

FIRST REGULAR SESSION

# HOUSE BILL NO. 800

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HINSON.

1749L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, and to enact in lieu thereof thirty-five new sections relating to the Missouri compassionate care act, with penalty provisions.

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

Section A. Sections 195.202, 195.211, 195.222, 195.223, and 263.250, RSMo, are  
2 repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 195.202,  
3 195.211, 195.222, 195.223, 195.900, 195.903, 195.906, 195.909, 195.912, 195.915, 195.918,  
4 195.921, 195.924, 195.927, 195.930, 195.933, 195.936, 195.939, 195.942, 195.945, 195.948,  
5 195.951, 195.954, 195.957, 195.960, 195.963, 195.966, 195.969, 195.972, 195.975, 195.978,  
6 195.981, 195.984, 195.985, and 263.250, to read as follows:

195.202. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.900**  
2 **to 195.985**, it is unlawful for any person to possess or have under his control a controlled  
3 substance.

4 2. Any person who violates this section with respect to any controlled substance except  
5 thirty-five grams or less of marijuana or any synthetic cannabinoid is guilty of a class C felony.  
6 3. Any person who violates this section with respect to not more than thirty-five grams  
7 of marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.

195.211. 1. Except as authorized by sections 195.005 to 195.425 **and sections 195.900**  
2 **to 195.985**, and except as provided in section 195.222, it is unlawful for any person to distribute,  
3 deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a  
4 controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a  
5 controlled substance.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6        2. Any person who violates or attempts to violate this section with respect to  
7 manufacturing or production of a controlled substance of any amount except for five grams or  
8 less of marijuana in a residence where a child resides or within two thousand feet of the real  
9 property comprising a public or private elementary or public or private elementary or secondary  
10 school, public vocational school or a public or private community college, college or university,  
11 or any school bus is guilty of a class A felony.

12        3. Any person who violates or attempts to violate this section with respect to any  
13 controlled substance except five grams or less of marijuana is guilty of a class B felony.

14        4. Any person who violates this section with respect to distributing or delivering not  
15 more than five grams of marijuana is guilty of a class C felony.

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except  
2 as authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers,  
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than  
4 thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of  
5 this subsection shall be punished as follows:

6        (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8        (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
9 authorized term of imprisonment for a class A felony which term shall be served without  
10 probation or parole.

11        2. A person commits the crime of trafficking drugs in the first degree if, except as  
12 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,  
13 produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty  
14 grams of a mixture or substance containing a detectable amount of coca leaves, except coca  
15 leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or  
16 their salts have been removed; cocaine salts and their optical and geometric isomers, and salts  
17 of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,  
18 mixture, or preparation which contains any quantity of any of the foregoing substances.  
19 Violations of this subsection shall be punished as follows:

20        (1) If the quantity involved is more than one hundred fifty grams but less than four  
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a  
22 class A felony;

23        (2) If the quantity involved is four hundred fifty grams or more the person shall be  
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
25 without probation or parole.

26       3. A person commits the crime of trafficking drugs in the first degree if, except as  
27 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,  
28 produces or attempts to distribute, deliver, manufacture or produce more than eight grams of a  
29 mixture or substance described in subsection 2 of this section which contains cocaine base.  
30 Violations of this subsection shall be punished as follows:

31           (1) If the quantity involved is more than eight grams but less than twenty-four grams the  
32 person shall be sentenced to the authorized term of imprisonment for a class A felony;

33           (2) If the quantity involved is twenty-four grams or more the person shall be sentenced  
34 to the authorized term of imprisonment for a class A felony which term shall be served without  
35 probation or parole.

36       4. A person commits the crime of trafficking drugs in the first degree if, except as  
37 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,  
38 produces or attempts to distribute, deliver, manufacture or produce more than five hundred  
39 milligrams of a mixture or substance containing a detectable amount of lysergic acid  
40 diethylamide (LSD). Violations of this subsection shall be punished as follows:

41           (1) If the quantity involved is more than five hundred milligrams but less than one gram  
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43           (2) If the quantity involved is one gram or more the person shall be sentenced to the  
44 authorized term of imprisonment for a class A felony which term shall be served without  
45 probation or parole.

