior services by rule under
66 section 195.981;

67 (5) "Department", the department of health and senior services;

68 (6) "Division", the division of alcohol and tobacco control within
69 the department of public safety;

70 (7) "Good cause", for purposes of refusing or denying a license
71 renewal, reinstatement, or initial license issuance:

72 (a) The licensee applicant has violated, does not meet, or has

73 failed to comply with any of the terms, conditions, or provisions of
74 sections 195.900 to 195.985, any rules promulgated thereunder, or any
75 supplemental local law, rules, or regulations;

76 (b) The licensee or applicant has failed to comply with any
77 special terms or conditions that were placed on its license under an
78 order of the state or local licensing authority;

79 (c) The licensed premises have been operated in a manner that
80 adversely affects the public health or welfare or the safety of the
81 immediate neighborhood in which the establishment is located;

82 (8) "License", to grant a license or registration under sections
83 195.900 to 195.985;

84 (9) "Licensed premises", the premises specified in an application
85 for a license under sections 195.900 to 195.985, which are owned or in
86 possession of the licensee and within which the licensee is authorized
87 to cultivate, manufacture, distribute, or sell medical cannabis in
88 accordance with the provisions of sections 195.900 to 195.985;

89 (10) "Licensee", a person licensed or registered under sections
90 195.900 to 195.985;

91 (11) "Limited access area", a building, room, or other contiguous
92 area upon the licensed premises where medical cannabis is grown,
93 cultivated, stored, weighed, displayed, packaged, sold, or possessed for
94 sale, under control of the licensee, with limited access to only those
95 persons licensed by the division. All areas of ingress or egress to
96 limited access areas shall be clearly identified as such by a sign as
97 designated by the division;

98 (12) "Local licensing authority", an authority designated by
99 municipal or county charter or ordinance;

100 (13) "Medical cannabis", cannabis that is grown and sold under
101 sections 195.900 to 195.985 for a purpose authorized under sections
102 195.900 to 195.985;

103 (14) "Medical cannabis center", a person licensed under sections
104 195.900 to 195.985 to operate a business as described in sections 195.900
105 to 195.985 that sells medical cannabis to registered patients or primary
106 caregivers but is not a primary caregiver;

107 (15) "Medical cannabis cultivation and production facility", a
108 person licensed under sections 195.900 to 195.985 to operate a business
109 as described in section 195.957;

110 (16) "Medical cannabis-infused product", a product infused with
111 medical cannabis that is intended for use or consumption other than by
112 smoking, including but not limited to edible products, ointments, and
113 tinctures. Such products, when manufactured or sold by a licensed
114 medical cannabis center, shall not be considered a food or drug for the
115 purposes of chapter 196;

116 (17) "Medical cannabis testing facility", a public or private
117 laboratory licensed and certified, or approved by the division, to
118 conduct research and analyze medical cannabis for contaminants and
119 potency;

120 (18) "Person", a natural person, partnership, association,
121 company, corporation, limited liability company, or organization, or a
122 manager, agent, owner, director, servant, officer, or employee thereof;

123 (19) "Premises", a distinct and definite location, which may
124 include a building, a part of a building, a room, or any other definite
125 contiguous area;

126 (20) "Primary caregiver", a natural person, other than the patient
127 or the patient's physician, who is eighteen years of age or older and has
128 significant responsibility for managing the well-being of a patient who
129 has a debilitating medical condition;

130 (21) "School", a public or private preschool, or a public or private
131 elementary, middle, junior high, or high school;

132 (22) "State licensing authority", the division of alcohol and
133 tobacco control which is responsible for regulating and controlling the
134 licensing of the cultivation, manufacture, distribution, and sale of
135 medical cannabis in this state.

136 4. Local governments may enact reasonable zoning rules that
137 limit the use of land for operation of medical cannabis centers and
138 medical cannabis cultivation and production facilities to specified
139 areas and that regulate the time, place, and manner of such
140 facilities. The operation of sections 195.900 to 195.985 shall be
141 statewide unless a municipality, county, or city, by either a majority of
142 the registered voters voting at a regular election or special election
143 called in accordance with state law vote to prohibit the operation of
144 medical cannabis centers and medical cannabis cultivation and
145 production facilities in the municipality, county, or city.

195.903. 1. For the purpose of regulating and controlling the

2 licensing of the cultivation, manufacture, distribution, and sale of
3 medical cannabis in this state, the division of alcohol and tobacco
4 control is hereby designated as the state licensing authority.

5 2. The state supervisor of alcohol and tobacco control may
6 employ such officers and employees as may be determined to be
7 necessary, with such officers and employees being part of the
8 division. The division shall, at its discretion and based upon workload,
9 employ no more than one full-time equivalent employee for each ten
10 medical cannabis centers licensed or making application with the
11 authority. No moneys shall be appropriated to the division from the
12 general revenue fund for the operation of sections 195.900 to 195.985,
13 nor shall the division expend any general revenue fund moneys for the
14 operation of sections 195.900 to 195.985.

15 3. During fiscal year 2016, the division shall consider
16 employment of temporary or contract staff to conduct background
17 investigations. The additional cost of the background investigations
18 shall not exceed five hundred thousand dollars.

195.906. 1. The division shall:

2 (1) Grant or refuse state licenses for the cultivation,
3 manufacture, distribution, and sale of medical cannabis as provided by
4 law; suspend, fine, restrict, or revoke such licenses upon a violation of
5 sections 195.900 to 195.985, or a rule promulgated under sections
6 195.900 to 195.985; and impose any penalty authorized by sections
7 195.900 to 195.985 or any rule promulgated under sections 195.900 to
8 195.985. The division may take any action with respect to a registration
9 under sections 195.900 to 195.985 as it may with respect to a license
10 under sections 195.900 to 195.985, in accordance with the procedures
11 established under sections 195.900 to 195.985;

12 (2) Promulgate such rules and such special rulings and findings
13 as necessary for the proper regulation and control of the cultivation,
14 manufacture, distribution, and sale of medical cannabis and for the
15 enforcement of sections 195.900 to 195.985;

16 (3) Upon denial of a state license, provide written notice of the
17 grounds for such denial of a state license to the applicant and to the
18 local authority and the right of the applicant to a hearing before the
19 administrative hearing commission under subsection 2 of section
20 195.924;

21 (4) Maintain the confidentiality of reports obtained from
22 licensees showing the sales volume or quantity of medical cannabis sold
23 or any other records that are exempt from inspection under state law;

24 (5) Develop such forms, licenses, identification cards, and
25 applications as are necessary in the discretion of the division for the
26 administration of sections 195.900 to 195.985 or any of the rules
27 promulgated under sections 195.900 to 195.985;

28 (6) Prepare and submit an annual report accounting to the
29 governor for the efficient discharge of all responsibilities assigned by
30 law or directive to the state licensing authority; and

31 (7) In recognition of the potential medicinal value of medical
32 cannabis, make a request by January 1, 2016, to the federal Drug
33 Enforcement Administration to consider rescheduling, for
34 pharmaceutical purposes, medical cannabis from a Schedule I
35 controlled substance to a Schedule II controlled substance.

36 2. (1) Rules promulgated under subdivision (2) of subsection 1
37 of this section may include, but shall not be limited to, the following:

38 (a) Compliance with, enforcement or violation of any provision
39 of sections 195.900 to 195.985, or any rule issued under sections 195.900
40 to 195.985, including procedures and grounds for denying, suspending,
41 fining, restricting, or revoking a state license issued under sections
42 195.900 to 195.985;

43 (b) Specifications of duties of officers and employees of the
44 division;

45 (c) Instructions for local licensing authorities and law
46 enforcement officers;

47 (d) Requirements for inspections, investigations, searches,
48 seizures, and such additional activities as may become necessary from
49 time to time;

50 (e) Creation of a range of administrative penalties for use by the
51 division;

52 (f) Prohibition of misrepresentation and unfair practices;

53 (g) Control of informational and product displays on licensed
54 premises;

55 (h) Development of individual identification cards for owners,
56 officers, managers, contractors, employees, and other support staff of
57 entities licensed under sections 195.900 to 195.985, including a

58 fingerprint-based criminal record check as may be required by the
59 division prior to issuing a card;

60 (i) Identification of state licensees and their owners, officers,
61 managers, and employees;

62 (j) Security requirements for any premises licensed under
63 sections 195.900 to 195.985, including, at a minimum, lighting, physical
64 security, video, alarm requirements, and other minimum procedures for
65 internal control as deemed necessary by the division to properly
66 administer and enforce the provisions of sections 195.900 to 195.985,
67 including reporting requirements for changes, alterations, or
68 modifications to the premises;

69 (k) Regulation of the storage of, warehouses for, and
70 transportation of medical cannabis;

71 (l) Sanitary requirements for medical cannabis centers and
72 medical cannabis cultivation and production facilities, including but
73 not limited to, sanitary requirements for the preparation of medical
74 cannabis-infused products;

75 (m) The specification of acceptable forms of picture
76 identification that a medical cannabis center may accept when
77 verifying a sale;

78 (n) Labeling standards;

79 (o) Records to be kept by licensees and the required availability
80 of the records;

81 (p) State licensing procedures, including procedures for
82 renewals, reinstatements, initial licenses, and the payment of licensing
83 fees;

84 (q) The reporting and transmittal of monthly sales tax payments
85 by medical cannabis centers;

86 (r) Authorization for the department of revenue to have access
87 to licensing information to ensure sales and income tax payment and
88 effective administration of sections 195.900 to 195.985;

89 (s) Authorization for the division to impose administrative
90 penalties and procedures of issuing, appealing and creating a violation
91 list and schedule of administrative penalties; and

92 (t) Such other matters as are necessary for the fair, impartial,
93 stringent, and comprehensive administration of sections 195.900 to
94 195.985.

95 (2) Nothing in sections 195.900 to 195.985 shall be construed as
96 delegating to the division the power to fix prices for medical cannabis.

97 (3) Nothing in sections 195.900 to 195.985 shall be construed to
98 limit a law enforcement agency's ability to investigate unlawful activity
99 in relation to a medical cannabis center or medical cannabis cultivation
100 and production facility. A law enforcement agency shall have the
101 authority to run a Missouri criminal background check of a primary
102 caregiver, licensee, or employee of a licensee during an investigation
103 of unlawful activity related to medical cannabis.

 195.909. 1. A local licensing authority may issue only the
2 following medical cannabis licenses upon payment of the fee and
3 compliance with all local licensing requirements to be determined by
4 the local licensing authority:

5 (1) A medical cannabis center license;

6 (2) A medical cannabis cultivation and production facility
7 license.

8 2. (1) A local licensing authority shall not issue a local license
9 within a municipality or the unincorporated portion of a county unless
10 the governing body of the municipality has adopted an ordinance or the
11 governing body of the county has adopted a resolution containing
12 specific standards for license issuance, or if no such ordinance or
13 resolution is adopted prior to January 1, 2017, a local licensing
14 authority shall consider the minimum licensing requirements of this
15 section when issuing a license.

