

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____,

2 by inserting after all of said line the following:

3 "195.548. 1. For purposes of sections 195.548 to 195.570,
 4 the following terms mean:

5 (1) "Administer", the direct application of marijuana to a
 6 qualifying patient by way of any of the following methods:

7 (a) Ingestion of capsules, teas, oils, and other marijuana-
 8 infused products;

9 (b) Vaporization or smoking of dried flowers, buds, plant
 10 material, extracts, or oils;

11 (c) Application of ointments or balms;

12 (d) Transdermal patches and suppositories;

13 (e) Consuming marijuana-infused food products; or

14 (f) Any other method recommended by a qualifying patient's
 15 physician;

16 (2) "Department", the department of health and senior
 17 services, or its successor agency;

18 (3) "Entity", a natural person, corporation, professional
 19 corporation, nonprofit corporation, cooperative corporation,
 20 unincorporated association, business trust, limited liability
 21 company, general or limited partnership, limited liability
 22 partnership, joint venture, or any other entity;

23 (4) "Flowering plant", a marijuana plant from the time it

1 exhibits the first signs of sexual maturity through harvest;

2 (5) "Marijuana", Cannabis indica, Cannabis sativa, and
3 Cannabis ruderalis, hybrids of such species, and any other
4 strains commonly understood within the scientific community to
5 constitute marijuana, as well as resin extracted from the plant
6 and marijuana-infused products. "Marijuana" does not include
7 industrial hemp containing a crop-wide average
8 tetrahydrocannabinol concentration that does not exceed three-
9 tenths of one percent on a dry weight basis, or commodities or
10 products manufactured from industrial hemp;

11 (6) "Marijuana-infused products", products that are infused
12 with marijuana or an extract thereof and are intended for use or
13 consumption other than by smoking, including, but not limited to,
14 edible products, ointments, tinctures, and concentrates;

15 (7) "Medical marijuana cultivation facility", a facility
16 licensed by the department to acquire, cultivate, process, store,
17 transport, and sell marijuana to a medical marijuana dispensary
18 facility, a medical marijuana testing facility, or a medical
19 marijuana-infused products manufacturing facility;

20 (8) "Medical marijuana dispensary facility", a facility
21 licensed by the department to acquire, store, sell, transport,
22 and deliver marijuana, marijuana-infused products, and drug
23 paraphernalia used to administer marijuana as provided for in
24 sections 195.548 to 195.570 to a qualifying patient, a primary
25 caregiver, another medical marijuana dispensary facility, a
26 medical marijuana testing facility, or a medical marijuana-
27 infused products manufacturing facility;

28 (9) "Medical marijuana-infused products manufacturing
29 facility", a facility licensed by the department to acquire,

1 store, manufacture, transport, and sell marijuana-infused
2 products to a medical marijuana dispensary facility, a medical
3 marijuana testing facility, or another medical marijuana-infused
4 products manufacturing facility;

5 (10) "Medical marijuana testing facility", a facility
6 certified by the department to acquire, test, certify, and
7 transport marijuana;

8 (11) "Medical use", the production, possession, delivery,
9 distribution, transportation, or administration of marijuana or a
10 marijuana-infused product, or drug paraphernalia used to
11 administer marijuana or a marijuana-infused product, for the
12 benefit of a qualifying patient to mitigate the symptoms or
13 effects of the patient's qualifying medical condition;

14 (12) "Physician", an individual who is licensed and in good
15 standing to practice medicine or osteopathy under chapter 334;

16 (13) "Physician certification", a document, whether
17 handwritten, electronic, or in another commonly used format,
18 signed by a physician and stating that, in the physician's
19 professional opinion, the patient suffers from a qualifying
20 medical condition;

21 (14) "Primary caregiver", an individual twenty-one years of
22 age or older who has significant responsibility for managing the
23 well-being of a qualifying patient and who is designated as such
24 on the primary caregiver's application for an identification card
25 under sections 195.548 to 195.570 or in other written
26 notification to the department;

27 (15) "Qualifying medical condition", the condition of,
28 symptoms related to, or side effects from the treatment of:

29 (a) Cancer;

1 (b) Epilepsy;

2 (c) Glaucoma;

3 (d) Intractable migraines unresponsive to other treatments;

4 (e) A chronic medical condition that causes severe,
5 persistent pain or persistent muscle spasms, including, but not
6 limited to, those associated with multiple sclerosis, seizures,
7 Parkinson's disease, and Tourette's syndrome;

8 (f) Debilitating psychiatric disorders, including, but not
9 limited to, post traumatic stress disorder, if diagnosed by a
10 state-licensed psychiatrist;

11 (g) Human immunodeficiency virus or acquired immune
12 deficiency syndrome;

13 (h) A chronic medical condition that is normally treated
14 with a prescription medication that could lead to physical or
15 psychological dependence, when a physician determines that
16 medical use of marijuana could be effective in treating that
17 condition and would serve as a safer alternative to the
18 prescription medication;

19 (I) Any terminal illness; or

20 (j) In the professional judgment of a physician, any other
21 chronic, debilitating, or otherwise equivalent medical condition,
22 including, but not limited to, hepatitis C, amyotrophic lateral
23 sclerosis, inflammatory bowel disease, Crohn's disease,
24 Huntington's disease, autism, neuropathies, sickle cell anemia,
25 agitation of Alzheimer's disease, cachexia, and wasting syndrome;

26 (16) "Qualifying patient", a Missouri resident diagnosed
27 with at least one qualifying medical condition.