46       5. A person commits the crime of trafficking drugs in the first degree if, except as  
47 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,  
48 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a  
49 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this  
50 subsection shall be punished as follows:

51           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53           (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
54 authorized term of imprisonment for a class A felony which term shall be served without  
55 probation or parole.

56       6. A person commits the crime of trafficking drugs in the first degree if, except as  
57 authorized by sections 195.005 to 195.425, [he] **such person** distributes, delivers, manufactures,  
58 produces or attempts to distribute, deliver, manufacture or produce more than four grams of  
59 phencyclidine. Violations of this subsection shall be punished as follows:

60           (1) If the quantity involved is more than four grams but less than twelve grams the  
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62           (2) If the quantity involved is twelve grams or more the person shall be sentenced to the  
63 authorized term of imprisonment for a class A felony which term shall be served without  
64 probation or parole.

65           7. A person commits the crime of trafficking drugs in the first degree if, except as  
66 authorized by sections 195.005 to 195.425[*he]* **and sections 195.900 to 195.985, such person**  
67 distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or  
68 produce more than thirty kilograms of a mixture or substance containing marijuana. Violations  
69 of this subsection shall be punished as follows:

70           (1) If the quantity involved is more than thirty kilograms but less than one hundred  
71 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A  
72 felony;

73           (2) If the quantity involved is one hundred kilograms or more the person shall be  
74 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
75 without probation or parole.

76           8. A person commits the crime of trafficking drugs in the first degree if, except as  
77 authorized by sections 195.005 to 195.425, [*he*] **such person** distributes, delivers, manufactures,  
78 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any  
79 material, compound, mixture or preparation which contains any quantity of the following  
80 substances having a stimulant effect on the central nervous system: amphetamine, its salts,  
81 optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and  
82 salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this  
83 subsection or attempts to violate this subsection shall be punished as follows:

84           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
85 person shall be sentenced to the authorized term of imprisonment for a class A felony;

86           (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
87 grams or more and the location of the offense was within two thousand feet of a school or public  
88 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any  
89 structure or building which contains rooms furnished for the accommodation or lodging of  
90 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping  
91 accommodations are sought for pay or compensation to transient guests or permanent guests, the  
92 person shall be sentenced to the authorized term of imprisonment for a class A felony which term  
93 shall be served without probation or parole.

94           9. A person commits the crime of trafficking drugs in the first degree if, except as  
95 authorized by sections 195.005 to 195.425, [*he or she*] **such person** distributes, delivers,  
96 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than  
97 thirty grams of any material, compound, mixture or preparation which contains any quantity of

98 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this  
99 subsection shall be punished as follows:

100 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
101 person shall be sentenced to the authorized term of imprisonment for a class A felony;

102 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
103 grams or more and the location of the offense was within two thousand feet of a school or public  
104 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any  
105 structure or building which contains rooms furnished for the accommodation or lodging of  
106 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping  
107 accommodations are sought for pay or compensation to transient guests or permanent guests, the  
108 person shall be sentenced to the authorized term of imprisonment for a class A felony which term  
109 shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,  
2 except as authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under  
3 his **or her** control, purchases or attempts to purchase, or brings into this state more than thirty  
4 grams of a mixture or substance containing a detectable amount of heroin. Violations of this  
5 subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
9 A felony.

10 2. A person commits the crime of trafficking drugs in the second degree if, except as  
11 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**  
12 control, purchases or attempts to purchase, or brings into this state more than one hundred fifty  
13 grams of a mixture or substance containing a detectable amount of coca leaves, except coca  
14 leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or  
15 their salts have been removed; cocaine salts and their optical and geometric isomers, and salts  
16 of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,  
17 mixture, or preparation which contains any quantity of any of the foregoing substances.  
18 Violations of this subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four  
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty  
22 of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as  
24 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**

25 control, purchases or attempts to purchase, or brings into this state more than eight grams of a  
26 mixture or substance described in subsection 2 of this section which contains cocaine base.  
27 Violations of this subsection shall be punished as follows:

28       (1) If the quantity involved is more than eight grams but less than twenty-four grams the  
29 person shall be guilty of a class B felony;

30       (2) If the quantity involved is twenty-four grams or more the person shall be guilty of  
31 a class A felony.