16 (2) In addition to all other standards applicable to the issuance
17 of licenses under sections 195.900 to 195.985, the local governing body
18 may adopt additional standards for the issuance of medical cannabis
19 center or medical cannabis cultivation and production facility licenses
20 consistent with the intent of sections 195.900 to 195.985 that may
21 include but not be limited to:

22 (a) Distance restrictions between premises for which local
23 licenses are issued;

24 (b) Reasonable restrictions on the size of an applicant's licensed
25 premises; and

26 (c) Any other requirements necessary to ensure the control of the
27 premises and the ease of enforcement of the terms and conditions of the
28 license.

29 3. An application for a license specified in subsection 1 of this
30 section shall be filed with the appropriate local licensing authority on
31 forms provided by the state licensing authority and shall contain such
32 information as the state licensing authority may require and any forms
33 as the local licensing authority may require. Each application shall be
34 verified by the oath or affirmation of the persons prescribed by the
35 state licensing authority.

36 4. An applicant shall file with the application for a local license,
37 plans and specifications for the interior of the building if the building
38 to be occupied is in existence at the time. If the building is not in
39 existence, the applicant shall file a plot plan and a detailed sketch for
40 the interior and submit an architect's drawing of the building to be
41 constructed. In its discretion, the local or state licensing authority may
42 impose additional requirements necessary for the approval of the
43 application.

 195.912. 1. Upon receipt of an application for a local license,
2 except an application for renewal or for transfer of ownership, a local
3 licensing authority shall schedule and hold a public hearing upon the
4 application to be held not less than thirty days after the date of the
5 application, but not more than ninety days from the date of the
6 application. If the local licensing authority fails to hold a public
7 hearing within such time lines, the application shall be considered
8 approved. If the local licensing authority schedules a hearing for a
9 medical cannabis center application, it shall post and publish public
10 notice thereof not less than ten days prior to the hearing. The local
11 licensing authority shall give public notice by the posting of a sign in
12 a conspicuous place on the medical cannabis center premises for which
13 application has been made and by publication in a newspaper of
14 general circulation in the county in which the medical cannabis center
15 premises are located.

16 2. Public notice given by posting shall include a sign of suitable
17 material, not less than twenty-two inches wide and twenty-six inches
18 high, composed of letters not less than one inch in height and stating
19 the type of license applied for, the date of the hearing, the name and
20 address of the applicant, and such other information as may be
21 required to fully apprise the public of the nature of the
22 application. The sign shall contain the names and addresses of the

23 officers, directors, or manager of the facility to be licensed.

24 3. Public notice given by publication shall contain the same
25 information as that required for signs.

26 4. If the building in which medical cannabis is to be sold is in
27 existence at the time of the application, a sign posted as required in
28 subsections 1 and 2 of this section shall be placed so as to be
29 conspicuous and plainly visible to the general public. If the building
30 is not constructed at the time of the application, the applicant shall
31 post a sign at the premises upon which the building is to be
32 constructed in such a manner that the notice shall be conspicuous and
33 plainly visible to the general public.

34 5. (1) A local licensing authority or a license applicant with local
35 licensing authority approval may request that the state licensing
36 authority conduct a concurrent review of a new license application
37 prior to the local licensing authority's final approval of the license
38 application. Local licensing authorities who permit concurrent review
39 shall continue to independently review the applicant's license
40 application.

41 (2) When conducting a concurrent application review, the state
42 licensing authority may advise the local licensing authority of any
43 items that it finds that may result in the denial of the license
44 application. Upon correction of the noted discrepancies if the
45 correction is permitted by the state licensing authority, the state
46 licensing authority shall notify the local licensing authority of its
47 conditional approval of the license application subject to the final
48 approval by the local licensing authority. The state licensing authority
49 shall then issue the applicant's state license upon receiving evidence
50 of final approval by the local licensing authority.

51 (3) All applications submitted for concurrent review shall be
52 accompanied by all applicable state license and application fees. Any
53 applications which are later denied or withdrawn may allow for a
54 refund of license fees only. All application fees provided by an
55 applicant shall be retained by the respective licensing authority.

195.915. 1. Not less than five days prior to the date of the public
2 hearing authorized in section 195.912, the local licensing authority
3 shall make known its findings, based on its investigation, in writing to
4 the applicant and other parties of interest. The local licensing

5 authority has authority to refuse to issue a license provided for in this
6 section for good cause, subject to judicial review.

7 2. Before entering a decision approving or denying the
8 application for a local license, the local licensing authority may
9 consider, except where sections 195.900 to 195.985 specifically provides
10 otherwise, the facts and evidence adduced as a result of its
11 investigation, as well as any other facts pertinent to the type of license
12 for which application has been made, including the number, type, and
13 availability of medical cannabis outlets located in or near the premises
14 under consideration, and any other pertinent matters affecting the
15 qualifications of the applicant for the conduct of the type of business
16 proposed.

17 3. Within thirty days after the public hearing or completion of
18 the application investigation, a local licensing authority shall issue its
19 decision approving or denying an application for local licensure. The
20 decision shall be in writing and shall state the reasons for the
21 decision. The local licensing authority shall send a copy of the decision
22 by certified mail to the applicant at the address shown in the
23 application.

24 4. After approval of an application, a local licensing authority
25 shall not issue a local license until the building in which the business
26 to be conducted is ready for occupancy with such furniture, fixtures,
27 and equipment in place as are necessary to comply with the applicable
28 provisions of sections 195.900 to 195.985, and then only after the local
29 licensing authority has inspected the premises to determine that the
30 applicant has complied with the architect's drawing and the plot plan
31 and detailed sketch for the interior of the buildings submitted with the
32 application.

33 5. After approval of an application for local licensure, the local
34 licensing authority shall notify the state licensing authority of such
35 approval, who shall investigate and either approve or disapprove the
36 application for state licensure.

195.918. 1. (1) The division of alcohol and tobacco control shall
2 not issue more than a statewide total of thirty state licenses for medical
3 cannabis centers and a statewide total of thirty state licenses for
4 medical cannabis cultivation and production facilities; except that, an
5 applicant for a medical cannabis center license may be approved for an

6 additional two medical cannabis center licenses in accordance with
7 subdivision (2) of this subsection. Such additional medical cannabis
8 center licenses shall not be counted toward the thirty license statewide
9 limit for medical cannabis centers.

10 (2) Licenses shall be geographically disbursed by the division, in
11 consultation with the department of health and senior services, based
12 on the demographics of the state and patient demand to ensure
13 statewide access for patients. If more than thirty medical cannabis
14 centers are necessary to provide sufficient patient access, a medical
15 cannabis center licensee may be approved for up to an additional two
16 medical cannabis center licenses, subject to approval by the local
17 licensing authority.

18 2. Before the division of alcohol and tobacco control issues a
19 state license to an applicant, the applicant shall:

20 (1) (a) Procure and file with the division evidence of a good and
21 sufficient bond in the amount of five thousand dollars with corporate
22 surety thereon duly licensed to do business with the state, approved as
23 to form by the state attorney general, and conditioned that the
24 applicant shall report and pay all sales and use taxes due to the state,
25 or for which the state is the collector or collecting agent, in a timely
26 manner, as provided in law.

27 (b) A corporate surety shall not be required to make payments
28 to the state claiming under such bond until a final determination of
29 failure to pay taxes due to the state has been made by the division or
30 a court of competent jurisdiction.

31 (c) All bonds required under this subdivision shall be renewed
32 at such time as the bondholder's license is renewed. The renewal may
33 be accomplished through a continuation certificate issued by the
34 surety; and

35 (2) Submit documentation acceptable to the division that the
36 applicant has at least five hundred thousand dollars in liquid
37 assets. Documentation acceptable to the division includes a signed
38 statement from a Missouri certified public accountant attesting to proof
39 of the required amount of liquid assets under the control of the
40 applicant. Such statement shall be dated within thirty calendar days
41 before the date the application is submitted.

195.921. 1. Applications for a state license under the provisions

2 of sections 195.900 to 195.985 shall be made to the division of alcohol
3 and tobacco control on forms prepared and furnished by the division
4 and shall set forth such information as the division may require to
5 enable the division to determine whether a state license shall be
6 granted. The information shall include the name and address of the
7 applicant, the names and addresses of the officers, directors, or
8 managers, and all other information deemed necessary by the
9 division. Each application shall be verified by the oath or affirmation
10 of such person or persons as the division may prescribe.

11 2. The division shall not issue a state license under this section
12 until the local licensing authority has approved the application for a
13 local license and issued a local license as provided for in sections
14 195.909 to 195.918.

15 3. Nothing in sections 195.900 to 195.985 shall preempt or
16 otherwise impair the power of a local government to enact ordinances
17 or resolutions concerning matters authorized to local governments.

195.924. 1. The division shall deny a state license if the premises
2 on which the applicant proposes to conduct its business do not meet the
3 requirements of sections 195.900 to 195.985.

4 2. If the division denies a state license under subsection 1 of this
5 section, the applicant shall be entitled to a hearing before the
6 administrative hearing commission. The division shall provide written
7 notice of the grounds for denial of the state license to the applicant and
8 to the local licensing authority at least fifteen days prior to the
9 hearing.

195.927. 1. (1) A license provided by sections 195.900 to 195.985
2 shall not be issued to or held by:

3 (a) A person until the annual fee has been paid;

4 (b) A person whose criminal history indicates that he or she is
5 not of good moral character;

6 (c) A corporation, if the criminal history of any of its officers,
7 directors, or stockholders indicates that the officer, director, or
8 stockholder is not of good moral character;

9 (d) A licensed physician making patient recommendations;

10 (e) A person employing, assisted by, or financed in whole or in
11 part by any other person whose criminal history indicates he or she is
12 not of good moral character and reputation satisfactory to the

13 respective licensing authority;

14 (f) A person under twenty-one years of age;

15 (g) A person licensed under sections 195.900 to 195.985 who
16 during a period of licensure or who at the time of application has failed
17 to:

18 a. Provide a surety bond, proof of liquid assets, or file any tax
19 return with a taxing agency;

20 b. Pay any taxes, interest, or penalties due;

21 c. Pay any judgments due to a government agency;

22 d. Stay out of default on a government-issued student loan;

23 e. Pay child support; or

24 f. Remedy an outstanding delinquency for taxes owed, an
25 outstanding delinquency for judgments owed to a government agency,
26 or an outstanding delinquency for child support.

