

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 993

AN ACT

To repeal section 311.630, RSMo, and to enact in lieu thereof eleven new sections relating to hemp businesses, with penalty provisions.

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

Section A. Section 311.630, RSMo, is repealed and eleven new sections enacted in lieu thereof, to be known as sections 311.630, 312.1000, 312.1005, 312.1010, 312.1015, 312.1020, 312.1025, 312.1030, 312.1035, 312.1037, and 312.1040, to read as follows:

311.630. 1. The supervisor of alcohol and tobacco control and employees to be selected and designated as peace officers by the supervisor of alcohol and tobacco control are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests and searches and seizures only for violations of the provisions of this chapter relating to intoxicating liquors, sections 312.1000 to 312.1040, and sections 407.924 to 407.934 relating to tobacco products, and to serve any process connected with the enforcement of such laws. The peace officers so designated shall have been previously appointed and qualified under the provisions of section 311.620 and shall be required to hold a valid peace officer license pursuant to chapter 590.

2. The supervisor of alcohol and tobacco control shall furnish such peace officers with credentials showing their authority and a special badge, which they shall carry on their person at all times while on duty. The names of the peace officers so designated shall be made a matter of

public record in the office of the supervisor of alcohol and tobacco control.

3. All fees for the arrest and transportation of persons arrested and for the service of writs and process shall be the same as provided by law in criminal proceedings and shall be taxed as costs.

312.1000. As used in sections 312.1000 to 312.1040, the following terms mean:

(1) "Artificially derived cannabinoid", a cannabinoid extracted from a hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes, but is not limited to, any tetrahydrocannabinol created from cannabidiol;

(2) "Delivery service", a third party that delivers items from a retail dealer to consumers for personal consumption and not for resale using employees or independent contractors to facilitate the delivery. A "delivery service" also may facilitate delivery through technology services that connect customers with retail dealers through the use of the internet, mobile applications, and other similar technology;

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

(4) "Division", the division of alcohol and tobacco control;

(5) "Hemp beverage" or "hemp beverage product", a beverage intended for human consumption, which does not include cannabis flower or cannabis concentrate; and:

(a) Contains or consists of hemp plant parts; or

(b) Contains hemp concentrate, unfinished hemp extract, or artificially derived cannabinoids in combination with other ingredients;

(6) "Hemp business", one of the following licensed under sections 312.1000 to 312.1040:

(a) Hemp beverage manufacturer;

(b) Hemp beverage wholesaler; or

(c) Hemp beverage retailer.

"Hemp business" does not include a person or entity licensed to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes;

(7) "Hemp concentrate":

(a) The extracts and resins of a hemp plant or hemp plant parts;

(b) The extracts or resins of a hemp plant or hemp plant parts that are refined to increase the presence of targeted cannabinoids; or

(c) A product that is produced by refining extracts or resins of a hemp plant or hemp plant parts and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

"Hemp concentrate" does not include artificially derived cannabinoids, hemp beverages, hemp-derived consumer products, or hemp-derived topical products;

(8) "Hemp plant", all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis;

(9) "Hemp plant parts", any part of the harvested hemp plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are

separated from the plant. "Hemp plant parts" do not include hemp fiber products, hemp grain, or hemp seed;

(10) "Hemp seed", the viable seed of the plant of the genus Cannabis that is intended to be planted and is reasonably expected to grow into a hemp plant. "Hemp seed" does not include cannabis seed or hemp grain;

(11) "Industrial hemp", the plant *Cannabis sativa L.* and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis. Industrial hemp is not marijuana, as defined under Article XIV of the Constitution of Missouri;

(12) "Unfinished hemp extract", an oil, extract, concentrate, or other substance that has a total tetrahydrocannabinol concentration above three-tenths of one percent on a dry weight basis, is not for consumer use or retail distribution, and is intended to undergo further refinement or processing into a hemp product.

312.1005. 1. The division shall issue the following types of hemp business licenses:

- (1) Hemp beverage manufacturer;
- (2) Hemp beverage wholesaler; and
- (3) Hemp beverage retailer.

2. Notwithstanding any provisions of sections 312.1000 to 312.1040 or chapter 311 to the contrary, there shall be no interpretations that prohibit liquor licensees from manufacturing, distributing, or selling hemp beverage products that comply with the provisions of sections 312.1000 to 312.1040 and any other rules adopted by the division.