28 195.550. 1. In carrying out the implementation of sections
29 195.548 to 195.570, the department shall have the authority to:

1 (1) Grant or refuse state licenses and certifications for
2 the cultivation, manufacture, dispensation, sale, testing,
3 tracking, and transportation of marijuana for medical use;
4 suspend, fine, restrict, or revoke such licenses upon a violation
5 of sections 195.548 to 195.570 or a rule promulgated under said
6 sections; and impose any administrative penalty authorized by
7 sections 195.548 to 195.570 or any rule promulgated under said
8 sections;

9 (2) Promulgate rules and emergency rules necessary for the
10 proper regulation and control of the cultivation, manufacture,
11 dispensation, and sale of marijuana for medical use and for the
12 enforcement of sections 195.548 to 195.570; provided, that
13 patient access is not restricted unreasonably and such rules are
14 reasonably necessary for patient safety or to restrict access to
15 only licensees and qualifying patients;

16 (3) Develop such forms, certificates, licenses,
17 identification cards, and applications as are necessary for, or
18 reasonably related to, the administration of sections 195.548 to
19 195.570 or any of the rules promulgated under said sections;

20 (4) Require a seed-to-sale tracking system that tracks
21 medical marijuana from either the seed or immature plant stage
22 until the medical marijuana or medical marijuana-infused product
23 is sold to a qualifying patient or primary caregiver to ensure
24 that no medical marijuana grown by a medical marijuana
25 cultivation facility or manufactured by a medical marijuana-
26 infused products manufacturing facility is sold or otherwise
27 transferred except by a medical marijuana dispensary facility.
28 The department shall certify, if possible, at least two
29 commercially available systems to license as compliant with its

1 tracking standards and issue standards for the creation or use of
2 other systems by licensees;

3 (5) Issue standards for the secure transportation of
4 marijuana and marijuana-infused products. The department shall
5 certify entities that demonstrate compliance with its standards
6 to transport marijuana and marijuana-infused products to a
7 medical marijuana cultivation facility, a medical marijuana-
8 infused products manufacturing facility, a medical marijuana
9 dispensary facility, a medical marijuana testing facility, or
10 another entity with a transportation certification. The
11 department shall develop or adopt from any other governmental
12 agency such safety and security standards as are reasonably
13 necessary for the transportation of marijuana. Any entity
14 licensed or certified under sections 195.548 to 195.570 shall be
15 allowed to transport marijuana and marijuana-infused products;

16 (6) Charge a fee not to exceed five thousand dollars for
17 any certification issued under sections 195.548 to 195.570;

18 (7) Prepare and transmit annually a publicly available
19 report accounting to the governor for the efficient discharge of
20 all responsibilities assigned to the department under sections
21 195.548 to 195.570; and

22 (8) Establish a system to numerically score competing
23 medical marijuana licensee and certificate applicants in cases
24 when more applicants apply than the minimum number of licenses or
25 certificates as calculated under sections 195.548 to 195.570.
26 Scoring shall be limited to an analysis of the following:

27 (a) The character, veracity, background, qualifications,
28 and relevant experience of principal officers or managers;

29 (b) The business plan proposed by the applicant which, in

1 the case of medical marijuana cultivation facilities and
2 dispensaries facilities, shall include the ability to maintain an
3 adequate supply of marijuana, as well as plans to ensure the
4 safety and security of qualifying patients and the community,
5 procedures to be used to prevent diversion, and any plans for
6 making marijuana available to low-income qualifying patients;

7 (c) Site security;

8 (d) Experience in a legal marijuana environment;

9 (e) Experience of personnel, in the case of medical
10 marijuana testing facilities, with testing marijuana, food, or
11 drugs for toxins or potency, as well as health care experience;

12 (f) Capacity or experience, in the case of medical
13 marijuana cultivation facilities, with agriculture, horticulture,
14 and health care;

15 (g) Capacity or experience, in the case of medical
16 marijuana dispensary facilities, with health care, the
17 suitability of the proposed location, and patient accessibility;

18 (h) Capacity or experience, in the case of medical
19 marijuana-infused products manufacturing, with food and beverage
20 manufacturing; and

21 (i) Maintaining competitiveness in the marijuana for
22 medical use market.

23
24 In ranking applicants and awarding licenses and certificates, the
25 department may consult or contract with other public agencies
26 with relevant expertise regarding the factors listed in this
27 subdivision. The department shall lift or ease any limit on the
28 number of licenses or certificate holders in order to meet the
29 demand for marijuana for medical use by qualifying patients.

1 2. The department may issue any rules or emergency rules
2 necessary for the implementation and enforcement of sections
3 195.548 to 195.570 and to ensure the right to, availability of,
4 and safe use of marijuana for medical use by qualifying patients.
5 In developing such rules or emergency rules, the department may
6 consult with other public agencies. In addition to any other
7 rules or emergency rules necessary to carry out the mandates of
8 sections 195.548 to 195.570, the department may promulgate rules
9 or emergency rules relating to the following subjects:

10 (1) Compliance with, enforcement of, or violation of any
11 provision of sections 195.548 to 195.570 or any rule issued under
12 said sections, including procedures and grounds for denying,
13 suspending, fining, restricting, or revoking a state license
14 issued under sections 195.548 to 195.570;

15 (2) Specifications of the duties of officers and employees
16 of the department;

17 (3) Instructions or guidance for local authorities and law
18 enforcement officers;