27 (h) A person who has discharged a sentence in the five years
28 immediately preceding the application date for a conviction of a felony
29 or a person who at any time has been convicted of a felony under any
30 state or federal law regarding the possession, distribution, or use of a
31 controlled substance;

32 (i) A person who employs another person at a medical cannabis
33 center or medical cannabis cultivation and production facility who has
34 not passed a criminal background check;

35 (j) A sheriff, deputy sheriff, police officer, or prosecuting officer,
36 or any officer or employee of the division or a local licensing authority;

37 (k) A person whose authority to be a primary caregiver as
38 defined in sections 195.900 to 195.985 has been revoked by the
39 department;

40 (l) A person for a license for a location that is currently licensed
41 as a retail food establishment or wholesale food registrant; or

42 (m) A person who has an officer who is not a resident of
43 Missouri. All officers shall be residents of Missouri, however, managers
44 and employees may be nonresidents. All stockholders who legally and
45 beneficially own or control sixty percent or more of the stock in
46 amount and in voting rights shall be residents of Missouri and bona
47 fide residents of the state for a period of three years continuously
48 immediately prior to the date of filing of application for a license.

49 2. (1) In investigating the qualifications of an applicant or a

50 licensee, the division shall have access to criminal background check
51 information furnished by a criminal justice agency subject to any
52 restrictions imposed by such agency. In the event the division
53 considers the applicant's criminal background check information, the
54 division shall also consider any information provided by the applicant
55 regarding such criminal background check, including but not limited
56 to evidence of rehabilitation, character references, and educational
57 achievements, especially those items pertaining to the period of time
58 between the applicant's last criminal conviction and the consideration
59 of the application for a state license.

60 (2) As used in subdivision (1) of this subsection, "criminal justice
61 agency" means any federal, state, or municipal court or any
62 governmental agency or subunit of such agency that administers
63 criminal justice under a statute or executive order and that allocates
64 a substantial part of its annual budget to the administration of criminal
65 justice.

66 (3) At the time of filing an application for issuance or renewal of
67 a state medical cannabis center license or medical cannabis cultivation
68 and production facility license, an applicant shall submit a set of his or
69 her fingerprints and file personal history information concerning the
70 applicant's qualifications for a state license on forms prepared by the
71 division. The division shall submit the fingerprints to the Missouri
72 state highway patrol for the purpose of conducting a fingerprint-based
73 criminal background check. The Missouri state highway patrol shall
74 forward the fingerprints to the Federal Bureau of Investigation for the
75 purpose of conducting a fingerprint-based criminal background
76 check. The division may acquire a name-based criminal background
77 check for an applicant or a license holder who has twice submitted to
78 a fingerprint-based criminal background check and whose fingerprints
79 are unclassifiable. An applicant who has previously submitted
80 fingerprints for state licensing purposes may request that the
81 fingerprints on file be used. The division shall use the information
82 resulting from the fingerprint-based criminal history record check to
83 investigate and determine whether an applicant is qualified to hold a
84 state license under sections 195.900 to 195.985. The division may verify
85 any of the information an applicant is required to submit.

195.930. The division or a local licensing authority shall not

2 receive or act upon an application for the issuance of a state or local
3 license under sections 195.900 to 195.985:

4 (1) If the application for a state or local license concerns a
5 particular location that is the same as or within one thousand feet of
6 a location for which, within the two years immediately preceding the
7 date of the application, the division or a local licensing authority
8 denied an application for the same class of license due to the nature of
9 the use or other concern related to the location;

10 (2) Until it is established that the applicant is or shall be entitled
11 to possession of the premises for which application is made under a
12 lease, rental agreement, or other arrangement for possession of the
13 premises or by virtue of ownership of the premises;

14 (3) For a location in an area where the cultivation, manufacture,
15 and sale of medical cannabis as contemplated is not permitted under
16 the applicable local zoning laws of the municipality or county;

17 (4) (a) If the building in which medical cannabis is to be sold is
18 located within one thousand feet of a school; an alcohol or drug
19 treatment facility; or the principal campus of a college, university, or
20 seminary, or a residential child care facility. The provisions of this
21 subdivision shall not affect the renewal or reissuance of a license once
22 granted or apply to licensed premises located or to be located on land
23 owned by a municipality, nor shall the provisions of this subdivision
24 apply to an existing licensed premises on land owned by the state, or
25 apply to a license in effect and actively doing business before such
26 principal campus was constructed.

27 (b) The distances referred to in this subdivision are to be
28 computed by direct measurement from the nearest property line of the
29 land used for a school or campus to the nearest portion of the building
30 in which medical cannabis is to be sold.

31 (c) In addition to the requirements of section 195.909, the local
32 licensing authority shall consider the evidence and make a specific
33 finding of fact as to whether the building in which the medical
34 cannabis is to be sold is located within the distance restrictions
35 established by or under this subdivision.

195.933. 1. A state or local license granted under the provisions
2 of sections 195.900 to 195.985 shall not be transferable except as
3 provided in this section, but this section shall not prevent a change of

4 location as provided in subsection 13 of section 195.936.

5 2. For a transfer of ownership, a license holder shall apply to the
6 division and the local licensing authority on forms prepared and
7 furnished by the division. In determining whether to permit a transfer
8 of ownership, the division and the local licensing authority shall
9 consider only the requirements of sections 195.900 to 195.985, any rules
10 promulgated by the division, and any other local restrictions. The local
11 licensing authority may hold a hearing on the application for transfer
12 of ownership. The local licensing authority shall not hold a hearing
13 under this subsection until the local licensing authority has posted a
14 notice of hearing in the manner described in section 195.912 on the
15 licensed medical cannabis center premises for a period of ten days and
16 has provided notice of the hearing to the applicant at least ten days
17 prior to the hearing. Any transfer of ownership hearing by the division
18 shall be held in compliance with the requirements specified in section
19 195.912.

20 195.936. 1. Sections 195.900 to 195.985 authorizes a county or
21 municipality to enact reasonable regulations or other restrictions
2 applicable to licenses of medical cannabis centers and medical cannabis
3 cultivation and production facility based on local zoning, health, safety,
4 and public welfare laws for the distribution of medical cannabis that
5 are more restrictive than sections 195.900 to 195.985.

6 2. A medical cannabis center or medical cannabis cultivation and
7 production facility shall not operate until it has been licensed by the
8 local licensing authority and the state licensing authority under
9 sections 195.900 to 195.985. In connection with a license, the applicant
10 shall provide a complete and accurate list of all owners, officers, and
11 employees who work at, manage, own, or are otherwise associated with
12 the operation and shall provide a complete and accurate application as
13 required by the division.

14 3. A medical cannabis center or medical cannabis cultivation and
15 production facility shall notify the division in writing within ten days
16 after an owner, officer, or employee ceases to work at, manage, own, or
17 otherwise be associated with the operation. The owner, officer, or
18 employee shall surrender his or her identification card to the division
19 on or before the date of the notification.

20 4. A medical cannabis center or medical cannabis cultivation and
21

22 production facility shall notify the division in writing of the name,
23 address, and date of birth of an owner, officer, manager, or employee
24 before the new owner, officer, or employee begins working at,
25 managing, owning, or begins an association with the operation. The
26 owner, officer, manager, or employee shall pass a fingerprint-based
27 criminal background check as required by the division and obtain the
28 required identification prior to being associated with, managing,
29 owning, or working at the operation.

30 5. A medical cannabis center or medical cannabis cultivation and
31 production facility shall not acquire, possess, cultivate, deliver,
32 transfer, transport, supply, or dispense cannabis for any purpose except
33 to assist patients with debilitating medical conditions.

34 6. All owners of a licensed medical cannabis center or licensed
35 medical cannabis cultivation and production facility shall be
36 authorized to do business in Missouri. A local licensing authority shall
37 not issue a license provided for in sections 195.900 to 195.985 until that
38 share of the license application fee due to the state has been received
39 by the division. All licenses granted under sections 195.900 to 195.985
40 shall be valid for a period not to exceed two years from the date of
41 issuance unless revoked or suspended under sections 195.900 to 195.985
42 or the rules promulgated under sections 195.900 to 195.985.

43 7. Before granting a local or state license, the respective
44 licensing authority may consider, except where sections 195.900 to
45 195.985 specifically provides otherwise, the requirements of sections
46 195.900 to 195.985 and any rules promulgated under sections 195.900 to
47 195.985, and all other reasonable restrictions that are or may be placed
48 upon the licensee by the licensing authority. With respect to a second
49 or additional license for the same licensee or the same owner of
50 another licensed business under sections 195.900 to 195.985, each
51 licensing authority shall consider the effect on competition of granting
52 or denying the additional licenses to such licensee and shall not
53 approve an application for a second or additional license that has the
54 effect of restraining competition.

55 8. (1) Each license issued under sections 195.900 to 195.985 is
56 separate and distinct. It is unlawful for a person to exercise any of the
57 privileges granted under a license other than the license that the
58 person holds or for a licensee to allow any other person to exercise the

59 privileges granted under the licensee's license. A separate license shall
60 be required for each specific business or business entity and each
61 geographical location.

62 (2) At all times, a licensee shall possess and maintain possession
63 of the premises for which the license is issued by ownership, lease,
64 rental, or other arrangement for possession of the premises.

65 9. (1) The licenses provided under sections 195.900 to 195.985
66 shall specify the date of issuance, the period of licensure, the name of
67 the licensee, and the premises licensed. The licensee shall
68 conspicuously display the license at all times on the licensed premises.

69 (2) A local licensing authority shall not transfer location of or
70 renew a license to sell medical cannabis until the applicant for the
71 license produces a license issued and granted by the state licensing
72 authority covering the whole period for which a license or license
73 renewal is sought.

74 10. In computing any period of time prescribed by sections
75 195.900 to 195.985, the day of the act, event, or default from which the
76 designated period of time begins to run shall not be
77 included. Saturdays, Sundays, and legal holidays shall be counted as
78 any other day.

79 11. A licensee shall report each transfer or change of financial
80 interest in the license to the division and the local licensing authority
81 thirty days prior to any transfer or change under subsection 13 of this
82 section. A report shall be required for transfers of capital stock of any
83 corporation regardless of size.

84 12. Each licensee shall manage the licensed premises himself or
85 herself or employ a separate and distinct manager on the premises and
86 shall report the name of the manager to the division and the local
87 licensing authority. The licensee shall report any change in manager
88 to the division and local licensing authority thirty days prior to such
89 change.

90 13. (1) A licensee may move his or her permanent location to any
91 other place in the same municipality for which the license was
92 originally granted, or in the same county if the license was granted for
93 a place outside the corporate limits of a municipality, but it shall be
94 unlawful to cultivate, manufacture, distribute, or sell medical cannabis
95 at any such place until permission to do so is granted by the division

96 and the local licensing authority provided for in sections 195.900 to
97 195.985.

98 (2) In permitting a change of location, the division and the local
99 licensing authority shall consider all reasonable restrictions that are
100 or may be placed upon the new location by the governing body or local
101 licensing authority of the municipality or county any such change in
102 location shall be in accordance with all requirements of sections
103 195.900 to 195.985 and rules promulgated under sections 195.900 to
104 195.985.