32       4. A person commits the crime of trafficking drugs in the second degree if, except as  
33 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**  
34 control, purchases or attempts to purchase, or brings into this state more than five hundred  
35 milligrams of a mixture or substance containing a detectable amount of lysergic acid  
36 diethylamide (LSD). Violations of this subsection shall be punished as follows:

37       (1) If the quantity involved is more than five hundred milligrams but less than one gram  
38 the person shall be guilty of a class B felony;

39       (2) If the quantity involved is one gram or more the person shall be guilty of a class A  
40 felony.

41       5. A person commits the crime of trafficking drugs in the second degree if, except as  
42 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**  
43 control, purchases or attempts to purchase, or brings into this state more than thirty grams of a  
44 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this  
45 subsection shall be punished as follows:

46       (1) If the quantity involved is more than thirty grams but less than ninety grams the  
47 person shall be guilty of a class B felony;

48       (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
49 A felony.

50       6. A person commits the crime of trafficking drugs in the second degree if, except as  
51 authorized by sections 195.005 to 195.425, [he] **such person** possesses or has under his **or her**  
52 control, purchases or attempts to purchase, or brings into this state more than four grams of  
53 phencyclidine. Violations of this subsection shall be punished as follows:

54       (1) If the quantity involved is more than four grams but less than twelve grams the  
55 person shall be guilty of a class B felony;

56       (2) If the quantity involved is twelve grams or more the person shall be guilty of a class  
57 A felony.

58       7. A person commits the crime of trafficking drugs in the second degree if, except as  
59 authorized by sections 195.005 to 195.425[, he] **and sections 195.900 to 195.985, such person**  
60 possesses or has under his **or her** control, purchases or attempts to purchase, or brings into this

61 state more than thirty kilograms or more of a mixture or substance containing marijuana.  
62 Violations of this subsection shall be punished as follows:

63       (1) If the quantity involved is more than thirty kilograms but less than one hundred  
64 kilograms the person shall be guilty of a class B felony;

65       (2) If the quantity involved is one hundred kilograms or more the person shall be guilty  
66 of a class A felony.

67       8. A person commits the class A felony of trafficking drugs in the second degree if,  
68 except as authorized by sections 195.005 to 195.425[*he*] **and sections 195.900 to 195.985**, such  
69 **person** possesses or has under his **or her** control, purchases or attempts to purchase, or brings  
70 into this state more than five hundred marijuana plants.

71       9. A person commits the crime of trafficking drugs in the second degree if, except as  
72 authorized by sections 195.005 to 195.425, [*he*] **such person** possesses or has under his **or her**  
73 control, purchases or attempts to purchase, or brings into this state more than thirty grams of any  
74 material, compound, mixture or preparation which contains any quantity of the following  
75 substances having a stimulant effect on the central nervous system: amphetamine, its salts,  
76 optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of  
77 its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or  
78 attempts to violate this subsection shall be punished as follows:

79       (1) If the quantity involved is more than thirty grams but less than ninety grams the  
80 person shall be guilty of a class B felony;

81       (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
82 grams, the person shall be guilty of a class A felony;

83       (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty  
84 of a class A felony and the term of imprisonment shall be served without probation or parole.

85       10. A person commits the crime of trafficking drugs in the second degree if, except as  
86 authorized by sections 195.005 to 195.425, [*he or she*] **such person** possesses or has under his  
87 or her control, purchases or attempts to purchase, or brings into this state more than thirty grams  
88 of any material, compound, mixture or preparation which contains any quantity of  
89 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this  
90 subsection shall be punished as follows:

91       (1) If the quantity involved is more than thirty grams but less than ninety grams the  
92 person shall be guilty of a class B felony;

93       (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
94 grams, the person shall be guilty of a class A felony;

95       (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty  
96 of a class A felony and the term of imprisonment shall be served without probation or parole.

195.900. 1. Sections 195.900 to 195.985 shall be known and may be cited as the  
2 "Missouri Compassionate Care Act".

3       2. (1) The general assembly hereby declares that sections 195.900 to 195.985 shall  
4 be deemed an exercise of the police powers of the state for the protection of the economic  
5 and social welfare and the health, peace, and morals of the people of this state.

6       (2) The general assembly further declares that it is unlawful under state law to  
7 cultivate, manufacture, distribute, or sell medical cannabis, except in compliance with the  
8 terms, conditions, limitations, and restrictions in sections 195.900 to 195.985 or when acting  
9 as a primary caregiver in compliance with the terms, conditions, limitations, and  
10 restrictions of sections 195.900 to 195.985.