19 (4) Requirements for inspections, investigations, searches,
20 seizures, and such additional enforcement activities as may
21 become necessary from time to time;

22 (5) Creation of a range of administrative penalties for use
23 by the department;

24 (6) Prohibition of misrepresentation and unfair practices;

25 (7) Control of informational and product displays on
26 licensed premises; provided, that the rules shall not prevent or
27 unreasonably restrict appropriate signs on the property of the
28 medical marijuana dispensary facility, product display and
29 examination by the qualifying patient or primary caregiver,

1 listings in business directories, including phone books, listings
2 in marijuana-related medical publications, or the sponsorship of
3 health or not-for-profit charity or advocacy events;

4 (8) Development of individual identification cards for
5 owners, officers, managers, contractors, employees, and other
6 support staff of entities licensed or certified under sections
7 195.548 to 195.570, including a fingerprint-based federal and
8 state criminal record check in accordance with U.S. P.L. 92-544,
9 or its successor provisions, as may be required by the department
10 prior to issuing a card and procedures to ensure that cards for
11 new applicants are issued within fourteen days. Applicants
12 licensed under sections 195.548 to 195.570 shall submit
13 fingerprints to the Missouri highway patrol for the purpose of
14 conducting a state and federal fingerprint-based criminal
15 background check. The Missouri highway patrol shall, if
16 necessary, forward the fingerprints to the Federal Bureau of
17 Investigation for the purpose of conducting a fingerprint-based
18 criminal background check. Fingerprints shall be submitted under
19 the provisions of section 43.543 and fees shall be paid under the
20 provisions of section 43.530;

21 (9) Security requirements for any premises licensed under
22 sections 195.548 to 195.570, including, at a minimum, lighting,
23 physical security, video, alarm requirements, and other minimum
24 procedures for internal control as deemed necessary by the
25 department to properly administer and enforce the provisions of
26 sections 195.548 to 195.570, including reporting requirements for
27 changes, alterations, or modifications to the premises;

28 (10) Regulation of the storage of, warehouses for, and
29 transportation of marijuana for medical use;

1 (11) Sanitary requirements, including, but not limited to,
2 sanitary requirements for the preparation of medical marijuana-
3 infused products;

4 (12) The specification of acceptable forms of picture
5 identification that a medical marijuana dispensary facility may
6 accept when verifying a sale;

7 (13) Labeling and packaging standards;

8 (14) Records to be kept by licensees and the required
9 availability of the records;

10 (15) State licensing procedures, including procedures for
11 renewals, reinstatements, initial licenses, and the payment of
12 licensing fees;

13 (16) The reporting and transmittal of tax payments;

14 (17) Authorization for the department of revenue to have
15 access to licensing information to ensure tax payment and the
16 effective administration of sections 195.548 to 195.570; and

17 (18) Such other matters as are necessary for the fair,
18 impartial, stringent, and comprehensive administration of
19 sections 195.548 to 195.570.

20 3. The department shall issue rules or emergency rules for
21 a medical marijuana and medical marijuana-infused products
22 independent testing and certification program for medical
23 marijuana licenses. The rules shall require licensees to test
24 medical marijuana using one or more impartial, independent
25 laboratories to ensure, at a minimum, that products sold for
26 human consumption do not contain contaminants that are injurious
27 to health, to ensure correct labeling, and to measure potency.
28 The department shall not require any medical marijuana or medical
29 marijuana-infused products to be tested more than once prior to

1 sale.

2 4. The department shall issue rules or emergency rules to
3 provide for the certification of and standards for medical
4 marijuana testing facilities, including requirements for
5 equipment and qualifications for personnel, but shall not require
6 certificate holders to have any federal agency licensing or have
7 any relationship with a federally-licensed testing facility. The
8 department shall certify, if possible, at least two entities as
9 medical marijuana testing facilities. No medical marijuana
10 testing facility shall be owned by an entity under substantially
11 common control, ownership, or management as a medical marijuana
12 cultivation facility, medical marijuana-infused products
13 manufacturing facility, or medical marijuana dispensary facility.

14 5. The department shall maintain the confidentiality of
15 reports or other information obtained from an applicant or
16 licensee containing any individual data, information, patient
17 information, or records related to the licensee or its operation,
18 including sales information, financial records, tax returns,
19 credit reports, cultivation information, testing results, and
20 security information and plans, or any other records that are
21 exempt from public inspection under state or federal law. Such
22 reports or other information may be used only for a purpose
23 authorized by sections 195.548 to 195.570. Any information
24 released related to patients may be used only for a purpose
25 authorized by federal law and sections 195.548 to 195.570,
26 including verifying that a person who presented a qualifying
27 patient identification card to a state or local law enforcement
28 official is lawfully in possession of such card.

29 6. Within one hundred and eighty days of the effective date

1 of sections 195.548 to 195.570, the department shall make
2 available to the public license application forms and application
3 instructions for medical marijuana cultivation facilities,
4 medical marijuana testing facilities, medical marijuana
5 dispensary facilities, and medical marijuana-infused products
6 manufacturing facilities.

7 7. Within one hundred and eighty days of the effective date
8 of sections 195.548 to 195.570, the department shall make
9 available to the public application forms and application
10 instructions for qualifying patient, qualifying patient
11 cultivation, and primary caregiver identification cards. Within
12 two hundred and ten days of the effective date of sections
13 195.548 to 195.570, the department shall begin accepting
14 applications for such identification cards.