195.939. 1. (1) Ninety days prior to the expiration date of an
2 existing license, the division shall notify the licensee of the expiration
3 date by first class mail at the licensee's address of record with the
4 division. A licensee shall apply for the renewal of an existing license
5 to the local licensing authority not less than forty-five days and to the
6 division not less than thirty days prior to the date of expiration. A
7 local licensing authority shall not accept an application for renewal of
8 a license after the date of expiration, except as provided in subsection
9 2 of this section. The division may extend the expiration date of the
10 license and accept a late application for renewal of a license provided
11 that the applicant has filed a timely renewal application with the local
12 licensing authority. All renewals filed with the local licensing
13 authority and subsequently approved by the local licensing authority
14 shall next be processed by the division. The division or the local
15 licensing authority, in its discretion, subject to the requirements of this
16 section and based upon reasonable grounds, may waive the forty-five
17 day or thirty day time requirements set forth in this subsection. The
18 local licensing authority may hold a hearing on the application for
19 renewal only if the licensee has had complaints filed against it, has a
20 history of violations, or there are allegations against the licensee that
21 constitute good cause.

22 (2) The local licensing authority shall not hold a renewal hearing
23 provided for by this subsection for a medical cannabis center until it
24 has posted a notice of hearing on the licensed medical cannabis center
25 premises in the manner described in section 195.912 for a period of ten
26 days and provided notice to the applicant at least ten days prior to the
27 hearing. The local licensing authority may refuse to renew any license
28 for good cause, subject to judicial review.

29 2. (1) Notwithstanding the provisions of subsection 1 of this
30 section, a licensee whose license has been expired for not more than
31 ninety days may file a late renewal application upon the payment of a
32 nonrefundable late application fee of five hundred dollars to the local
33 licensing authority. A licensee who files a late renewal application and
34 pays the requisite fees may continue to operate until both the state and
35 local licensing authorities have taken final action to approve or deny
36 the licensee's late renewal application.

37 (2) The state and local licensing authorities shall not accept a
38 late renewal application more than ninety days after the expiration of
39 a licensee's permanent annual license. A licensee whose permanent
40 annual license has been expired for more than ninety days shall not
41 cultivate, manufacture, distribute, or sell any medical cannabis until all
42 required licenses have been obtained.

 195.942. The division or local licensing authority may, in its
2 discretion, revoke or elect not to renew any license if it determines that
3 the licensed premises have been inactive without good cause for at
4 least one year.

 195.945. 1. The division, by rule, shall require a complete
2 disclosure of all persons having a direct or indirect financial interest
3 and the extent of such interest in each license issued under sections
4 195.900 to 195.985.

5 2. A person shall not have an unreported financial interest in a
6 license under sections 195.900 to 195.985 unless such person has
7 undergone a fingerprint-based criminal background check as provided
8 for by the division in its rules; except that, this subsection shall not
9 apply to banks, savings and loan associations, or industrial banks
10 supervised and regulated by an agency of the state or federal
11 government, or to FHA-approved mortgagees, or to stockholders,
12 directors, or officers thereof.

13 3. This section is intended to prohibit and prevent the control of
14 the outlets for the sale of medical cannabis by a person or party other
15 than the persons licensed under the provisions of sections 195.900 to
16 195.985.

 195.948. 1. For the purpose of regulating the cultivation,
2 manufacture, distribution, testing and sale of medical cannabis, the
3 division may, in its discretion and upon application in the prescribed

4 form made to it, issue and grant to the applicant a license or
5 registration from any of the following classes, subject to the provisions
6 and restrictions provided by sections 195.900 to 195.985:

- 7 (1) Medical cannabis center license;
- 8 (2) Medical cannabis cultivation and production facility license;
- 9 (3) Medical cannabis testing facility registration;
- 10 (4) Occupational licenses and registrations for owners, managers,
11 operators, employees, contractors, and other support staff employed by,
12 working in, or having access to restricted areas of the licensed
13 premises as determined by the division. The division may take any
14 action with respect to a registration under sections 195.900 to 195.985
15 as it may with respect to a license under sections 195.900 to 195.985, in
16 accordance with the procedures established under sections 195.900 to
17 195.985.

18 2. In order to do business in Missouri under sections 195.900 to
19 195.985, a business shall hold both a medical cannabis center license
20 and a medical cannabis cultivation and production facility license.

21 3. All persons licensed under sections 195.900 to 195.985 shall
22 collect sales tax on all sales made under the licensing activities.

23 4. A state-chartered bank or a credit union may loan money to
24 any person licensed under sections 195.900 to 195.985 for the operation
25 of a licensed business.

195.951. 1. A medical cannabis center license shall be issued only
2 to a person selling medical cannabis under the terms and conditions of
3 sections 195.900 to 195.985.

4 2. Notwithstanding the provision of this section, a medical
5 cannabis center licensee may also sell medical cannabis-infused
6 products that are prepackaged and labeled under subsection 7 of
7 section 195.951.

8 3. Every person selling medical cannabis as provided for in this
9 section shall sell only medical cannabis grown in its medical cannabis
10 cultivation and production facility licensed under sections 195.900 to
11 195.985. The provisions of this subsection shall not apply to medical
12 cannabis-infused products.

13 4. Notwithstanding the requirements of subsection 3 of this
14 section to the contrary, a medical cannabis licensee shall not purchase
15 more than thirty percent of its total on-hand inventory of medical

16 cannabis from another licensed medical cannabis center in Missouri. A
17 medical cannabis center shall not sell more than thirty percent of its
18 total on-hand inventory to another Missouri medical cannabis licensee.

19 5. Prior to initiating a sale, the employee of the medical cannabis
20 center making the sale shall verify that the purchaser has a valid
21 registration card issued under section 195.981 and a valid picture
22 identification card that matches the name on the registration card.

23 6. A licensed medical cannabis center may provide a small
24 amount of its medical cannabis for testing to a medical cannabis testing
25 facility.

26 7. All medical cannabis sold at a licensed medical cannabis
27 center shall be labeled as follows:

28 (1) Labeling of cannabis, excluding medical cannabis-infused
29 products. The medical cannabis center shall place a legible, firmly
30 affixed label on which the wording is no less than one-sixteenth inch
31 in size on each package of cannabis that it prepares for dispensing and
32 which contains at a minimum the following information:

33 (a) The registered qualifying patient's name;

34 (b) The name and registration number of the medical cannabis
35 center that produced the cannabis, together with the medical cannabis
36 center's telephone number and mailing address, and website
37 information, if any;

38 (c) The quantity of usable cannabis contained within the
39 package;

40 (d) The date that the medical cannabis center packaged the
41 contents;

42 (e) A batch number, sequential serial number, and bar code when
43 used, to identify the batch associated with manufacturing and
44 processing;

45 (f) The cannabinoid profile of the cannabis contained within the
46 package, including tetrahydrocannabinol (THC) level;

47 (g) A statement that the product has been tested for
48 contaminants, that there were no adverse findings, and the date of
49 testing, and the following statement, including capitalization: "This
50 product has not been analyzed or approved by the FDA. There is
51 limited information on the side effects of using this product, and there
52 may be associated health risks. Do not drive or operate machinery

53 when under the influence of this product. **KEEP THIS PRODUCT AWAY**
54 **FROM CHILDREN.**";

55 (2) Labeling of medical cannabis-infused products. The medical
56 cannabis center shall place a legible firmly affixed label on which the
57 wording is no less than one-sixteenth inch in size on each medical
58 cannabis-infused product that it prepares for dispensing and which
59 contains at a minimum the following information:

60 (a) The registered qualifying patient's name;

61 (b) The name and registration number of the medical cannabis
62 center that produced the medical cannabis-infused product, together
63 with the medical cannabis center's telephone number and mailing
64 address, and website information, if any;

65 (c) The name of the product;

66 (d) The quantity of usable cannabis contained within the product
67 as measured in ounces;

68 (e) A list of ingredients, including the cannabinoid profile of the
69 cannabis contained within the product, including the
70 tetrahydrocannabinol (THC) level;

71 (f) The date of product creation and the recommended "use by"
72 or expiration date;

73 (g) To identify the batch associated with manufacturing and
74 processing, a batch number, sequential serial number, and bar code
75 when used;

76 (h) Directions for use of the product if relevant;

77 (i) A statement that the product has been tested for
78 contaminants, that there were no adverse findings, and the date of
79 testing;

80 (j) A warning if nuts or other known allergens are contained in
81 the product; and

82 (k) The following statement, including capitalization: "This
83 product has not been analyzed or approved by the FDA. There is
84 limited information on the side effects of using this product, and there
85 may be associated health risks. Do not drive or operate machinery
86 when under the influence of this product. **KEEP THIS PRODUCT AWAY**
87 **FROM CHILDREN.**";

88 (3) Cannabis shall be packaged in plain, opaque, tamper-proof,
89 and child-proof containers without depictions of the product, cartoons,

90 or images other than the medical cannabis center's logo. Edibles shall
91 not bear a reasonable resemblance to any product available for
92 consumption as commercially available candy, cakes, and cookies as
93 defined in section 195.900.

94 8. A licensed medical cannabis center shall comply with all
95 provisions of law as such provisions relate to persons with disabilities.

195.954. A medical cannabis cultivation and production facility
2 license may be issued only to a person licensed under this section who
3 grows and cultivates medical cannabis and who manufactures medical
4 cannabis-infused products under the terms and conditions of sections
5 195.900 to 195.985.

195.957. 1. (1) Medical cannabis-infused products shall be
2 prepared on a licensed premises that is used exclusively for the
3 manufacture and preparation of medical cannabis-infused products and
4 which uses equipment that is used exclusively for the manufacture and
5 preparation of medical cannabis-infused products.

6 (2) Except for a registered qualifying patient or primary
7 caregiver who are not subject to such requirements, only a licensed
8 medical cannabis cultivation and production facility is permitted to
9 produce medical cannabis-infused products. A medical cannabis
10 cultivation and production facility may produce medical cannabis-
11 infused products for only such facility's medical cannabis center, and
12 up to two additional medical cannabis centers under common
13 ownership.