11       3. As used in sections 195.900 to 195.985, the following terms shall mean:

12       (1) "Adequate supply", two and one-half ounces of usable cannabis during a period  
13 of fourteen days and that is derived solely from an intrastate source. Subject to the rules  
14 of the department of health and senior services, a patient may apply for a waiver if a  
15 physician provides a substantial medical basis in a signed written statement asserting that,  
16 based on the patient's medical history and in the physician's professional judgment, two  
17 and one-half ounces is an insufficient adequate supply for a fourteen-day period to  
18 properly alleviate the patient's debilitating medical condition or symptoms associated with  
19 the debilitating medical condition. This subdivision shall not be construed to authorize the  
20 possession of more than two and one-half ounces at any time without authority from the  
21 department of health and senior services. The premixed weight of medical cannabis used  
22 in making a cannabis-infused product shall apply toward the limit on the total amount of  
23 medical cannabis a registered qualifying patient may possess at any one time;

24       (2) "Cannabis", marijuana, hashish, and other substances which are identified as  
25 including any parts of the plant Cannabis Sativa, whether growing; the seeds thereof, the  
26 resin extracted from any part of such plant; and any compound, manufacture, salt,  
27 derivative, mixture, or preparation of such plant, its seeds, or resin, including  
28 tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally  
29 occurring or synthetically produced ingredients, whether produced directly or indirectly  
30 by extraction, or independently by means of chemical synthesis or by a combination of  
31 extraction and chemical synthesis; but shall not include the mature stalks of such plant,  
32 fiber produced from such stalks, oil or cake made from the seeds of such plant, any other  
33 compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks  
34 except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant  
35 which is incapable of germination;

36       (3) "Commercially available candy, cakes, and cookies", any product that is  
37 manufactured and packaged in the form of bars, cakes, cookies, drops, or pieces and that  
38 includes a sweetened mixture of dough, chocolate, caramel, nougat, nuts, fruit, cream,  
39 honey, marshmallow, or any similar combination to create a dessert-like confection, cakes,  
40 or cookies;

41       (4) "Debilitating medical condition", one or more of the following:

42           (a) Cancer, glaucoma, positive status for human immunodeficiency virus (HIV),  
43 acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis (ALS),  
44 Crohn's disease, Parkinson's disease and the symptoms thereof, ulcerative colitis, agitation  
45 of Alzheimer's disease, post-traumatic stress disorder, or the treatment of such conditions;

46           (b) A chronic or debilitating disease or medical condition or its treatment that  
47 produces one or more of the following: cachexia or wasting syndrome, severe debilitating  
48 pain, severe nausea, seizures, or severe and persistent muscle spasms, including but not  
49 limited to those characteristics of multiple sclerosis; or

50           (c) Any other debilitating medical condition or its treatment that is added by the  
51 department of health and senior services by rule under section 195.981;

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

53       (6) "Division", the division of alcohol and tobacco control within the department  
54 of public safety;

55       (7) "Good cause", for purposes of refusing or denying a license renewal,  
56 reinstatement, or initial license issuance:

57           (a) The licensee applicant has violated, does not meet, or has failed to comply with  
58 any of the terms, conditions, or provisions of sections 195.900 to 195.985, any rules  
59 promulgated thereunder, or any supplemental local law, rules, or regulations;

60           (b) The licensee or applicant has failed to comply with any special terms or  
61 conditions that were placed on its license under an order of the state or local licensing  
62 authority;

63           (c) The licensed premises have been operated in a manner that adversely affects the  
64 public health or welfare or the safety of the immediate neighborhood in which the  
65 establishment is located;

66       (8) "License", to grant a license or registration under sections 195.900 to 195.985;

67       (9) "Licensed premises", the premises specified in an application for a license  
68 under sections 195.900 to 195.985, which are owned or in possession of the licensee and  
69 within which the licensee is authorized to cultivate, manufacture, distribute, or sell medical  
70 cannabis in accordance with the provisions of sections 195.900 to 195.985;

71       (10) "Licensee", a person licensed or registered under sections 195.900 to 195.985;