15 8. An entity may apply to the department for and obtain a
16 license to grow marijuana as a medical marijuana cultivation
17 facility. Each facility in operation shall require a separate
18 license, but multiple licenses may be utilized in a single
19 facility. Each indoor facility utilizing artificial lighting may
20 be limited by the department to thirty thousand square feet of
21 flowering plant canopy space. Each outdoor facility utilizing
22 natural lighting may be limited by the department to two thousand
23 eight hundred flowering plants. Each greenhouse facility using a
24 combination of natural and artificial lighting may be limited by
25 the department, at the election of the licensee, to two thousand
26 eight hundred flowering plants or thirty thousand square feet of
27 flowering plant canopy space. The license shall be valid for
28 three years from its date of issuance and shall be renewable,
29 except for good cause. The department shall charge each

1 applicant a nonrefundable fee of ten thousand dollars per license
2 application or renewal for all applicants filing an application
3 within three years of the effective date of sections 195.548 to
4 195.570 and shall charge each applicant a nonrefundable fee of
5 five thousand dollars per license application or renewal
6 thereafter. Once granted, the department shall charge each
7 licensee an annual fee of twenty-five thousand dollars per
8 facility license. Application and license fees shall be
9 increased or decreased each year by the percentage of increase or
10 decrease from the end of the previous calendar year of the
11 Consumer Price Index, or its successor index as published by the
12 U.S. Department of Labor, or its successor agency. No more than
13 three medical marijuana cultivation facility licenses shall be
14 issued to any entity under substantially common control,
15 ownership, or management.

16 9. An entity may apply to the department for and obtain a
17 license to operate a medical marijuana dispensary facility. Each
18 facility in operation shall require a separate license. A
19 license shall be valid for three years from its date of issuance
20 and shall be renewable, except for good cause. The department
21 shall charge each applicant a nonrefundable fee of three thousand
22 dollars per license application or renewal thereafter. Once
23 granted, the department shall charge each licensee an annual fee
24 of ten thousand dollars per facility license. Application and
25 license fees shall be increased or decreased each year by the
26 percentage of increase or decrease from the end of the previous
27 calendar year of the Consumer Price Index, or its successor index
28 as published by the U.S. Department of Labor, or its successor
29 agency. No more than five medical marijuana dispensary facility

1 licenses shall be issued to any entity under substantially common
2 control, ownership, or management.

3 10. An entity may apply to the department for and obtain
4 one or more licenses to operate a medical marijuana-infused
5 products manufacturing facility. Each facility in operation
6 shall require a separate license. A license shall be valid for
7 three years from its date of issuance and shall be renewable,
8 except for good cause. The department shall charge each
9 applicant a nonrefundable fee of six thousand dollars per license
10 application or renewal for each applicant filing an application
11 withing three years of the effective date of sections 195.548 to
12 195.570 and shall charge each applicant a nonrefundable fee of
13 three thousand dollars per license application or renewal
14 thereafter. Once granted, the department shall charge each
15 licensee an annual fee of ten thousand dollars per facility
16 license. Application license fees shall be increased or
17 decreased each year by the percentage of increase or decrease
18 from the end of the previous calendar year of the Consumer Price
19 Index, or its successor index as published by the U.S. Department
20 of Labor, or its successor agency. No more than three medical
21 marijuana-infused products manufacturing facility licenses shall
22 be issued to any entity under substantially common control,
23 ownership, or management.

24 11. Any applicant for a license authorized by sections
25 195.548 to 195.570 may prefile the application fee with the
26 department beginning thirty days after the effective date of
27 sections 195.548 to 195.570.

28 12. Except for good cause, a qualifying patient or his or
29 her primary caregiver may obtain an identification card from the

1 department to cultivate up to six flowering marijuana plants for
2 the exclusive use of that qualifying patient. The card shall be
3 valid for twelve months from its date of issuance and shall be
4 renewable with the annual submittal of a new or updated
5 physician's certification. The department shall charge an annual
6 fee for the card of one hundred dollars, with such rate to be
7 increased or decreased each year by the percentage of increase or
8 decrease from the end of the previous calendar year of the
9 Consumer Price Index, or its successor index as published by the
10 U.S. Department of Labor, or its successor agency.

11 13. The department may set a limit on the amount of
12 marijuana that may be purchased by or on behalf of a single
13 qualifying patient in a thirty day period, provided that limit is
14 not less than four ounces of dried, unprocessed marijuana, or its
15 equivalent. Any such limit shall not apply to a qualifying
16 patient with written certification from two independent
17 physicians that there are compelling reasons why the qualifying
18 patient needs a greater amount than the limit established by the
19 department.

20 14. The department may set a limit on the amount of
21 marijuana that may be possessed by or on behalf of each
22 qualifying patient, provided that limit is not less than a sixty
23 day supply of dried, unprocessed marijuana, or its equivalent. A
24 primary caregiver may possess a separate legal limit for each
25 qualifying patient under his or her care and a separate legal
26 limit for himself or herself if the caregiver is a qualifying
27 patient. Qualifying patients cultivating marijuana for medical
28 use may possess up to a ninety day supply, so long as the supply
29 remains on property under their control. Any such limit shall

1 not apply to a qualifying patient with written certification from
2 two independent physicians that there are compelling reasons for
3 additional amounts. Possession of more than the legal limit and
4 up to twice the legal limit shall subject the possessor to
5 department sanctions, including an administrative penalty and
6 loss of the possessor's patient identification card for up to one
7 year. Purposefully possessing amounts in excess of twice the
8 legal limit shall be punishable by imprisonment of up to one year
9 and a fine of up to two thousand dollars.