14 (3) The medical cannabis cultivation and production facility
15 shall have all cannabis cultivated by such facility tested in accordance
16 with the following:

17 (a) Cannabis shall be tested for the cannabinoid profile and for
18 contaminants as specified by the division, including but not limited to
19 mold, mildew, heavy metals, plant-growth regulators, and the presence
20 of nonorganic pesticides. The division may require additional testing;

21 (b) The facility shall maintain the results of all testing for no less
22 than one year;

23 (c) The facility shall have and follow a policy and procedure for
24 responding to results indicating contamination, which shall include
25 destruction of contaminated product and assessment of the source of
26 contamination. Such policy shall be available to registered qualifying

27 patients and primary caregivers;

28 (d) All testing shall be conducted by an independent laboratory
29 that is:

30 a. Accredited to International Organization for Standardization
31 (ISO) 17025 by a third-party accrediting body such as A2LA or ACLASS;
32 or

33 b. Certified, registered, or accredited by an organization
34 approved by the division;

35 (e) The facility shall arrange for testing to be conducted in
36 accordance with the frequency required by the division;

37 (f) A facility shall have a contractual arrangement with a
38 laboratory for the purposes of testing cannabis, including a stipulation
39 that those individuals responsible for testing at the laboratory be
40 licensed;

41 (g) An executive of a facility is prohibited from having any
42 financial or other interest in a laboratory providing testing services for
43 any medical cannabis cultivation and production facility;

44 (h) No individual employee of a laboratory providing testing
45 services for medical cannabis cultivation and production facilities shall
46 receive direct financial compensation from any medical cannabis
47 cultivation and production facility;

48 (i) All transportation of cannabis to and from laboratories
49 providing cannabis testing services shall comply with rules
50 promulgated under paragraph (d) of subdivision (1) of subsection 2 of
51 section 195.906;

52 (j) All storage of cannabis at a laboratory providing cannabis
53 testing services shall comply with subdivision (4) of this subsection;
54 and

55 (k) All excess cannabis shall be returned to the source medical
56 cannabis cultivation and production facility and be disposed of under
57 paragraph (e) of subdivision (7) of this subsection.

58 (4) (a) All cannabis in the process of cultivation, production,
59 preparation, transport, or analysis shall be housed and stored in such
60 a manner as to prevent diversion, theft, or loss.

61 (b) Such items shall be accessible only to the minimum number
62 of specifically authorized dispensary agents essential for efficient
63 operation.

64 (c) Such items shall be returned to a secure location immediately
65 after completion of the process or at the end of the scheduled business
66 day.

67 (d) If a manufacturing process cannot be completed at the end
68 of a working day, the processing area or tanks, vessels, bins, or bulk
69 containers containing cannabis shall be securely locked inside an area
70 or building that affords adequate security.

71 (5) A medical cannabis cultivation and production facility shall
72 process cannabis in a safe and sanitary manner. A facility shall process
73 the leaves and flowers of the female cannabis plant only, which shall
74 be:

75 (a) Well cured and free of seeds and stems;

76 (b) Free of dirt, sand, debris, and other foreign matter;

77 (c) Free of contamination by mold, rot, other fungus, and
78 bacterial diseases;

79 (d) Prepared and handled on food-grade stainless steel tables;
80 and

81 (e) Packaged in a secure area.

82 (6) Production of edible medical cannabis-infused products shall
83 take place in compliance with the following:

84 (a) All edible medical cannabis-infused products shall be
85 prepared, handled, and stored in compliance with the sanitation
86 requirements in subdivision (7) of this subsection and any other
87 applicable rules or state law; and

88 (b) Any edible medical cannabis-infused product that is made to
89 resemble a typical food or beverage product shall be packaged in an
90 opaque package and labeled as required by subsection 7 of section
91 195.951.

92 (7) All facilities, including those that develop or process
93 nonedible medical cannabis-infused products, shall comply with the
94 following sanitary requirements:

95 (a) Any dispensary agent whose job includes contact with
96 cannabis or nonedible medical cannabis-infused products, including
97 cultivation, production, or packaging, is subject to the requirements for
98 food handlers under state law and in accordance with rules of the
99 department of health and senior services;

100 (b) Any dispensary agent working in direct contact with

101 preparation of cannabis or nonedible medical cannabis-infused
102 products shall conform to sanitary practices while on duty, including:
103 a. Maintaining adequate personal cleanliness; and
104 b. Washing hands thoroughly in an adequate hand-washing area
105 before starting work, and at any other time when hands may have
106 become soiled or contaminated;
107 (c) Hand-washing facilities shall be adequate and convenient and
108 shall be furnished with running water at a suitable
109 temperature. Hand-washing facilities shall be located in the facility in
110 production areas and where good sanitary practices require employees
111 to wash and sanitize their hands, and shall provide effective hand
112 cleaning and sanitizing preparations and sanitary towel service or
113 suitable drying devices;
114 (d) There shall be sufficient space for placement of equipment
115 and storage of materials as is necessary for the maintenance of sanitary
116 operations;
117 (e) Litter and waste shall be properly removed, disposed of so as
118 to minimize the development of odor, and minimize the potential for
119 the waste attracting and harboring pests. The operating systems for
120 waste disposal shall be maintained in an adequate manner;
121 (f) Floors, walls, and ceilings shall be constructed in such a
122 manner that they may be adequately kept clean and in good repair;
123 (g) There shall be adequate safety lighting in all processing and
124 storage areas, as well as areas where equipment or utensils are cleaned;
125 (h) Buildings, fixtures, and other physical facilities shall be
126 maintained in a sanitary condition;
127 (i) All contact surfaces, including utensils and equipment, shall
128 be maintained in a clean and sanitary condition. Such surfaces shall
129 be cleaned and sanitized as frequently as necessary to protect against
130 contamination, using a sanitizing agent registered by the United States
131 Environmental Protection Agency (EPA), in accordance with labeled
132 instructions. Equipment and utensils shall be so designed and of such
133 material and workmanship as to be adequately cleanable;
134 (j) All toxic items shall be identified, held, and stored in a
135 manner that protects against contamination of cannabis and medical
136 cannabis-infused products;
137 (k) A facility's water supply shall be sufficient for necessary

138 operations. Any private water source shall be capable of providing a
139 safe, potable, and adequate supply of water to meet the facility's needs;

140 (l) Plumbing shall be of adequate size and design, and adequately
141 installed and maintained to carry sufficient quantities of water to
142 required locations throughout the facility. Plumbing shall properly
143 convey sewage and liquid disposable waste from the facility. There
144 shall be no cross-connections between the potable and waste water
145 lines;

146 (m) A facility shall provide its employees with adequate readily
147 accessible toilet facilities that are maintained in a sanitary condition
148 and in good repair;

149 (n) Products that may support the rapid growth of undesirable
150 microorganisms shall be held in a manner that prevents the growth of
151 such microorganisms; and

152 (o) Storage and transportation of finished products shall be
153 under conditions that shall protect them against physical, chemical,
154 and microbial contamination as well as against deterioration of them
155 or their container.

156 2. (1) A medical cannabis cultivation and production facility
157 shall provide adequate lighting, ventilation, temperature, humidity,
158 space, and equipment.

159 (2) A facility shall have separate areas for storage of cannabis
160 that is outdated, damaged, deteriorated, mislabeled, or contaminated,
161 or whose containers or packaging have been opened or breached, until
162 such products are destroyed.

163 (3) Facility storage areas shall be maintained in a clean and
164 orderly condition.

165 (4) Facility storage areas shall be free from infestation by
166 insects, rodents, birds, and pests of any kind.

167 (5) Facility storage areas shall be maintained in accordance with
168 the security requirements promulgated under paragraph (j) of
169 subdivision (1) of subsection 2 of section 195.906.

195.906. 1. Until a medical cannabis cultivation and production
2 facility's cultivation or production process has been validated, such
3 facility shall not wholesale, transfer, or process into a medical cannabis
4 concentrate or medical cannabis product any medical cannabis, medical
5 cannabis concentrate, or medical cannabis product unless samples from

6 the harvest batch or production batch from which such medical
7 cannabis, medical cannabis concentrate, or medical cannabis product
8 was derived was tested by a medical cannabis testing facility for
9 contaminants and passed all contaminant tests required by subsection
10 3 of this section.

11 2. (1) A medical cannabis cultivation and production facility's
12 cultivation process shall be deemed valid if every harvest batch that it
13 produced during a twelve-week period passed all contaminant tests
14 required by subsection 3 of this section, including at least twelve test
15 batches that were submitted at least six days apart and contain samples
16 from entirely different harvest batches.

17 (2) A facility's production process shall be deemed valid if every
18 production batch that it produced during a four-week period passed all
19 contaminant tests required by subsection 3 of this section, including at
20 least four test batches that were submitted at least six days apart
21 which contain samples from entirely different production batches.

22 3. (1) Each harvest batch of medical cannabis and production
23 batch of medical cannabis concentrate and medical cannabis product
24 shall be tested for microbial contamination by a medical cannabis
25 testing facility. The microbial contamination test shall include, but not
26 be limited to, testing to determine the presence of and amounts present
27 of salmonella sp., escherichia coli., and other bile tolerant bacteria.

28 (2) Each harvest batch of medical cannabis and production batch
29 of medical cannabis concentrate and medical cannabis product shall be
30 tested for mold contamination by a medical cannabis testing
31 facility. The mold contamination test shall include, but shall be limited
32 to, testing to determine presence and the level of aspergillus sp., mucor
33 sp., penicillium sp., and thermophilic actinomycetes sp.

34 (3) Each harvest batch of medical cannabis produced by a facility
35 shall be tested for filth and other visible contamination by a medical
36 cannabis testing facility. The filth contamination test shall include, but
37 shall not be limited to, the detection, separation, quantification,
38 identification, and interpretation of extraneous materials, including
39 insects, rodent droppings, visible adulterants, and other contaminants,
40 in medical cannabis flowers and trim.

41 (4) Each production batch of solvent-based medical cannabis
42 concentrate produced by a facility shall be tested for residual solvent

43 contamination by a medical cannabis testing facility. The residual
44 solvent contamination test shall include, but not be limited to, testing
45 to determine the presence of, and amounts present of, butane, propane,
46 ethanol, isopropanol, acetone, and heptane.

47 4. (1) The division may require additional tests to be conducted
48 on a harvest batch or production batch prior to a facility wholesaling,
49 transferring, or processing into a medical cannabis concentrate or
50 medical cannabis product any medical cannabis, medical cannabis
51 concentrate, or medical cannabis product from such harvest batch or
52 production batch. Additional tests may include, but not be limited to,
53 screening for pesticide, harmful chemicals, adulterants or other types
54 of microbials, molds, filth or residual solvents.

55 (2) (a) A production batch of medical cannabis concentrate shall
56 be considered exempt from subdivision (1) of this subsection if the
57 facility that produced it does not wholesale or transfer any portion of
58 the production batch and it uses the entire production batch to
59 manufacture medical cannabis product; except that, a solvent-based
60 medical cannabis concentrate produced using butane, propane, ethanol,
61 isopropanol, acetone, or heptane shall still be submitted for a residual
62 solvent contaminant test.

63 (b) A facility shall not be required to have residual solvent
64 testing conducted on the product batch of a solvent-based medical
65 cannabis concentrate if only CO₂ was used during the production of the
66 medical cannabis concentrate.