3. A person, cooperative, or business may hold both a hemp beverage manufacturer and hemp beverage retailer license, but may only operate hemp beverage retail operations on site at the premises in which the hemp beverage product is manufactured.

4. Except as otherwise provided in this section, no person, cooperative, or business holding any one of the three types of hemp beverage licenses shall hold either of the other two types of hemp beverage licenses and shall not have a financial interest, either direct or indirect, in a person, cooperative, or business holding any of the other two types of hemp beverage licenses.

5. Except as otherwise provided in this section, no hemp beverage manufacturer shall sell or otherwise convey hemp beverage products to retailers. Hemp beverage manufacturers are authorized to solicit and sell hemp beverage products to hemp beverage wholesalers. Hemp beverage wholesalers are authorized to solicit and sell hemp beverage products to hemp beverage retailers.

6. A person, cooperative, or business holding a hemp beverage manufacturer license, a hemp beverage wholesaler license, or a hemp beverage retailer license, or any allowable combination thereof, shall not hold a marijuana facility license or a medical facility license, as such terms are defined in Article XIV of the Constitution of Missouri.

7. No license shall be issued to a hemp beverage retailer unless the hemp beverage retailer also has an active license issued by the division allowing it to sell alcoholic beverages. This restriction shall not apply to hemp beverage manufacturers, unless they are seeking a hemp beverage retailer license.

8. No hemp beverage wholesaler or hemp beverage retailer shall distribute or sell any hemp beverage products that the wholesaler or retailer knows or reasonably should know were manufactured outside of the United States.

9. Unfinished hemp extract may only be imported by a hemp beverage manufacturer if:

(1) The unfinished hemp extract is derived from industrial hemp biomass that has been cultivated under a state-sponsored industrial hemp program or the U.S. Department of Agriculture; and

(2) The hemp beverage manufacturer has records to substantiate the source of the hemp biomass.

10. Unfinished hemp extract may only be exported by a hemp beverage manufacturer if:

(1) The hemp beverage manufacturer does not export unfinished hemp extract to a state where unfinished hemp extract is prohibited by state law; and

(2) The hemp beverage manufacturer does not sell or export unfinished hemp extract to any person or entity that does not hold a valid hemp beverage manufacturer license.

312.1010. 1. The division, by rule, shall establish forms and procedures for the processing of hemp licenses issued under sections 312.1000 to 312.1040. At a minimum, any application to obtain or renew a hemp business license shall include the following information, if applicable:

(1) The name, address, and date of birth of the applicant;

(2) The address and legal property description of the business;

(3) Proof of business name registration;

(4) Certification that the applicant shall comply with the requirements of sections 312.1000 to 312.1040 relating to the ownership and operation of a hemp business;

(5) Identification of one or more controlling persons or managerial employees as agents who shall be responsible for dealing with the division on all matters; and

(6) A statement that the applicant agrees to respond to the division's supplemental requests for information.

2. An application on behalf of a corporation, limited liability company, partnership, or association shall be signed by at least two officers or managing agents of that entity.

3. The division may issue a hemp business license to an applicant who:

(1) Is, or is owned and managed by persons, at least twenty-one years of age who has not or have not been convicted of a felony related to controlled substances within the previous ten years in any state or federal jurisdiction and who is or are current in filing all applicable tax returns to the department of revenue and in payment of all taxes, interest, and penalties assessed by the department of revenue;

(2) Has completed an application for licensure or application for renewal and has fully and truthfully complied with all information requests relating to license application and renewal;

(3) Has paid the applicable application and license fees. For hemp beverage manufacturers, the license fee shall be one thousand dollars per location. For hemp beverage wholesalers, the license fee shall be five hundred dollars per location. For hemp beverage retailers, the license fee shall be two hundred fifty dollars per location;

(4) Is not employed by the division, department, or any other state agency with regulatory authority over sections 312.1000 to 312.1040; and

(5) Does not hold any marijuana facility or medical facility license, as such terms are defined in Article XIV of the Constitution of Missouri.

