

FIRST REGULAR SESSION

SENATE BILL NO. 457

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time February 27, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2364S.01I

AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to the medical marijuana opportunities program, with an emergency clause.

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

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be known as section 195.810, to read as follows:

195.810. 1. There shall be hereby established within the department of health and senior services the "Medical Marijuana Opportunities Program". The program shall provide support, as provided under this section, to facilitate the inclusion of individuals in Missouri's medical marijuana industry who have been negatively and disproportionately impacted by marijuana criminalization and poverty. Eligible participants shall be Missouri residents who are applicants or prospective applicants for or holders of medical marijuana-related certificates or licenses under article XIV of the Missouri Constitution and who:

(1) Reside in an economically disadvantaged community, including those who reside in a zip code or census tract area with higher than average unemployment, poverty, crime, or child death rates, or who reside in communities most harmed by marijuana prohibition, as determined by historically high rates of arrests or convictions for marijuana violations; or

(2) Can demonstrate personal harm caused by marijuana prohibition, including criminal convictions or civil forfeiture related to such.

2. The program shall, to the extent possible and based on available appropriations, provide the following services to eligible

22 participants:

23 (1) Small business support services offering technical assistance
24 to eligible participants;

25 (2) Assistance in paying, or reimbursement for the payment of,
26 fees for medical marijuana-related certificates and licenses under
27 article XIV of the Missouri Constitution;

28 (3) Providing a loan or a grant to eligible participants to assist
29 the eligible participants with startup and ongoing costs. For purposes
30 of this subdivision, "startup and ongoing costs" shall include, but not be
31 limited to, rent, leases, local and state application and licensing fees,
32 regulatory adherence, equipment, capital improvements, training, and
33 retention of a qualified and diverse workforce;

34 (4) Assistance in securing business locations prior to or during
35 the application process;

36 (5) Assistance in securing capital investments;

37 (6) Assistance with regulatory compliance; and

38 (7) Assistance in recruitment, training, and retention of a
39 qualified and diverse workforce, including persons who, at the time of
40 starting employment at the business premises, reside in a zip code or
41 census tract area with higher than average unemployment, poverty,
42 crime, or child death rates, and face at least one of the following
43 barriers to employment:

44 (a) Is homeless;

45 (b) Is a custodial single parent;

46 (c) Is receiving public assistance;

47 (d) Lacks a general education development (GED) certificate or
48 a high school diploma;

49 (e) Has a criminal record or other involvement with the criminal
50 justice system;

51 (f) Suffers from chronic unemployment;

52 (g) Is emancipated from the foster care system;

53 (h) Is a veteran; or

54 (i) Is over sixty-five years of age and is financially compromised.

55 3. The department shall provide technical assistance, including
56 training and educational sessions regarding the state's medical
57 marijuana licensing processes, to eligible participants. The department
58 shall assist eligible participants to gain entry to, and to successfully

59 operate within, the state's medical marijuana marketplace.

60 4. When determining whether to provide assistance under this
61 section, the department shall make individual determinations based on
62 the reasonableness of the request and available resources.

63 5. (1) There is hereby created in the state treasury the "Medical
64 Marijuana Opportunities Fund", which shall consist of money
65 appropriated by the general assembly. The state treasurer shall be
66 custodian of the fund. In accordance with sections 30.170 and 30.180,
67 the state treasurer may approve disbursements. The fund shall be a
68 dedicated fund and money in the fund shall be used solely by the
69 department for the purpose of providing assistance to eligible
70 participants under this section.

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

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

77 6. The department shall use no more than ten percent of the
78 appropriated funds for the administration of the program.

79 7. The department shall submit an annual report to the governor
80 and the general assembly that includes all of the following information:

81 (1) How the department disbursed grant funds;

82 (2) How the department identified eligible participants,
83 including how the department determined who was qualified to receive
84 assistance under this section;

85 (3) The number of eligible participants served by the grant
86 funds; and

87 (4) Demographic data on eligible participants including, but not
88 limited to, race, ethnicity, gender, income level, prior convictions, and
89 veteran status. Such information will be consolidated and reported
90 without containing any individual's identifying information.

91 8. The department may promulgate rules and regulations to
92 implement the provisions of this section. Any rule or portion of a rule,
93 as that term is defined in section 536.010 that is created under the
94 authority delegated in this section shall become effective only if it
95 complies with and is subject to all of the provisions of chapter 536, and,

96 if applicable, section 536.028. This section and chapter 536 are
97 nonseverable and if any of the powers vested with the general assembly
98 pursuant to chapter 536, to review, to delay the effective date, or to
99 disapprove and annul a rule are subsequently held unconstitutional,
100 then the grant of rulemaking authority and any rule proposed or
101 adopted after August 28, 2019, shall be invalid and void.

102 **9. Pursuant to section 23.253 of the Missouri sunset act:**

103 **(1) The provisions of the new program authorized under this**
104 **section shall sunset automatically six years after the effective date of**
105 **this section, unless reauthorized by an act of the general assembly; and**

106 **(2) If such program is reauthorized, the program authorized**
107 **under this section shall sunset automatically twelve years after the**
108 **effective date of the reauthorization of this section; and**

109 **(3) This section shall terminate on September first of the**
110 **calendar year immediately following the calendar year in which the**
111 **program authorized under this section is sunset.**

Section B. Because of the need for adequate patient access to sufficient
2 and safe medical marijuana products and services, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

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