67 5. (1) (a) If a facility makes a material change to its cultivation
68 or production process, such facility shall have the first five harvest
69 batches or production batches produced using the new standard
70 operating procedures tested for all of the contaminants required by
71 subsection 3 of this section regardless of whether its process has been
72 previously validated. If any such tests fail, such facility's process shall
73 be revalidated.

74 (b) It shall be considered a material change if a facility begins
75 using a new or different pesticide during its cultivation process and the
76 first five harvest batches produced using the new or different pesticide
77 shall also be tested for pesticide.

78 (c) It shall be considered a material change if a facility begins
79 using a new or different solvent or combination of solvents.

80 (d) A facility that makes a material change shall notify the
81 medical cannabis testing facility that conducts contaminant testing on
82 the first five harvest batches or production batches produced using the
83 new standard operating procedures.

84 (e) When a harvest batch or production batch is required to be
85 submitted for testing under this subsection, the facility that produced
86 it shall not wholesale, transfer or process into a medical cannabis
87 concentrate or medical cannabis product any of the medical cannabis,
88 medical cannabis concentrate, or medical cannabis product from such
89 harvest batch or production batch.

90 (2) If six of the ten most recently tested test batches produced by
91 a facility fail contaminant testing, the facility shall be required to
92 revalidate its process.

93 6. Medical cannabis-infused products shall not be consumed on
94 a premises licensed under sections 195.900 to 195.985.

95 7. Notwithstanding any other provision of state law, sales of
96 medical cannabis-infused products shall not be exempt from state or
97 local sales tax.

195.963. 1. (1) There is hereby created in the state treasury the
2 "Medical Cannabis License Cash Fund", which shall consist of all money
3 collected by the division under sections 195.900 to 195.985. The state
4 treasurer shall be custodian of the fund. In accordance with sections
5 30.170 and 30.180, the state treasurer may approve disbursements. The
6 fund shall be a dedicated fund and, upon appropriation, money in the
7 fund shall be used solely for the administration of sections 195.900 to
8 195.985.

9 (2) Notwithstanding the provisions of section 33.080 to the
10 contrary, any moneys remaining in the fund at the end of the biennium
11 shall not revert to the credit of the general revenue fund.

12 (3) The state treasurer shall invest moneys in the fund in the
13 same manner as other funds are invested. Any interest and moneys
14 earned on such investments shall be credited to the fund.

15 (4) There is hereby created the "Medical Cannabis Program
16 Account" as an account within the medical cannabis license cash
17 fund. The account shall consist of all moneys collected by the
18 department of health and senior services under section 195.981. The
19 account shall be a dedicated account and, upon appropriation, money

20 in the account shall be used solely for the administration of section
21 195.981.

22 2. (1) The division shall require all applicants for initial state
23 licenses under sections 195.900 to 195.985 to submit a nonrefundable
24 application fee of twelve thousand five hundred dollars for a medical
25 cannabis center license and twelve thousand five hundred dollars for
26 a medical cannabis cultivation and production facility license.

27 (2) The division shall establish all other fees for processing the
28 following types of applications, licenses, notices, or reports required to
29 be submitted to the state licensing authority:

30 (a) Applications to change location under subsection 13 of
31 section 195.936 and rules promulgated thereunder;

32 (b) Applications for transfer of ownership under section 195.933
33 and rules promulgated thereunder;

34 (c) License renewal and expired license renewal applications
35 under section 195.939; and

36 (d) Licenses as listed in section 195.948.

37 (3) The amounts of the fees under subdivisions (1) and (2) of this
38 subsection, when added to the other fees transferred to the fund under
39 this section, shall reflect the actual direct and indirect costs of the
40 division in the administration and enforcement of sections 195.900 to
41 195.985.

42 (4) The division may charge applicants licensed under sections
43 195.900 to 195.985 a fee for the cost of each fingerprint analysis and
44 background investigation undertaken to qualify new officers, directors,
45 managers, or employees.

46 (5) At least annually, the division shall review the amounts of the
47 fees and, if necessary, adjust the amounts to reflect the direct and
48 indirect costs of the division.

49 3. Except as provided in subsection 4 of this section, the division
50 shall establish a basic fee that shall be paid at the time of service of
51 any subpoena upon the division, plus a fee for meals and a fee for
52 mileage at the rate prescribed for state officers and employees, for each
53 mile actually and necessarily traveled in going to and returning from
54 the place named in the subpoena. If the person named in the subpoena
55 is required to attend the place named in the subpoena for more than
56 one day, there shall be paid, in advance, a sum to be established by the

57 division for each day of attendance to cover the expenses of the person
58 named in the subpoena.

59 4. The subpoena fee established under subsection 3 of this
60 section shall not be applicable to any federal, state or local
61 governmental agency.

195.966. 1. Except as otherwise provided, all fees and fines
2 provided for by sections 195.900 to 195.985 shall be paid to the division,
3 which shall transmit the fees to the state treasurer. The state treasurer
4 shall credit the fees to the medical cannabis license cash fund created
5 in section 195.963.

6 2. The expenditures of the division shall be paid out of
7 appropriations from the medical cannabis license cash fund created in
8 section 195.963.

195.969. 1. Each application for a local license provided for in
2 sections 195.900 to 195.985 filed with a local licensing authority shall be
3 accompanied by an application fee and a license fee in an amount
4 determined by the local licensing authority not to exceed ten percent
5 of the state application fee and license fee.

6 2. License fees as determined by the local licensing authority
7 shall be paid to the treasurer of the municipality or county where the
8 licensed premises is located in advance of the approval, denial, or
9 renewal of the license.

195.972. 1. In addition to any other sanctions prescribed by
2 sections 195.900 to 195.985 or rules promulgated under sections 195.900
3 to 195.985, the division or a local licensing authority has the power, on
4 its own motion or on complaint, after investigation and opportunity for
5 a public hearing at which the licensee shall be afforded an opportunity
6 to be heard, to suspend or revoke a license issued by the respective
7 authority for a violation by the licensee or by any of the agents or
8 employees of the licensee of the provisions of sections 195.900 to
9 195.985, or any of the rules promulgated under sections 195.900 to
10 195.985, or of any of the terms, conditions, or provisions of the license
11 issued by the division or local licensing authority. The division or a
12 local licensing authority has the power to administer oaths and issue
13 subpoenas to require the presence of persons and the production of
14 papers, books, and records necessary to the determination of a hearing
15 that the division or local licensing authority is authorized to conduct.

16 2. The division or local licensing authority shall provide notice
17 of suspension, revocation, fine, or other sanction, as well as the
18 required notice of the hearing under subsection 1 of this section by
19 mailing the same in writing to the licensee at the address contained in
20 the license. Except in the case of a summary suspension under section
21 195.984, a suspension shall not be for a longer period than six months.
22 If a license is suspended or revoked, a part of the fees paid therefore
23 shall not be returned to the licensee. Any license or permit may be
24 summarily suspended by the issuing licensing authority without notice
25 pending any prosecution, investigation, or public hearing under the
26 terms of section 195.984. Nothing in this section shall prevent the
27 summary suspension of a license under section 195.984. Each patient
28 registered with a medical cannabis center that has had its license
29 summarily suspended may immediately transfer his or her primary
30 center to another licensed medical cannabis center.

31 3. (1) Whenever a decision of the division or a local licensing
32 authority suspending a license for fourteen days or less becomes final,
33 the licensee may, before the operative date of the suspension, petition
34 for permission to pay a fine in lieu of having the license suspended for
35 all or part of the suspension period. Upon the receipt of the petition,
36 the division or local licensing authority may, in its sole discretion, stay
37 the proposed suspension and cause any investigation to be made which
38 it deems desirable and may, in its sole discretion, grant the petition if
39 the division or local licensing authority is satisfied that:

40 (a) The public welfare and morals shall not be impaired by
41 permitting the licensee to operate during the period set for suspension
42 and that the payment of the fine shall achieve the desired disciplinary
43 purposes;

44 (b) The books and records of the licensee are kept in such a
45 manner that the loss of sales that the licensee would have suffered had
46 the suspension gone into effect may be determined with reasonable
47 accuracy; and

48 (c) The licensee has not had his or her license suspended or
49 revoked, nor had any suspension stayed by payment of a fine, during
50 the two years immediately preceding the date of the motion or
51 complaint that resulted in a final decision to suspend the license or
52 permit.

53 (2) The fine accepted shall be not less than five hundred dollars
54 nor more than one hundred thousand dollars.

55 (3) Payment of a fine under the provisions of this subsection
56 shall be in the form of cash or in the form of a certified check or
57 cashier's check made payable to the division or local licensing
58 authority, whichever is appropriate.

59 4. Upon payment of the fine under subsection 3 of this section,
60 the division or local licensing authority shall enter its further order
61 permanently staying the imposition of the suspension. If the fine is
62 paid to a local licensing authority, the governing body of the authority
63 shall cause the moneys to be paid into the general fund of the local
64 licensing authority. Fines paid to the division under subsection 3 of
65 this section shall be transmitted to the state treasurer who shall credit
66 the same to the medical cannabis license cash fund created in section
67 195.963.

68 5. In connection with a petition under subsection 3 of this
69 section, the authority of the division or local licensing authority is
70 limited to the granting of such stays as are necessary for the authority
71 to complete its investigation and make its findings and, if the authority
72 makes such findings, to the granting of an order permanently staying
73 the imposition of the entire suspension or that portion of the
74 suspension not otherwise conditionally stayed.

75 6. If the division or local licensing authority does not make the
76 findings required in subdivision (1) of subsection 3 of this section and
77 does not order the suspension permanently stayed, the suspension shall
78 go into effect on the operative date finally set by the division or local
79 licensing authority.

80 7. Each local licensing authority shall report all actions taken to
81 impose fines, suspensions, and revocations to the division in a manner
82 required by the division. No later than January fifteenth of each year,
83 the division shall compile a report of the preceding year's actions in
84 which fines, suspensions, or revocations were imposed by local
85 licensing authorities and by the division. The division shall file one
86 copy of the report with the chief clerk of the house of representatives,
87 one copy with the secretary of the senate, and six copies in the
88 legislative library.

195.975. 1. Each licensee shall keep a complete set of all records

2 necessary to show fully the business transactions of the licensee, all of
3 which shall be open at all times during business hours for the
4 inspection and examination of the division or its duly authorized
5 representatives. The division may require any licensee to furnish such
6 information as it considers necessary for the proper administration of
7 this section and may require an audit to be made of the books of
8 account and records on such occasions as it may consider necessary by
9 an auditor to be selected by the division who shall likewise have access
10 to all books and records of the licensee, and the expense thereof shall
11 be paid by the licensee.