4. Licenses shall be renewed in a manner and for a term consistent with the provisions of section 311.240, including, but not limited to, prorated fees for initial licensure, late charges for failure to submit completed applications, dates for license validity, and dates by which to submit a renewal application.

5. Licenses shall not be transferred.

6. The division shall promulgate such regulations related to hemp business licensees for the administration of sections 312.1000 to 312.1040 and shall design all necessary forms. The department shall promulgate any necessary regulations to enact the authority granted to it under sections 312.1000 to 312.1040. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

7. (1) Whenever it shall be determined that a hemp business licensee has violated any of the provisions of sections 312.1000 to 312.1040, the supervisor of the division may warn, place on probation on such terms and conditions as the supervisor deems appropriate for a period not to exceed twelve months, fine in an amount not to exceed

five thousand dollars per violation, suspend for a period not to exceed twelve months, or revoke the license of the licensee. The licensee shall have thirty days' notice of the imposition of discipline and may seek a determination thereon by the administrative hearing commission under the provisions of section 621.045.

(2) In order to encourage the early resolution of disputes between the supervisor of the division and licensees, the supervisor, prior to issuing any disciplinary order, shall provide the licensee with the opportunity to meet or to confer with the supervisor, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents that are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order.

8. (1) There is hereby created in the state treasury the "Hemp-Derived Products Fund", which shall consist of all fees authorized to be charged by the division under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the division and the department for the purposes of administration of sections 312.1000 to 312.1040.

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

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

312.1015. 1. A hemp beverage manufacturer license entitles the license holder to:

(1) Purchase hemp plant parts, unfinished hemp extract, and artificially derived cannabinoids from industrial hemp processors and hemp beverage manufacturers;

(2) Purchase hemp plant parts and propagules from industrial hemp growers;

(3) Purchase unfinished hemp extract;

(4) Manufacture hemp beverages for public consumption;

(5) Package and label hemp beverages for sale to customers;

(6) Sell unfinished hemp extract to other hemp beverage manufacturers;

(7) Sell hemp beverage products to hemp beverage wholesalers; and

(8) Perform any other actions approved by the department and division.

2. All hemp beverage manufacturing shall take place in a Current Good Manufacturing Practices-certified facility or in a facility licensed as a brewery, distillery, or winery. The facility and equipment used in manufacturing shall meet all applicable health and safety requirements established by the department, including, but not limited to, cleaning and testing machinery between production of different products.

3. A hemp beverage manufacturer shall comply with all applicable packaging, labeling, and testing requirements established by the department and the division. Labels and packaging for the hemp beverage products shall not consist of images or designs that are intended to be attractive to individuals under twenty-one years of age. A product shall be considered attractive under this subsection if it uses labeling, packaging, advertising, and marketing that is especially appealing to children, including, but not limited to, the use of:

(1) Cartoons, meaning any drawing or other depiction of an object, person, animal, creature, or any similar caricature that satisfies any of the following criteria:

(a) The use of comically exaggerated features;

(b) The attribution of human characteristics to animals, plants, or other objects; or

(c) The attribution of unnatural or extra-human abilities; and

(2) Similarities to products that are commonly used by or marketed to individuals under twenty-one, including, but not limited to, candy, soda, drinks, cookies, or cereal, except when used to describe the contents, taste, or ingredients of the product sold.

4. All hemp beverage products shall be registered by the manufacturer with the department prior to sale. The department may establish reasonable fees for the registration of each hemp beverage product.

5. Upon the sale of any hemp beverage, a hemp beverage manufacturer shall provide a statement to the buyer that discloses the product's ingredients, including, but not limited to, any chemicals or compounds and any major food allergens declared by name.

6. A hemp beverage manufacturer shall not add any artificially derived cannabinoid, hemp plant part, unfinished hemp extract, or hemp concentrate to a product if the manufacturer of the product holds a trademark to the product's name, except that a hemp beverage manufacturer may use a trademarked food product if the manufacturer uses the product as a component or as part of a recipe and if the hemp beverage manufacturer does not state or advertise to the customer that the final retail hemp beverage product contains a trademarked food product.

7. A hemp beverage manufacturer shall not add any cannabis flower, cannabis concentrate, or cannabinoid derived from cannabis flower or cannabis concentrate to a product.

