

SECOND REGULAR SESSION

# SENATE BILL NO. 993

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HENDERSON.

5195S.01I

KRISTINA MARTIN, Secretary

### AN ACT

To amend chapter 312, RSMo, by adding thereto ten 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. Chapter 312, RSMo, is amended by adding thereto  
2 ten new sections, to be known as sections 312.1000, 312.1005,  
3 312.1010, 312.1015, 312.1020, 312.1025, 312.1030, 312.1035,  
4 312.1037, and 312.1040, to read as follows:

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

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

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

12 (3) "Division", the division of alcohol and tobacco  
13 control;

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

- (a) Contains or consists of hemp plant parts; or
- (b) Contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients;

(5) "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;

(6) "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;

(7) "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;

(8) "Hemp plant parts", any part of the harvested hemp plant, including the flower, bud, leaves, stems, and stalk,

47 but does not include derivatives, extracts, cannabinoids,  
48 isomers, acids, salts, and salts of isomers that are  
49 separated from the plant. "Hemp plant parts" do not include  
50 hemp fiber products, hemp grain, or hemp seed;

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

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

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

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

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

6 2. Notwithstanding any provisions of sections 312.1000  
7 to 312.1040 or chapter 311 to the contrary, there shall be  
8 no interpretations that prohibit liquor licensees from  
9 manufacturing, distributing, or selling hemp beverage

10 products that comply with the provisions of sections  
11 312.1000 to 312.1040 and any other rules adopted by the  
12 division.

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

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

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

32 6. A person, cooperative, or business holding a hemp  
33 beverage manufacturer license, a hemp beverage wholesaler  
34 license, or a hemp beverage retailer license, or any  
35 combination of the three, shall not hold a marijuana  
36 facility license or a medical facility license, as such  
37 terms are defined in Article XIV of the Constitution of  
38 Missouri.

39 7. No license shall be issued to a hemp beverage  
40 retailer unless the hemp beverage retailer also has an  
41 active license issued by the division allowing it to sell

42 alcoholic beverages. This restriction shall not apply to  
43 hemp beverage manufacturers or hemp beverage wholesalers,  
44 unless they are seeking a hemp beverage retailer license.

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

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

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

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

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

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

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

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

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

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

(3) Proof of business name registration;

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

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

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

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

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

42 hundred fifty dollars per location, and shall not exceed  
43 five thousand dollars for an entity with multiple locations;

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

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

50 4. Licenses shall be renewed annually.

51 5. Licenses shall not be transferred.

52 6. The division shall promulgate such regulations  
53 related to hemp business licensees for the administration of  
54 sections 312.1000 to 312.1040 and shall design all necessary  
55 forms. Any rule or portion of a rule, as that term is  
56 defined in section 536.010, that is created under the  
57 authority delegated in this section shall become effective  
58 only if it complies with and is subject to all of the  
59 provisions of chapter 536 and, if applicable, section  
60 536.028. This section and chapter 536 are nonseverable and  
61 if any of the powers vested with the general assembly  
62 pursuant to chapter 536 to review, to delay the effective  
63 date, or to disapprove and annul a rule are subsequently  
64 held unconstitutional, then the grant of rulemaking  
65 authority and any rule proposed or adopted after August 28,  
66 2026, shall be invalid and void.

67 7. Whenever it shall be determined that a hemp  
68 business licensee has violated any of the provisions of  
69 sections 312.1000 to 312.1040, the supervisor of the  
70 division may warn, place on probation on such terms and  
71 conditions as the supervisor deems appropriate for a period  
72 not to exceed twelve months, fine in an amount not to exceed  
73 five thousand dollars per violation, suspend for a period

74 not to exceed twelve months, or revoke the license of the  
75 licensee. The licensee shall have thirty days' notice of  
76 the imposition of discipline and may seek a determination  
77 thereon by the administrative hearing commission pursuant to  
78 the provisions of section 621.045.

79 8. (1) There is hereby created in the state treasury  
80 the "Hemp-Derived Products Fund", which shall consist of all  
81 fees authorized to be charged by the division under this  
82 section. The state treasurer shall be custodian of the  
83 fund. In accordance with sections 30.170 and 30.180, the  
84 state treasurer may approve disbursements. The fund shall  
85 be a dedicated fund and money in the fund shall be used  
86 solely by the division for the purposes of administration of  
87 sections 312.1000 to 312.1040.

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

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

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

3 (1) Purchase hemp plant parts, hemp concentrate, and  
4 artificially derived cannabinoids from industrial hemp  
5 processors and hemp beverage manufacturers;

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

8 (3) Purchase hemp concentrate;

9 (4) Manufacture hemp beverages for public consumption;

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

12 (6) Sell hemp concentrate to other hemp businesses;

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

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

17           2. All hemp beverage manufacturing shall take place in  
18 a Current Good Manufacturing Practices-certified facility or  
19 in a facility licensed as a brewery, distillery, or winery.

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

33 (a) The use of comically exaggerated features;

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

36 (c) The attribution of unnatural or extra-human  
37 abilities: and

41 except when used to describe the contents, taste, or  
42 ingredients of the product sold.

43 4. All hemp beverage products shall be registered by  
44 the manufacturer with the department prior to sale.

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

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

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

63 8. The hemp beverage manufacturer shall have a hemp  
64 beverage product tested prior to distribution to confirm  
65 compliance with all statutory and regulatory requirements.  
66 The testing shall be performed by a laboratory holding an  
67 ISO 17025 accreditation or that is registered with the Drug  
68 Enforcement Administration in accordance with 21 CFR  
69 1301.13, and which does not have a direct or indirect  
70 interest in the entity whose product is being tested.