10 15. The department may restrict the aggregate number of
11 licenses granted for medical marijuana cultivation facilities;
12 provided, that the number may not be limited to fewer than one
13 license per every one hundred thousand inhabitants, or any
14 portion thereof, of the state of Missouri, according to the most
15 recent census of the United States. A decrease in the number of
16 inhabitants in the state of Missouri after the effective date of
17 sections 195.548 to 195.570 shall have no impact on the
18 provisions of this subsection.

19 16. The department may restrict the aggregate number of
20 licenses granted for medical marijuana-infused products
21 manufacturing facilities; provided, that the number may not be
22 limited to fewer than one license per every seventy thousand
23 inhabitants, or any portion thereof, of the state of Missouri,
24 according to the most recent census of the United States. A
25 decrease in the number of inhabitants in the state of Missouri
26 after the effective date of sections 195.548 to 195.570 shall
27 have no impact on the provisions of this subsection.

28 17. The department may restrict the aggregate number of
29 licenses granted for medical marijuana dispensary facilities;

1 provided, that the number may not be limited to fewer than
2 twenty-four licenses in each U.S. congressional district in the
3 state of Missouri according to the map of each of the eight
4 congressional districts as drawn and effective on the effective
5 date of sections 195.548 to 195.570. Any changes to the
6 boundaries or the number of congressional districts after the
7 effective date of sections 195.548 to 195.570 shall have no
8 impact on the provisions of this subsection.

9 18. The department shall begin accepting license and
10 certification applications for medical marijuana dispensary
11 facilities, medical marijuana testing facilities, medical
12 marijuana cultivation facilities, medical marijuana-infused
13 products manufacturing facilities, seed-to-sale tracking systems,
14 and transportation of marijuana no later than two hundred forty
15 days after the effective date of sections 195.548 to 195.570.
16 Applications for licenses under this section shall be approved or
17 denied by the department no later than one hundred fifty days
18 after their submission. If the department fails to carry out its
19 nondiscretionary duty to approve or deny an application within
20 one hundred fifty days of submission, an applicant may
21 immediately seek a court order compelling the department to
22 approve or deny the application.

23 19. Qualifying patients under sections 195.548 to 195.570
24 shall obtain and annually renew an identification card or cards
25 from the department. The department shall charge a fee of
26 twenty-five dollars per year per card with such fee to be
27 increased or decreased each year by the percentage of increase or
28 decrease from the end of the previous calendar year of the
29 Consumer Price Index, or its successor index as published by the

1 U.S. Department of Labor, or its successor agency. Upon
2 receiving an application for a qualifying patient identification
3 card or qualifying patient cultivation identification card, the
4 department shall, within thirty days, either issue the card or
5 provide a written explanation for its denial. If the department
6 fails to issue a card to an eligible qualifying patient within
7 thirty days, then the patient's physician certification shall
8 serve as his or her patient identification card or qualifying
9 patient cultivation identification card for up to one year from
10 the date of physician certification. All initial applications
11 for or renewals of a qualifying patient identification card or
12 qualifying patient cultivation identification card shall be
13 accompanied by a physician certification that is less than thirty
14 days old.

15 20. Primary caregivers under sections 195.548 to 195.570
16 shall obtain and annually renew an identification card from the
17 department. The department shall charge a fee of twenty-five
18 dollars per year, with such fee to be increased or decreased each
19 year by the percentage of increase or decrease from the end of
20 the previous calendar year of the Consumer Price Index, or
21 successor index as published by the U.S. Department of Labor, or
22 its successor agency. Upon receiving an application for a
23 primary caregiver identification card, the department shall,
24 within thirty days, either issue the card or provide a written
25 explanation for its denial.

26 21. All marijuana for medical use sold in Missouri shall be
27 cultivated in a licensed medical marijuana cultivation facility
28 located in Missouri.

29 22. All marijuana-infused products for medical use sold in

1 the state of Missouri shall be manufactured in a medical
2 marijuana-infused products manufacturing facility.

3 23. The denial of a license, license renewal, or
4 identification card by the department shall be appealable to the
5 administrative hearing commission, or its successor entity.
6 Following the exhaustion of administrative review, denial of a
7 license, license renewal, or identification card by the
8 department shall be subject to judicial review as provided by
9 chapter 536.

10 24. No elected official shall interfere directly or
11 indirectly with the department's obligations and activities under
12 sections 195.548 to 195.570.

13 25. The department shall not have the authority to apply or
14 enforce any rule or regulation that would impose an undue burden
15 on any one or more licensee or certificate holder or any
16 qualifying patient, or otherwise act to undermine the purposes of
17 sections 195.548 to 195.570.

18 26. The department shall promulgate rules to implement the
19 provisions of sections 195.548 to 195.570. Any rule or portion
20 of a rule, as that term is defined in section 536.010 that is
21 created under the authority delegated in this section shall
22 become effective only if it complies with and is subject to all
23 of the provisions of chapter 536, and, if applicable, section
24 536.028. This section and chapter 536 are nonseverable and if
25 any of the powers vested with the general assembly pursuant to
26 chapter 536, to review, to delay the effective date, or to
27 disapprove and annul a rule are subsequently held
28 unconstitutional, then the grant of rulemaking authority and any
29 rule proposed or adopted after August 28, 2018, shall be invalid

1 and void.