12 2. The licensed premises, including any places of storage where
13 medical cannabis is grown, stored, cultivated, sold, or dispensed, shall
14 be subject to inspection by the division or local licensing authorities
15 and their investigators, during all business hours and other times of
16 apparent activity, for the purpose of inspection or investigation. For
17 examination of any inventory or books and records required to be kept
18 by the licensees, access shall be required during business hours. Where
19 any part of the licensed premises consists of a locked area, upon
20 demand to the licensee, such area shall be made available for
21 inspection without delay, and, upon request by authorized
22 representatives of the division or local licensing authority, the licensee
23 shall open the area for inspection.

24 3. Each licensee shall retain all books and records necessary to
25 show fully the business transactions of the licensee for a period of the
26 current tax year and the three immediately prior tax years.

195.978. 1. Except as otherwise provided in sections 195.900 to
2 195.985, it is unlawful for a person:

3 (1) To consume medical cannabis in a licensed medical cannabis
4 center, and it shall be unlawful for a medical cannabis licensee to allow
5 medical cannabis to be consumed upon its licensed premises;

6 (2) With knowledge, to permit or fail to prevent the use of such
7 person's registry identification by any other person for the unlawful
8 purchasing of medical cannabis; or

9 (3) To buy, sell, transfer, give away, or acquire medical cannabis
10 except as allowed under sections 195.900 to 195.985.

11 2. It is unlawful for a person licensed under sections 195.900 to
12 195.985:

13 (1) To be within a limited-access area unless the person's license
14 badge is displayed as required by sections 195.900 to 195.985;

15 (2) To fail to designate areas of ingress and egress for
16 limited-access areas and post signs in conspicuous locations as required
17 by sections 195.900 to 195.985;

18 (3) To fail to report a transfer required by section 195.933; or

19 (4) To fail to report the name of or a change in managers as
20 required by section 195.936.

21 3. It is unlawful for any person licensed to sell medical cannabis
22 under sections 195.900 to 195.985:

23 (1) To display any signs that are inconsistent with local laws or
24 regulations;

25 (2) To use advertising material that is misleading, deceptive, or
26 false, or that is designed to appeal to minors;

27 (3) To provide public premises, or any portion thereof, for the
28 purpose of consumption of medical cannabis in any form;

29 (4) (a) To sell medical cannabis to a person not licensed under
30 sections 195.900 to 195.985 or to a person not able to produce a valid
31 patient registry identification card. Notwithstanding any provision in
32 this paragraph to the contrary, a person under twenty-one years of age
33 shall not be employed to sell or dispense medical cannabis at a medical
34 cannabis center or grow or cultivate medical cannabis at a medical
35 cannabis cultivation and production facility.

36 (b) If a licensee or a licensee's employee has reasonable cause to
37 believe that a person is exhibiting a fraudulent patient registry
38 identification card in an attempt to obtain medical cannabis, the
39 licensee or employee shall be authorized to confiscate the fraudulent
40 patient registry identification card, if possible, and shall, within
41 seventy-two hours after the confiscation, turn it over to the department
42 of health and senior services or local law enforcement agency. The
43 failure to confiscate the fraudulent patient registry identification card
44 or to turn it over to the department or a state or local law enforcement
45 agency within seventy-two hours after the confiscation shall not
46 constitute a criminal offense;

47 (5) To offer for sale or solicit an order for medical cannabis in
48 person except within the licensed premises;

49 (6) To have in possession or upon the licensed premises any

50 medical cannabis, the sale of which is not permitted by the license;

51 (7) To buy medical cannabis from a person not licensed to sell as
52 provided by sections 195.900 to 195.985;

53 (8) To sell medical cannabis except in the permanent location
54 specifically designated in the license for sale;

55 (9) To have on the licensed premises any medical cannabis or
56 cannabis paraphernalia that shows evidence of the medical cannabis
57 having been consumed or partially consumed;

58 (10) To require a medical cannabis center and medical cannabis
59 cultivation and production facility to make delivery to any premises
60 other than the specific licensed premises where the medical cannabis
61 is to be sold; or

62 (11) To sell, serve, or distribute medical cannabis at any time
63 other than between the hours of 8:00 a.m. and 7:00 p.m. Monday through
64 Sunday.

65 4. Except as otherwise provided in sections 195.900 to 195.985, it
66 is unlawful for:

67 (1) A medical cannabis center or medical cannabis cultivation
68 and production facility to sell, deliver, or cause to be delivered to a
69 licensee any medical cannabis not grown upon its licensed premises; or

70 (2) A medical cannabis center or medical cannabis cultivation
71 and production facility to sell, possess, or permit sale of medical
72 cannabis not grown upon its licensed premises.

73 A violation of this subsection by a licensee shall be grounds for the
74 immediate revocation of the license granted under sections 195.900 to
75 195.985.

76 5. It shall be unlawful for a physician who makes patient
77 referrals to a licensed medical cannabis center to receive anything of
78 value from the medical cannabis center licensee or its agents, servants,
79 officers, or owners, or anyone financially interested in the licensee, and
80 it shall be unlawful for a licensee licensed under sections 195.900 to
81 195.985 to offer anything of value to a physician for making patient
82 referrals to the licensed medical cannabis center.

83 6. A person who commits any acts that are unlawful under this
84 section is guilty of a class A misdemeanor.

195.981. 1. The department of health and senior services shall
2 promulgate rules:

3 (1) To ensure that patients suffering from legitimate debilitating
4 medical conditions are able to safely gain access to medical cannabis
5 and to ensure that such patients:

6 (a) Are not subject to criminal prosecution for their use of
7 medical cannabis in accordance with this section, and the rules of the
8 department;

9 (b) Are able to establish an affirmative defense to their use of
10 medical cannabis in accordance with this section, and the rules of the
11 department;

12 (2) To prevent persons who do not suffer from legitimate
13 debilitating medical conditions from using this section as a means to
14 sell, acquire, possess, produce, use, or transport cannabis in violation
15 of state and federal laws.

16 2. As used in this section, the following terms shall mean:

17 (1) "Bona fide physician-patient relationship", for purposes of the
18 medical cannabis program:

19 (a) A physician and a patient have a treatment or counseling
20 relationship, in the course of which the physician has completed a full
21 assessment of the patient's medical history and current medical
22 condition, including an appropriate personal physical examination;

23 (b) The physician has consulted with the patient with respect to
24 the patient's debilitating medical condition before the patient applies
25 for a registry identification card; and

26 (c) The physician is available to or offers to provide follow-up
27 care and treatment to the patient, including but not limited to patient
28 examinations, to determine the efficacy of the use of medical cannabis
29 as a treatment of the patient's debilitating medical condition;

30 (2) "Department", the department of health and senior services;

31 (3) "Director", the director of the department of health and senior
32 services;

33 (4) "In good standing", with respect to a physician's license:

34 (a) The physician holds a doctor of medicine or doctor of
35 osteopathic medicine degree from an accredited medical school;

36 (b) The physician holds a valid license to practice medicine in
37 Missouri that does not contain a restriction or condition that prohibits
38 the recommendation of medical cannabis; and

39 (c) The physician has a valid and unrestricted United States

40 Department of Justice Federal Drug Enforcement Administration
41 controlled substances registration;

42 (5) "Medical cannabis program", the program established under
43 sections 195.900 to 195.985;

44 (6) "Primary caregiver", the same meaning as such term is
45 defined in section 195.900;

46 (7) "Registry identification card", the nontransferable
47 confidential registry identification card issued by the department to
48 patients and primary caregivers under this section.

49 3. (1) The department shall promulgate rules to implement the
50 medical cannabis program, including rules for the following:

51 (a) The establishment and maintenance of a confidential registry
52 of patients who have applied for and are entitled to receive a registry
53 identification card;

54 (b) The development by the department of an application form
55 and making such form available to residents of this state seeking to be
56 listed on the confidential registry of patients who are entitled to
57 receive a registry identification card;

58 (c) The verification by the department of medical information
59 concerning patients who have applied for a confidential registry card
60 or for renewal of a registry identification card;

61 (d) The development by the department of a form that shall be
62 used by a physician when making a medical cannabis recommendation
63 for a patient;

64 (e) The conditions for issuance and renewal, and the form, of the
65 registry identification cards issued by patients, including but not
66 limited to standards for ensuring that the department issues a registry
67 identification card to a patient only if such patient has a bona fide
68 physician-patient relationship with a physician in good standing and
69 licensed to practice medicine in the state of Missouri;

70 (f) Communications with law enforcement officials about registry
71 identification cards that have been suspended when a patient is no
72 longer diagnosed as have a debilitating medical condition; and

73 (g) A waiver process to allow a homebound patient who is on the
74 registry to have a primary caregiver transport the patient's medical
75 cannabis from a licensed medical cannabis center to the patient.

76 (2) The department may promulgate rules regarding the

77 following:

78 (a) What constitutes significant responsibility for managing the
79 well-being of a patient; except that, the act of supplying medical
80 cannabis or cannabis paraphernalia, by itself, is insufficient to
81 constitute significant responsibility for managing the well-being of a
82 patient;

83 (b) The development of a form for a primary caregiver to use in
84 applying to the registry, which form shall require, at a minimum, that
85 the applicant provide his or her full name, home address, date of birth,
86 and an attestation that the applicant has a significant responsibility for
87 managing the well-being of the patient for whom he or she is
88 designated as the primary caregiver and that he or she understands
89 and shall abide by this section, and the rules promulgated by the
90 department under this section;

91 (c) The development of a form that constitutes written
92 documentation, which a physician shall use when making a medical
93 cannabis recommendation for a patient; and

94 (d) The grounds and procedure for a patient to change his or her
95 designated primary caregiver.

96 (3) The department shall conduct a public review hearing to
97 receive public input on any emergency rules adopted by the
98 department and be provided with an update from the industry,
99 caregivers, patients, and other stakeholders regarding the industry's
100 current status. The department shall provide at least five business
101 days' notice prior to the hearing.

102 4. Any resident of Missouri may petition the department to add
103 conditions or treatments to the list of debilitating medical conditions
104 as defined in subsection 3 of section 195.900. The department shall
105 consider petitions in the manner required by department rule,
106 including public notice and hearing. The department shall approve or
107 deny a petition within one hundred eighty days of its submission. The
108 approval or denial of any petition is a final decision of the department,
109 subject to judicial review.