8. The hemp beverage manufacturer shall have a hemp beverage product tested prior to distribution to confirm compliance with all statutory and regulatory requirements. The testing shall be performed by a laboratory holding an ISO 17025 accreditation or that is registered with the Drug Enforcement Administration in accordance with 21 CFR 1301.13, and which does not have a direct or indirect interest in the entity whose product is being tested.

9. No hemp beverage manufacturer who designates a specific geographic area for which a hemp beverage wholesaler shall be responsible, shall enter into any agreement with any other person for the purpose of establishing an additional wholesaler for the same brands of hemp beverage products in such designated area.

10. Any hemp beverage manufacturer or wholesaler who violates the provisions of this section, or permits its employees, officers, or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished only as follows:

(1) For the first offense, by a fine of one thousand dollars;

(2) For the second offense, by a fine of five thousand dollars; and

(3) For the third or any subsequent offense, by a fine of twenty-five thousand dollars.

11. All unfinished hemp extract shall be labeled "NOT FOR SALE TO CONSUMERS".

312.1020. 1. A hemp beverage wholesaler may transport hemp beverages on public roadways provided the hemp beverages are in a safe and secured storage compartment that is part of the motor vehicle.

2. A hemp beverage wholesaler may sell to retailers hemp beverage products that:

(1) Are obtained from a licensed hemp beverage manufacturer;

(2) Meet all applicable packaging and labeling requirements established by the department; and

(3) Comply with any other rules adopted by the department.

3. Any vehicle assigned for the purposes of hemp beverage delivery is subject to inspection by the division at any time.

4. Any hemp beverage products stored by a hemp beverage wholesaler shall be stored in a secure climate-controlled location that is locked and inaccessible to the general public.

5. All hemp beverage wholesalers shall be resident businesses. A "resident business" shall be a business created under the laws of Missouri, in which at least sixty percent of all of the financial interest in the business is owned by bona fide Missouri residents who have continuously resided in Missouri for a period of at least three years

immediately prior to the date of filing of the application for a license, and in which at least sixty percent of all directors, officers, or managers of the business are bona fide Missouri residents who have continuously resided in Missouri for a period of at least three years immediately prior to the date of filing of the application for a license.

312.1025. 1. A hemp beverage retailer shall only sell hemp beverages to individuals who are at least twenty-one years of age. No person under twenty-one years of age shall sell or assist in the sale or dispensing of the hemp beverages.

2. A hemp beverage retailer shall not sell any product the retailer knows, or has reason to know, contains more than three-tenths of one percent of tetrahydrocannabinol content.

3. A hemp beverage retailer may sell hemp beverage products that:

(1) Are obtained from a licensed Missouri hemp beverage wholesaler or is manufactured by the hemp beverage retailer as a licensed hemp beverage manufacturer on the premises it is sold; and

(2) Meet all applicable packaging and labeling requirements established by the department.

4. (1) A hemp beverage retailer shall not ship or deliver hemp beverages to consumers, and all sales of hemp beverage products shall be made on the licensed premises of the hemp beverage retailer.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, a hemp beverage retailer may deliver or utilize a delivery service to deliver hemp beverages to consumers only if such retailer and delivery service complies with rules promulgated by the division. The division shall establish a license for such delivery

service and shall establish a license application and renewal fee in an amount necessary to cover the reasonable costs of administering the provisions of this subdivision.

5. A hemp beverage retailer may sell other products or items for which the hemp beverage retailer has a license or authorization or that do not require a license or authorization.

6. It shall constitute a class B misdemeanor for a hemp beverage retailer or any other person to sell or provide hemp beverage products to a person under twenty-one years of age. It shall constitute a class B misdemeanor for a person under twenty-one years of age to knowingly acquire, possess, or consume a hemp beverage product.

Notwithstanding the other provisions of this section to the contrary, law enforcement agency efforts utilizing a person under twenty-one years of age but at least eighteen years of age, wherein the person does not consume the hemp beverage product, are not precluded. The division may enforce compliance with this section by conducting random, unannounced inspections at locations where such products are sold or distributed to ensure compliance with sections 312.1000 to 312.1040. The division shall submit an annual publicly accessible report to the general assembly describing in detail the division's enforcement efforts.