2 195.560. 1. A tax shall be levied upon the retail sale of
3 marijuana for medical use sold at medical marijuana dispensary
4 facilities within the state. The tax shall be at a rate of four
5 percent of the retail price. The tax shall be collected by each
6 licensed medical marijuana dispensary facility and paid to the
7 department of revenue. After retaining no more than five percent
8 for its actual collection costs, amounts generated by the tax
9 levied in this section shall be deposited by the department of
10 revenue into the Missouri Veterans' Health and Care Fund created
11 in subsection 2 of this section. Licensed entities making retail
12 sales within the state shall be allowed approved credit for
13 returns provided the tax was paid on the returned item and the
14 purchaser was given the refund or credit.

15 2. There is hereby created in the state treasury the
16 "Missouri Veterans' Health and Care Fund" which shall consist of
17 taxes and fees collected under sections 195.548 to 195.570. The
18 state treasurer shall be custodian of the fund, and he or she
19 shall invest moneys in the fund in the same manner as other funds
20 are invested. Any interest and moneys earned on such investments
21 shall be credited to the fund. Notwithstanding any other
22 provision of law to the contrary, any moneys remaining in the
23 fund at the end of a biennium shall not revert to the credit of
24 the general revenue fund. The commissioner of administration is
25 authorized to make cash operating transfers to the fund for
26 purposes of meeting the cash requirements of the department in
27 advance of it receiving annual application, licensing, and tax
28 revenue, with any such transfers to be repaid as provided by law.
29 The fund shall be a dedicated fund and shall stand appropriated

1 without further legislative action as follows:

2 (1) First, to the department, an amount necessary for the
3 department to carry out sections 195.548 to 195.570, including
4 repayment of any cash operating transfers, payments made through
5 contract or agreement with other state and public agencies
6 necessary to carry out sections 195.548 to 195.570, and a reserve
7 fund to maintain a reasonable working cash balance for the
8 purpose of carrying out sections 195.548 to 195.570;

9 (2) Next, the remainder of such funds shall be transferred
10 to the Missouri veterans commission for health and care services
11 for military veterans, including the following purposes:
12 operations, maintenance and capital improvements of Missouri's
13 veterans homes, the Missouri service officer's program, and other
14 services for veterans approved by the commission, including, but
15 not limited to, health care services, mental health services,
16 drug rehabilitation services, housing assistance, job training,
17 and tuition assistance to prevent homelessness. The Missouri
18 veterans commission shall contract with other public agencies for
19 the delivery of services beyond its expertise; and

20 (3) All monies from the taxes authorized under this section
21 shall provide additional dedicated funding for the purposes
22 enumerated in this subsection and shall not replace other
23 dedicated funding.

24 3. For all retail sales of marijuana for medical use, a
25 record shall be kept by the seller that identifies, by secure and
26 encrypted patient number issued by the seller to the qualifying
27 patient involved in the sale, all amounts and types of marijuana
28 involved in the sale and the total amount of money involved in
29 the sale, including itemizations, taxes collected, and grand

1 total sale amounts. All such records shall be kept on the
2 premises in a readily available format and be made available for
3 review by the department and the department of revenue upon
4 request. Such records shall be retained for five years from the
5 date of the sale.

6 4. The tax levied under this section is separate from, and
7 in addition to, any general state and local sales and use taxes
8 that apply to retail sales, which shall continue to be collected
9 and distributed as provided by chapter 144.

10 5. Except as authorized in this section, no additional
11 taxes shall be imposed on the sale of marijuana for medical use.

12 195.565 1. Except as provided for in sections 195.548 to
13 195.570, the possession of marijuana in quantities less than the
14 limits provided for in said sections, or as established by the
15 department, and transportation of marijuana from a medical
16 marijuana dispensary facility to the qualifying patient's
17 residence shall not subject the possessor to arrest, criminal or
18 civil liability, or sanctions under Missouri law; provided, that
19 the possessor produces on demand to the appropriate authority a
20 valid qualifying patient identification card; a valid qualifying
21 patient cultivation identification card; a valid physician
22 certification while making application for an identification
23 card; or a valid primary caregiver identification card.

24 Production of the respective equivalent identification card or
25 authorization issued by another state or a political subdivision
26 of another state shall also meet the requirements of this
27 subsection.

28 2. No patient shall be denied access to or priority for an
29 organ transplant because the patient holds a qualifying patient

1 identification card or uses marijuana for medical use.

2 3. A physician shall not be subject to criminal or civil
3 liability or sanctions under Missouri law or discipline by the
4 Missouri state board of registration for the healing arts, or its
5 successor agency, for owning, operating, investing in, being
6 employed by, or contracting with any entity licensed or certified
7 under sections 195.548 to 195.570 or issuing a physician
8 certification to a patient diagnosed with a qualifying medical
9 condition in a manner consistent with sections 195.548 to 195.570
10 and legal standards of professional conduct.

11 4. A health care provider shall not be subject to civil or
12 criminal prosecution under Missouri law, denial of any right or
13 privilege, civil or administrative penalty or sanction, or
14 disciplinary action by any accreditation or licensing board or
15 commission for owning, operating, investing in, being employed
16 by, or contracting with any entity licensed or certified under
17 sections 195.548 to 195.570 or providing health care services
18 that involve the medical use of marijuana consistent with
19 sections 195.548 to 195.570 and legal standards of professional
20 conduct.