71 9. No hemp beverage manufacturer who designates a  
72 specific geographic area for which a hemp beverage

73 wholesaler shall be responsible, shall enter into any  
74 agreement with any other person for the purpose of  
75 establishing an additional wholesaler for the same brands of  
76 hemp beverage products in such designated area.

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

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

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

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

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

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

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

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

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

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

16 4. Any hemp beverage products stored by a hemp  
17 beverage wholesaler shall be stored in a secure climate-

18 controlled location that is locked and inaccessible to the  
19 general public.

20 5. All hemp beverage wholesalers shall be resident  
21 businesses. A "resident business" shall be a business  
22 created under the laws of Missouri, in which at least sixty  
23 percent of all of the financial interest in the business is  
24 owned by bona fide Missouri residents who have continuously  
25 resided in Missouri for a period of at least three years  
26 immediately prior to the date of filing of the application  
27 for a license, and in which at least sixty percent of all  
28 directors, officers, or managers of the business are bona  
29 fide Missouri residents who have continuously resided in  
30 Missouri for a period of at least three years immediately  
31 prior to the date of filing of the application for a license.

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

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

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

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

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

18       4. A hemp beverage retailer shall not ship or deliver  
19 hemp beverages to consumers, and all sales of hemp beverage  
20 products shall be made on the licensed premises of the hemp  
21 beverage retailer.

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

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

32 Notwithstanding the other provisions of this section to the  
33 contrary, law enforcement agency efforts utilizing a person  
34 under twenty-one years of age but at least eighteen years of  
35 age, wherein the person does not consume the hemp beverage  
36 product, are not precluded. The division may enforce  
37 compliance with this section by conducting random,  
38 unannounced inspections at locations where such products are  
39 sold or distributed to ensure compliance with sections  
40 312.1000 to 312.1040. The division shall submit an annual  
41 publicly accessible report to the general assembly  
42 describing in detail the division's enforcement efforts.

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

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

66 8. A hemp beverage retailer shall not:

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

69 (2) Sell cannabis flower or cannabis products; or

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

72           9. A hemp beverage retailer may permit onsite  
73 consumption of hemp beverage products which contain less  
74 than five milligrams of tetrahydrocannabinol per serving  
75 that are consumed by consumers onsite.

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

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

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

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

91           (2) Sell hemp beverage products that are designed or  
92 reasonably expected to be mixed with an alcoholic beverage;  
93 or

94           (3) Permit hemp beverage products that have been  
95 removed from the products' packaging to be removed from the  
96 premises of the hemp beverage retailer.

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

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

104       15. No hemp beverage manufacturer or wholesaler may  
105 pay to a hemp beverage retailer, nor shall any hemp beverage  
106 retailer accept, any payment, credit, or any other  
107 consideration to induce the hemp beverage retailer to  
108 advertise or display a hemp beverage product in a certain  
109 manner on the hemp beverage product's licensed premises.  
110 Further, no hemp beverage manufacturer or wholesaler may pay  
111 to a hemp beverage retailer any fee rental or other

112 consideration for the use of any part of the licensed retail  
113 premises for advertising any brand name for the purpose of  
114 advertising the same.

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

117 17. The division shall not issue a hemp beverage  
118 license to any retail establishment located within one  
119 hundred feet of any educational institution providing  
120 education to children at any level between preschool and  
121 twelfth grade, or the equivalent, nor to any retail  
122 establishment located within one hundred feet of any church  
123 or place of worship. The prohibition in this subsection  
124 shall not apply to businesses selling hemp-derived  
125 cannabinoids prior to December 31, 2026.

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

17 2. If more than one franchise for the same brand or  
18 brands of hemp beverage products is granted to different

19 hemp beverage wholesalers in Missouri, it is a violation for  
20 any hemp beverage manufacturers to discriminate between the  
21 wholesalers with respect to any of the terms, provisions,  
22 and conditions of these franchises.

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

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

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

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

47           (1) Failure by the hemp beverage wholesaler to comply  
48 substantially with the provisions of an agreement or  
49 understanding with the hemp beverage manufacturer, which  
50 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  
unit 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

28 sale the product by using, in the labeling or design of the  
29 product or product packaging or in advertising or marketing  
30 materials for the product trade dress, trademarks, branding,  
31 or other related materials, any imagery or scenery that  
32 depicts or signifies characters or symbols known to appeal  
33 primarily to persons under twenty-one years of age,  
34 including, but not limited to, superheroes, comic book  
35 characters, video game characters, television show  
36 characters, movie characters, and mythical creatures.

312.1037. The division shall allow retailers and  
2 wholesalers one hundred and twenty days after August 28,  
3 2026, to sell any adult hemp beverage products that were in  
4 the retailers' or wholesalers' inventory as of August 28,  
5 2026. All sales shall be in compliance with the provisions  
6 of sections 312.1000 to 312.1040, including the prohibition  
7 on sales to persons under twenty-one years of age. On and  
8 after one hundred and twenty days after August 28, 2026, all  
9 hemp beverage products that have not been removed from the  
10 inventory of a retailer or wholesaler shall be subject to  
11 forfeiture and destruction and shall not be purchased or  
12 sold in this state. The cost of seizure, forfeiture, and  
13 destruction or disposal under this section shall be paid by  
14 the person or entity from whom the adult hemp beverage  
15 products are confiscated.

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

5 2. The tax imposed by this section is intended to be  
6 passed on to and borne by the purchaser of the hemp-derived  
7 consumable product. The tax is a debt from the purchaser to  
8 the retailer until paid. A retailer is considered to act as

9 a trustee on behalf of the state when it collects tax from  
10 the purchaser on a taxable transaction. The tax shall be  
11 stated and charged separately on any documentation provided  
12 to the purchaser by the retailer at the time of the  
13 transaction.

✓