110 5. A physician who certifies a debilitating medical condition for
111 an applicant to the medical cannabis program shall comply with all of
112 the following requirements:

113 (1) The physician shall have a valid and active license to practice

114 medicine in this state, which license is in good standing;

115 (2) After a physician, who has a bona fide physician-patient
116 relationship with the patient applying for the medical cannabis
117 program, determines, for the purposes of making a recommendation,
118 that the patient has a debilitating medical condition and that the
119 patient may benefit from the use of medical cannabis, the physician
120 shall certify to the department that the patient has a debilitating
121 medical condition and that the patient may benefit from the use of
122 medical cannabis. If the physician certifies that the patient may
123 benefit from the use of medical cannabis based on a chronic or
124 debilitating disease or medical condition, the physician shall specify
125 the chronic or debilitating disease or medical condition and, if known,
126 the cause or source of the chronic or debilitating disease or medical
127 condition;

128 (3) The physician shall maintain a record-keeping system for all
129 patients for whom the physician has recommended the medical use of
130 cannabis;

131 (4) A physician shall not:

132 (a) Accept, solicit, or offer any form of pecuniary remuneration
133 from or to a primary caregiver, distributor, or any other provider of
134 medical cannabis;

135 (b) Offer a discount or any other thing of value to a patient who
136 uses or agrees to use a particular primary caregiver, distributor, or
137 other provider of medical cannabis to procure medical cannabis;

138 (c) Examine a patient for purposes of diagnosing a debilitating
139 medical condition at a location where medical cannabis is sold or
140 distributed; or

141 (d) Holds an economic interest in an enterprise that provides or
142 distributes medical cannabis if the physician certifies the debilitating
143 medical condition of a patient for participation in the medical cannabis
144 program.

145 6. (1) If the department has reasonable cause to believe that a
146 physician has violated subdivision (1), (2), or (3) of subsection 5 of this
147 section, or the rules promulgated by the department, the department
148 may refer the matter to the state board of medical examiners for an
149 investigation and determination.

150 (2) If the department has reasonable cause to believe that a

151 physician has violated subdivision (4) of subsection 5 of this section,
152 the department shall conduct a hearing to determine whether a
153 violation has occurred. Upon a finding of unprofessional conduct by
154 the state board of medical examiners or a finding of a violation of
155 subdivision (4) of subsection 5 of this section by the department, the
156 department shall restrict a physician's authority to recommend the use
157 of medical cannabis, which restrictions may include the revocation or
158 suspension of a physician's privilege to recommend medical
159 cannabis. The restriction shall be in addition to any sanction imposed
160 by the state board of medical examiners.

161 7. (1) A primary caregiver shall not delegate to any other person
162 his or her authority to provide medical cannabis to a patient nor may
163 a primary caregiver engage others to assist in providing medical
164 cannabis to a patient.

165 (2) A primary caregiver shall not cultivate cannabis. Only a
166 medical cannabis cultivation and production facility may cultivate
167 cannabis and only for medical use.

168 (3) A primary caregiver shall provide to a law enforcement
169 agency, upon inquiry, the registry identification card number of each
170 of his or her patients. The department shall maintain a registry of such
171 information and make it available twenty-four hours per day and seven
172 days a week to law enforcement for verification purposes.

173 8. (1) To be considered in compliance with this section and the
174 rules of the department, a patient or primary caregiver shall have his
175 or her registry identification card in his or her possession at all times
176 that he or she is in possession of any form of medical cannabis and
177 produce the same upon request of a law enforcement officer to
178 demonstrate that the patient or primary caregiver is not in violation of
179 the law. A person who violates this section or the rules promulgated
180 by the department may be subject to criminal prosecution.

181 (2) The department shall maintain a registry of such information
182 and make it available twenty-four hours per day and seven days a week
183 to law enforcement for verification purposes. Upon inquiry by a law
184 enforcement officer as to an individual's status as a patient the
185 department shall check the registry. If the individual is not registered
186 as a patient or primary caregiver, the department may provide that
187 response to law enforcement. The department may promulgate rules to

188 implement this subsection.

189 (3) The department may deny a patient's application for a
190 registry identification card or revoke the card if the department
191 determines that the physician who diagnosed the patient's debilitating
192 medical condition, the patient, or the primary caregiver violated this
193 section, or the rules promulgated by the department under this section;
194 except that, when a physician's violation is the basis for adverse action,
195 the department may only deny or revoke a patient's application or
196 registry identification card when the physician's violation is related to
197 the issuance of a medical cannabis recommendation.

198 (4) A registry identification card shall be valid for one year and
199 shall contain a unique identification number. It shall be the
200 responsibility of the patient to apply to renew his or her registry
201 identification card prior to the date on which the card expires. The
202 department shall develop a form for a patient to use in renewing his or
203 her registry identification card.

204 (5) If the department grants a patient a waiver to allow a
205 primary caregiver to transport the patient's medical cannabis from a
206 medical cannabis center to the patient, the department shall designate
207 the waiver on the patient's registry identification card.

208 (6) A homebound patient who receives a waiver from the
209 department to allow a primary caregiver to transport the patient's
210 medical cannabis to the patient from a medical cannabis center shall
211 provide the primary caregiver with the patient's registry identification
212 card, which the primary caregiver shall carry when the primary
213 caregiver is transporting the medical cannabis. A medical cannabis
214 center may provide the medical cannabis to the primary caregiver for
215 transport to the patient if the primary caregiver produces the patient's
216 registry identification card.

217 9. (1) The use of medical cannabis is allowed under state law to
218 the extent that it is carried out in accordance with sections 195.900 to
219 195.985 and the rules of the department.

220 (2) A patient or primary caregiver shall not:

221 (a) Engage in the medical use of cannabis in a way that
222 endangers the health and well-being of a person;

223 (b) Engage in the medical use of cannabis in plain view or in a
224 place open to the general public;

225 (c) Undertake any task while under the influence of medical
226 cannabis, when doing so would constitute negligence or professional
227 malpractice;

228 (d) Possess medical cannabis or otherwise engage in the use of
229 medical cannabis in or on the grounds of a school or in a school bus;

230 (e) Engage in the use of medical cannabis while:

231 a. In a correctional facility;

232 b. Subject to a sentence to incarceration; or

233 c. In a vehicle, aircraft, or motorboat;

234 (f) Operate, navigate, or be in actual physical control of any
235 vehicle, aircraft, or motorboat while under the influence of medical
236 cannabis; or

237 (g) Use medical cannabis if the person does not have a
238 debilitating medical condition as diagnosed by the person's physician
239 in the course of a bona fide physician-patient relationship and for
240 which the physician has recommended the use of medical cannabis.

241 (3) A person shall not establish a business to permit patients to
242 congregate and smoke or otherwise consume medical cannabis.

243 10. Only licensed medical cannabis cultivation and production
244 facilities may cultivate medical cannabis.

245 11. If a patient raises an affirmative defense the patient's
246 physician shall certify the specific amounts in excess of two and one-
247 half ounces that are necessary to address the patient's debilitating
248 medical condition and why such amounts are necessary. A patient who
249 asserts this affirmative defense shall waive confidentiality privileges
250 related to the condition or conditions that were the basis for the
251 recommendation. If a patient, primary caregiver, or physician raises
252 an exception to the state criminal laws, the patient, primary caregiver,
253 or physician waives the confidentiality of his or her records related to
254 the condition or conditions that were the basis for the recommendation
255 maintained by the department for the medical cannabis program. Upon
256 request of a law enforcement agency for such records, the department
257 shall only provide records pertaining to the individual raising the
258 exception, and shall redact all other patient, primary caregiver, or
259 physician identifying information.

260 12. (1) Except as provided in subdivision (2) of this subsection,
261 the department shall establish a basic fee that shall be paid at the time

262 of service of any subpoena upon the department, plus a fee for meals
263 and a fee for mileage at the rate prescribed for state officers and
264 employees, for each mile actually and necessarily traveled in going to
265 and returning from the place named in the subpoena. If the person
266 named in the subpoena is required to attend the place named in the
267 subpoena for more than one day, there shall be paid, in advance, a sum
268 to be established by the department for each day of attendance to cover
269 the expenses of the person named in the subpoena.

270 (2) The subpoena fee established under subdivision (1) of the
271 subsection shall not be applicable to any federal, state, or local
272 governmental agency.

273 13. The department may collect fees from patients who apply to
274 the medical cannabis program for a cannabis registry identification
275 card for the purpose of offsetting the department's direct and indirect
276 costs of administering the program. The amount of such fees shall be
277 set by rule of the department. The amount of the fees set under this
278 section shall reflect the actual direct and indirect costs of the
279 department in the administration and enforcement of this section. All
280 fees collected by the department through the medical cannabis program
281 shall be transferred to the state treasurer who shall credit the same to
282 the medical cannabis program account within the medical cannabis
283 license cash fund created in section 195.963.

195.984. 1. (1) The division of alcohol and tobacco control may
2 summarily suspend a license issued under sections 195.900 to 195.985
3 prior to a hearing in order immediately to stop or restrict operations
4 by a licensee to protect the public health, safety, or welfare. The
5 division may rescind or amend a summary suspension.

6 (2) If, based upon inspection, affidavits, or other evidence, the
7 division determines that a licensee or the products prepared by a
8 licensee pose an immediate or serious threat to the public health,
9 safety, or welfare, the division may summarily suspend a license:

10 (a) Requiring cessation or restriction of any or all licensee
11 operations and prohibiting the use of medical cannabis produced by
12 such licensee; or

13 (b) Placing restrictions on a licensee to the extent necessary to
14 avert a continued threat, pending final investigation results.

15 (3) The requirements of the summary suspension shall remain in

16 effect until the division rescinds or amends such requirements or until
17 such time as the division takes final action on any related pending
18 complaint and issues a final decision.

19 **2. The department of health and senior services may summarily**
20 **suspend any registration issued under section 195.981, pending further**
21 **proceedings for denial of renewal or revocation of a registration,**
22 **whenever the department finds that the continued registration poses**
23 **an imminent danger to the public health, safety, or welfare.**

195.985. Any rule or portion of a rule, as that term is defined in
2 **section 536.010, that is created under the authority delegated in**
3 **sections 195.900 to 195.985 shall become effective only if it complies**
4 **with and is subject to all of the provisions of chapter 536 and, if**
5 **applicable, section 536.028. Sections 195.900 to 195.985 and chapter 536**
6 **are nonseverable and if any of the powers vested with the general**
7 **assembly pursuant to chapter 536 to review, to delay the effective date,**
8 **or to disapprove and annul a rule are subsequently held**
9 **unconstitutional, then the grant of rulemaking authority and any rule**
10 **proposed or adopted after August 28, 2015, shall be invalid and void.**

 263.250. 1. The plant "marijuana", botanically known as cannabis sativa,
2 is hereby declared to be a noxious weed and all owners and occupiers of land shall
3 destroy all such plants growing upon their land. Any person who knowingly
4 allows such plants to grow on his land or refuses to destroy such plants after
5 being notified to do so shall allow any sheriff or such other persons as designated
6 by the county commission to enter upon any land in this state and destroy such
7 plants.

8 2. Entry to such lands shall not be made, by any sheriff or other
9 designated person to destroy such plants, until fifteen days' notice by certified
10 mail shall be given the owner or occupant to destroy such plants or a search
11 warrant shall be issued on probable cause shown. In all such instances, the
12 county commission shall bear the cost of destruction and notification.

13 **3. The provisions of this section shall not apply to the authorized**
14 **production of cannabis plants for purposes of providing medical**
15 **cannabis under sections 195.900 to 195.985.**