21 5. A medical marijuana testing facility shall not be
22 subject to civil or criminal prosecution under Missouri law,
23 denial of any right or privilege, civil or administrative penalty
24 or sanction, or disciplinary action by any accreditation or
25 licensing board or commission for providing laboratory testing
26 services that relate to the medical use of marijuana consistent
27 with sections 195.548 to 195.570 and otherwise meets legal
28 standards of professional conduct.

29 6. A health care provider shall not be subject to mandatory

1 reporting requirements for the medical use of marijuana by
2 nonemancipated qualifying patients under eighteen years of age in
3 a manner consistent with sections 195.548 to 195.570 and with the
4 consent of a parent or guardian.

5 7. A primary caregiver shall not be subject to criminal or
6 civil liability or sanctions under Missouri law for purchasing,
7 transporting, or administering marijuana for medical use to or by
8 a qualifying patient or participating in the patient cultivation
9 of up to six flowering marijuana plants per patient in a manner
10 consistent with sections 195.548 to 195.570 and generally
11 established legal standards of personal or professional conduct.

12 8. An attorney shall not be subject to disciplinary action
13 by the state bar association or other professional licensing body
14 for owning, operating, investing in, being employed by,
15 contracting with, or providing legal assistance to prospective or
16 licensed medical marijuana testing facilities, medical marijuana
17 cultivation facilities, medical marijuana dispensary facilities,
18 medical marijuana-infused products manufacturing facilities,
19 qualifying patients, primary caregivers, physicians, health care
20 providers, or others related to an activity who or that is no
21 longer subject to criminal penalties under state law under
22 sections 195.548 to 195.570.

23 9. Actions and conduct by qualifying patients, primary
24 caregivers, medical marijuana testing facilities, medical
25 marijuana cultivation facilities, medical marijuana-infused
26 products manufacturing facilities, or medical marijuana
27 dispensary facilities licensed or registered with the department,
28 or their employees or agents, as permitted by sections 195.548 to
29 195.570 and in compliance with department regulations and other

1 standards of legal conduct, shall not be subject to criminal or
2 civil liability or sanctions under Missouri law, except as
3 provided for by said sections.

4 10. Nothing in sections 195.548 to 195.570 shall provide
5 immunity for negligence, either common law or statutorily
6 created, or criminal immunity for operating a vehicle, aircraft,
7 dangerous device, or navigating a boat while under the influence
8 of marijuana.

9 11. It is the public policy of the state of Missouri that
10 contracts related to marijuana for medical use that are entered
11 into by qualifying patients, primary caregivers, medical
12 marijuana testing facilities, medical marijuana cultivation
13 facilities, medical marijuana-infused products manufacturing
14 facilities, or medical marijuana dispensary facilities and those
15 who allow property to be used by those entities, should be
16 enforceable. It is the public policy of the state of Missouri
17 that no contract entered into by qualifying patients, primary
18 caregivers, medical marijuana testing facilities, medical
19 marijuana cultivation facilities, medical marijuana-infused
20 products manufacturing facilities, or medical marijuana
21 dispensary facilities, or by a person who allows property to be
22 used for activities that are exempt from state criminal penalties
23 under sections 195.548 to 195.570, shall be unenforceable on the
24 basis that activities related to medical marijuana may be
25 prohibited by federal law.

26 195.570. 1. Nothing in sections 195.548 to 195.570 shall
27 permit a person to:

28 (1) Consume marijuana for medical use in a jail or
29 correctional facility;

1 (2) Undertake any task under the influence of marijuana
2 when doing so would constitute negligence or professional
3 malpractice;

4 (3) Operate, navigate, or be in actual physical control of
5 any dangerous device or motor vehicle, aircraft, or motorboat
6 while under the influence of marijuana; or

7 (4) Bring a claim against any employer, former employer, or
8 prospective employer for wrongful discharge, discrimination, or
9 any similar cause of action or remedy, based on the employer,
10 former employer, or prospective employer prohibiting the
11 employee, former employee, or prospective employee from being
12 under the influence of marijuana while at work or disciplining
13 the employee or former employee, up to and including termination
14 from employment, for working or attempting to work while under
15 the influence of marijuana.

16 2. No medical marijuana cultivation facility, medical
17 marijuana testing facility, medical marijuana dispensary
18 facility, or medical marijuana-infused products manufacturing
19 facility shall be owned, in whole or in part, or have as an
20 officer, director, board member, manager, or employee, any
21 individual with a disqualifying felony offense. A "disqualifying
22 felony offense" shall mean a violation of, and conviction or
23 guilty plea to, state or federal law that is, or would have been,
24 a felony under Missouri law, regardless of the sentence imposed,
25 unless the department determines that:

26 (1) The person's conviction was for the medical use of
27 marijuana or assisting in the medical use of marijuana;

28 (2) The person's conviction was for a nonviolent crime for
29 which he or she was not incarcerated and that is more than five

1 years old; or

2 (3) More than five years have passed since the person was
3 released from parole or probation, and he or she has not been
4 found guilty of any subsequent criminal offenses.

5
6 The department may consult with and rely on the records, advice,
7 and recommendations of the attorney general and the department of
8 public safety, or their successor entities, in applying the
9 provisions of this subsection.

10 3. All medical marijuana cultivation facility, medical
11 marijuana dispensary facility, or medical marijuana-infused
12 products manufacturing facility licenses, entities with medical
13 marijuana testing facility certificates, and entities with
14 transportation certificates shall be held by entities that are
15 majority owned by natural persons who have been residents of the
16 state of Missouri for at least one year prior to the application
17 for such license or certification. Notwithstanding the forgoing,
18 entities outside the state of Missouri may own a minority stake
19 in such entities.