7. A hemp beverage retailer shall ensure that all hemp beverages offered for sale comply with the limits on the amount and types of cannabinoids that a hemp beverage product can contain, including, but not limited to, the requirement that hemp beverages are either multi-serving or a single serving hemp beverage and:

(1) A multi-serving hemp beverage shall be bottled or placed in a container of no less than three hundred seventy-five milliliters and no more than one and three-quarters

liters; be bottled or placed in a child-proof resealable container that uses a screw top or cork-style cap; with container servings measured in no less than one and a half ounces; and no more than ten milligrams of tetrahydrocannabinol per serving;

(2) A single serving hemp-derived cannabinoid shall be bottled, canned, or placed in a container of no less than fifty milliliters and no more than nineteen and two-tenths ounces; be canned or placed in a container that utilizes a traditional pull tab; have no more than ten milligrams of tetrahydrocannabinol per container and contain no more than one serving per container; and

(3) Consist of servings that contain no more than ten milligrams of delta-9 tetrahydrocannabinol.

8. A hemp beverage retailer shall not:

(1) Sell a hemp beverage to a person who is visibly intoxicated;

(2) Sell cannabis flower or cannabis products; or

(3) Allow for the dispensing of hemp beverage products in vending machines.

9. A hemp beverage retailer may permit onsite consumption of hemp beverage products that contain no more than five milligrams of tetrahydrocannabinol per serving that are consumed by consumers onsite.

10. A hemp beverage retailer shall ensure that hemp beverage products sold for onsite consumption comply with sections 312.1000 to 312.1040 and rules adopted under sections 312.1000 to 312.1040 regarding testing.

11. Food and beverages not otherwise prohibited by this section may be prepared and sold onsite provided that the hemp beverage retailer complies with all relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

12. A hemp beverage retailer selling products onsite shall not:

(1) Sell hemp beverage products to a customer who the hemp beverage retailer knows or reasonably should know is intoxicated, either from consumption of alcohol, other hemp beverages, or any other drug;

(2) Sell hemp beverage products that are designed or reasonably expected to be mixed with an alcoholic beverage, or to knowingly permit any customer to mix or to consume hemp beverage products with any alcoholic beverage; or

(3) Permit hemp beverage products that have been removed from the products' packaging or any open containers of hemp beverage products to be removed from the premises of the hemp beverage retailer.

13. A hemp beverage retailer shall maintain compliance with state and local building, fire, and zoning codes, requirements, or regulations.

14. A hemp beverage retailer shall ensure that the licensed premises is maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

15. No hemp beverage manufacturer or wholesaler, or any employee, officer, or agent of such, may, directly or indirectly, loan, give away, or furnish equipment, money, credit, or property of any kind, or any other consideration, except ordinary commercial credit for hemp beverage products or hemp concentrate from a hemp beverage manufacturer, to a hemp beverage retailer, nor shall any hemp beverage retailer accept any loan, equipment, payment, credit, property, or any other consideration, except ordinary commercial credit for hemp beverage products or hemp concentrate from a hemp beverage manufacturer. Further, no hemp beverage manufacturer or wholesaler may pay to a hemp beverage

retailer any fee rental or other consideration for the use of any part of the licensed retail premises for advertising any brand name for the purpose of advertising the same.

16. A hemp beverage retailer is subject to inspection by the division at any time.

17. The division shall not issue a hemp beverage license to any retail establishment located within one hundred feet of any educational institution providing education to children at any preschool, elementary or secondary school, institution of higher education, or any other educational institution attended by any person under twenty-one years of age, nor to any retail establishment located within one hundred feet of any church or place of worship. The prohibition in this subsection shall not apply to businesses selling hemp-derived cannabinoids prior to December 31, 2026.

312.1030. 1. As used in this section, "franchise" means a written or oral arrangement for a definite or indefinite period in which a person grants to another person a license to use a trade name, trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise, including, but not limited to, a commercial relationship of definite duration or continuing indefinite duration, between a hemp beverage wholesaler, to hemp beverage retailers, duly licensed in this state, and a hemp beverage manufacturer, and wherein a hemp beverage wholesaler is granted the right to offer, sell, and distribute within this state or any designated area thereof some or all of the hemp beverage manufacturer's hemp beverage products to hemp beverage retailers.

