

# SENATE BILL NO. 1235

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

5877S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 195.758, RSMo, and to enact in lieu thereof one new section relating to industrial hemp, with penalty provisions.

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

Section A. Section 195.758, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 195.758,  
3 to read as follows:

195.758. 1. Every producer or permit holder shall be  
2 subject to an industrial hemp plant monitoring system and  
3 shall keep industrial hemp crop and agricultural hemp  
4 propagule and seed records as required by the department.  
5 The department may require an inspection or audit during any  
6 normal business hours for the purpose of ensuring compliance  
7 with:

- 8 (1) Any provision of sections 195.740 to 195.773;
- 9 (2) Department rules and regulations;
- 10 (3) Industrial hemp registration or agricultural hemp  
11 propagule and seed permit requirements, terms, or conditions;
- 12 (4) Any industrial hemp plant monitoring system  
13 requirement; or
- 14 (5) A final department order directed to the  
15 producer's or permit holder's industrial hemp or  
16 agricultural hemp propagule and seed operations or  
17 activities.

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

18           2. In addition to any inspection conducted under  
19 subsection 1 of this section, the department may inspect any  
20 industrial hemp crop during the crop's growth phase and take  
21 a representative sample for field analysis. If a crop  
22 contains an average delta-9 tetrahydrocannabinol  
23 concentration exceeding [three-tenths of] one percent [or  
24 the maximum concentration allowed under federal law,  
25 whichever is greater,] on a dry weight basis, the department  
26 may retest the crop. If the second test indicates that a  
27 crop contains an average delta-9 tetrahydrocannabinol  
28 concentration exceeding [three-tenths of] one percent [or  
29 the maximum concentration allowed under federal law,  
30 whichever is greater,] on a dry weight basis, the department  
31 may order any producer to destroy the crop.

32           3. If such crop is not destroyed within fifteen days  
33 of the producer being notified by the department by  
34 certified mail that the crop contains concentrations  
35 exceeding those set forth in subsection 2 of this section,  
36 and directing the producer to destroy the crop, such  
37 producer shall be subject to a fine of five thousand dollars  
38 per day until such crop is destroyed. No such penalty or  
39 fine shall be imposed prior to the expiration of the fifteen-  
40 day notification period.

41           4. The Missouri state highway patrol may, at its own  
42 expense, perform aerial surveillance to ensure illegal  
43 industrial hemp plants are not being cultivated on or near  
44 legal, registered industrial hemp plantings.

45           5. The Missouri state highway patrol may coordinate  
46 with local law enforcement agencies to certify the  
47 destruction of illegal industrial hemp plants.

48           6. The department shall notify the Missouri state  
49 highway patrol and local law enforcement agencies of the

50 need to certify that a crop of industrial hemp deemed  
51 illegal through field analysis has been destroyed.

52 7. Unless required by federal law, the department  
53 shall not regulate the sale or transfer of nonviable hemp  
54 including, but not limited to, stripped stalks, fiber, dried  
55 roots, nonviable leaf material, nonviable floral material,  
56 nonviable seeds, seed oils, floral and plant extracts,  
57 unadulterated forage, and other marketable agricultural hemp  
58 products to members of the general public both within and  
59 outside the state.

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