20 4. No medical marijuana cultivation facility, medical
21 marijuana dispensary facility, or medical marijuana-infused
22 products manufacturing facility shall manufacture, package, or
23 label marijuana or marijuana-infused products in a false or
24 misleading manner. No person shall sell any product in a manner
25 designed to cause confusion between a marijuana or marijuana-
26 infused product and any product not containing marijuana. A
27 violation of this subsection shall be punishable by an
28 appropriate and proportional department sanction, up to and
29 including loss of license.

1 5. All edible marijuana-infused products shall be sold in
2 individual, child-resistant containers that are labeled with
3 dosage amounts, instructions for use, and estimated length of
4 effectiveness. All marijuana and marijuana-infused products
5 shall be sold in containers clearly and conspicuously labeled, in
6 a font size at least as large as the largest other font size used
7 on the package, as containing "marijuana", or a "marijuana-
8 infused product". A violation of this subsection shall subject
9 the violator to department sanctions, including an administrative
10 penalty.

11 6. No individual shall serve as the primary caregiver for
12 more than three qualifying patients.

13 7. No qualifying patient shall consume marijuana for
14 medical use in a public place. Violation of this subsection
15 shall be subject to the penalty in section 579.015.

16 8. No person shall extract resins from marijuana using
17 dangerous materials or combustible gasses without a medical
18 marijuana-infused products manufacturing facility license.
19 Violation of this prohibition shall subject the violator to
20 department sanctions, including an administrative penalty and, if
21 applicable, loss of their identification card or license for up
22 to one year.

23 9. All qualifying patient cultivation shall take place in
24 an enclosed, locked facility that is equipped with security
25 devices that permit access only by the qualifying patient or by
26 such patient's primary caregiver. Two qualifying patients, who
27 both hold valid qualifying patient cultivation identification
28 cards, may share one enclosed and locked facility. No more than
29 twelve patient or primary caregiver-cultivated flowering

1 marijuana plants may be cultivated in a single enclosed and
2 locked facility, except when a primary caregiver also holds a
3 qualifying patient cultivation identification card, in which case
4 no more than eighteen flowering marijuana plants may be
5 cultivated in a single enclosed and locked facility.

6 10. No medical marijuana cultivation facility, medical
7 marijuana dispensary facility, medical marijuana-infused products
8 manufacturing facility, medical marijuana testing facility, or
9 entity with a transportation certification shall assign, sell,
10 give, lease, sublicense, or otherwise transfer its license or
11 certificate to any other entity without the express consent of
12 the department, not to be unreasonably withheld.

13 11. Unless allowed by the local government, no new medical
14 marijuana cultivation facility, medical marijuana testing
15 facility, medical marijuana dispensary facility, or medical
16 marijuana-infused products manufacturing facility shall be
17 initially sited within one thousand feet of any then-existing
18 elementary or secondary school, child day care center, or church.
19 No local government shall prohibit medical marijuana cultivation
20 facilities, medical marijuana testing facilities, medical
21 marijuana dispensary facilities, medical marijuana-infused
22 products manufacturing facilities, or entities with a
23 transportation certification, either expressly or through the
24 enactment of ordinances or regulations that make their operation
25 unduly burdensome in the jurisdiction. However, local
26 governments may enact ordinances or regulations not in conflict
27 with sections 195.548 to 195.570, or with regulations enacted
28 under said sections, governing the time, place, and manner of
29 such facilities in the locality. A local government may

1 establish civil penalties for violation of an ordinance or
2 regulations governing the time, place, manner of operation of a
3 medical marijuana cultivation facility, medical marijuana testing
4 facility, medical marijuana dispensary facility, medical
5 marijuana-infused products manufacturing facility, or entity
6 holding a transportation certification that may operate in such
7 locality.

8 12. Unless superseded by federal law, a physician shall not
9 certify a qualifying condition for a patient by any means other
10 than providing a physician certification for the patient, whether
11 handwritten, electronic, or in another commonly used format. A
12 qualifying patient shall obtain a new physician certification at
13 least annually.

14 13. A physician shall not issue a certification for the
15 medical use of marijuana for a nonemancipated qualifying patient
16 under the age of eighteen without the written consent of the
17 qualifying patient's parent or legal guardian. The department
18 shall not issue a qualifying patient identification card on
19 behalf of a nonemancipated qualifying patient under the age of
20 eighteen without the written consent of the qualifying patient's
21 parent or legal guardian. Such card shall be issued to one of
22 the parents or legal guardians and not directly to the patient.
23 Only a parent or legal guardian may serve as a primary caregiver
24 for a nonemancipated qualifying patient under the age of
25 eighteen. Only the qualifying patient's parent or guardian shall
26 purchase or possess medical marijuana for a nonemancipated
27 qualifying patient under the age of eighteen. A parent or
28 guardian shall supervise the administration of medical marijuana
29 to a nonemancipated qualifying patient under the age of eighteen.

1 14. Nothing in sections 195.548 to 195.570 shall be
2 construed as mandating health insurance coverage of medical
3 marijuana for qualifying patient use.

4 15. Real and personal property used in the cultivation,
5 manufacture, transport, testing, distribution, sale, and
6 administration of marijuana for medical use or for activities
7 otherwise in compliance with sections 195.548 to 195.570 shall
8 not be subject to asset forfeiture solely because of that use.";
9 and

10 Further amend the title and enacting clause accordingly.