2. If more than one franchise for the same brand or brands of hemp beverage products is granted to different hemp beverage wholesalers in Missouri, it is a violation for any hemp beverage manufacturers to discriminate between the wholesalers with respect to any of the terms, provisions, and conditions of these franchises.

3. Notwithstanding the terms, provisions, and conditions of any franchise, no hemp beverage manufacturer shall unilaterally terminate or refuse to continue or change substantially the condition of any franchise with the hemp beverage wholesaler unless the manufacturer has first established good cause for such termination, noncontinuance, or change.

4. Any hemp beverage wholesaler may bring an action in a court of competent jurisdiction against a hemp beverage manufacturer for violation of any of the provisions of this section and may recover damages sustained by such wholesaler together with the costs of the action and reasonable attorney's fees.

5. In any action brought by a hemp beverage wholesaler against a hemp beverage manufacturer for termination, noncontinuance, or substantial change in violation of the provisions of this section, it is a complete defense for the hemp beverage manufacturer to prove that the termination, noncontinuance, or change was done in good faith and for good cause.

6. As used in this section, "good faith" is the duty of each party to any franchise and all officers, employees, or agents thereof to act in a fair and equitable manner towards each other, and "good cause" means the following:

(1) Failure by the hemp beverage wholesaler to comply substantially with the provisions of an agreement or

understanding with the hemp beverage manufacturer, which provisions are both essential and reasonable;

(2) Use of bad faith or failure to observe reasonable commercial standards of fair dealing in the trade; or

(3) Revocation or suspension for more than thirty days of the hemp beverage wholesaler's state or local license required for normal operations of its business.

312.1035. 1. A hemp beverage product that is sold in this state shall be labeled with consumer protection warnings in the form of statements that cover all of the following:

(1) A list of ingredients and possible allergens and a nutritional fact panel or have a code that can be scanned that directs consumers to a website containing the list of ingredients and possible allergens and a nutritional fact panel;

(2) A statement that use while pregnant or breastfeeding may be harmful;

(3) A statement that consumption of certain cannabinoids may impair your ability to drive and operate heavy machinery;

(4) A statement that the product is not approved by the U.S. Food and Drug Administration;

(5) A statement to keep out of reach of children;

(6) A statement to consult your physician before use;

(7) The amount of hemp-derived cannabinoid in each serving of the product, measured in milligrams;

(8) The total amount of hemp-derived cannabinoid in the entire package, measured in milligrams;

(9) The net weight of the product; and

(10) An expiration date in accordance with applicable federal or state law.

2. A manufacturer, wholesaler, or retailer of a hemp beverage product shall not advertise, market, or offer for sale the product by using, in the labeling or design of the product or product packaging or in advertising or marketing materials for the product trade dress, trademarks, branding, or other related materials, any imagery or scenery that depicts or signifies characters or symbols known to appeal primarily to persons under twenty-one years of age, including, but not limited to, superheroes, comic book characters, video game characters, television show characters, movie characters, and mythical creatures.

312.1037. The division shall allow retailers and wholesalers one hundred and twenty days after August 28, 2026, to sell any adult hemp beverage products that were in the retailers' or wholesalers' inventory as of August 28, 2026. All sales shall be in compliance with the provisions of sections 312.1000 to 312.1040, including the prohibition on sales to persons under twenty-one years of age. On and after one hundred and twenty days after August 28, 2026, all hemp beverage products that have not been removed from the inventory of a retailer or wholesaler shall be subject to forfeiture and destruction and shall not be purchased or sold in this state. The cost of seizure, forfeiture, and destruction or disposal under this section shall be paid by the person or entity from whom the adult hemp beverage products are confiscated.

312.1040. 1. An excise tax at the rate of seven percent is imposed on the retail sale of a hemp beverage product. The tax is in addition to any tax imposed under any other provision of federal, state, or local law.

2. The tax imposed by this section is intended to be passed on to and borne by the purchaser of the hemp-derived consumable product. The tax is a debt from the purchaser to

the retailer until paid. A retailer is considered to act as a trustee on behalf of the state when it collects tax from the purchaser on a taxable transaction. The tax shall be stated and charged separately on any documentation provided to the purchaser by the retailer at the time of the transaction.