72       (11) "Limited access area", a building, room, or other contiguous area upon the  
73 licensed premises where medical cannabis is grown, cultivated, stored, weighed, displayed,  
74 packaged, sold, or possessed for sale, under control of the licensee, with limited access to  
75 only those persons licensed by the division. All areas of ingress or egress to limited access  
76 areas shall be clearly identified as such by a sign as designated by the division;

77       (12) "Local licensing authority", an authority designated by municipal or county  
78 charter or ordinance;

79       (13) "Medical cannabis", cannabis that is grown and sold under sections 195.900  
80 to 195.985 for a purpose authorized under sections 195.900 to 195.985;

81       (14) "Medical cannabis center", a person licensed under sections 195.900 to 195.985  
82 to operate a business as described in sections 195.900 to 195.985 that sells medical cannabis  
83 to registered patients or primary caregivers but is not a primary caregiver;

84       (15) "Medical cannabis cultivation and production facility", a person licensed  
85 under sections 195.900 to 195.985 to operate a business as described in section 195.957;

86       (16) "Medical cannabis-infused product", a product infused with medical cannabis  
87 that is intended for use or consumption other than by smoking, including but not limited  
88 to edible products, ointments, and tinctures. Such products, when manufactured or sold  
89 by a licensed medical cannabis center, shall not be considered a food or drug for the  
90 purposes of chapter 196;

91       (17) "Medical cannabis testing facility", a public or private laboratory licensed and  
92 certified, or approved by the division, to conduct research and analyze medical cannabis  
93 for contaminants and potency;

94       (18) "Person", a natural person, partnership, association, company, corporation,  
95 limited liability company, or organization, or a manager, agent, owner, director, servant,  
96 officer, or employee thereof;

97       (19) "Premises", a distinct and definite location, which may include a building, a  
98 part of a building, a room, or any other definite contiguous area;

99       (20) "Primary caregiver", a natural person, other than the patient or the patient's  
100 physician, who is eighteen years of age or older and has significant responsibility for  
101 managing the well-being of a patient who has a debilitating medical condition;

102       (21) "School", a public or private preschool, or a public or private elementary,  
103 middle, junior high, or high school;

104       (22) "State licensing authority", the division of alcohol and tobacco control which  
105 is responsible for regulating and controlling the licensing of the cultivation, manufacture,  
106 distribution, and sale of medical cannabis in this state.

107       **4. Local governments may enact reasonable zoning rules that limit the use of land**  
108   **for operation of medical cannabis centers and medical cannabis cultivation and production**  
109   **facilities to specified areas and that regulate the time, place, and manner of such facilities.**  
110   **The operation of sections 195.900 to 195.985 shall be statewide unless a municipality,**  
111   **county, or city, by either a majority of the registered voters voting at a regular election or**  
112   **special election called in accordance with state law vote to prohibit the operation of medical**  
113   **cannabis centers and medical cannabis cultivation and production facilities in the**  
114   **municipality, county, or city.**

195.903. 1. For the purpose of regulating and controlling the licensing of the  
2 cultivation, manufacture, distribution, and sale of medical cannabis in this state, the  
3 division of alcohol and tobacco control is hereby designated as the state licensing authority.

4       2. The state supervisor of alcohol and tobacco control may employ such officers and  
5 employees as may be determined to be necessary, with such officers and employees being  
6 part of the division. The division shall, at its discretion and based upon workload, employ  
7 no more than one full-time equivalent employee for each ten medical cannabis centers  
8 licensed or making application with the authority. No moneys shall be appropriated to the  
9 division from the general revenue fund for the operation of sections 195.900 to 195.985, nor  
10 shall the division expend any general revenue fund moneys for the operation of sections  
11 195.900 to 195.985.

12       3. During fiscal year 2016, the division shall consider employment of temporary or  
13 contract staff to conduct background investigations. The additional cost of the background  
14 investigations shall not exceed five hundred thousand dollars.

195.906. 1. The division shall:

2       (1) Grant or refuse state licenses for the cultivation, manufacture, distribution, and  
3 sale of medical cannabis as provided by law; suspend, fine, restrict, or revoke such licenses  
4 upon a violation of sections 195.900 to 195.985, or a rule promulgated under sections  
5 195.900 to 195.985; and impose any penalty authorized by sections 195.900 to 195.985 or  
6 any rule promulgated under sections 195.900 to 195.985. The division may take any action  
7 with respect to a registration under sections 195.900 to 195.985 as it may with respect to  
8 a license under sections 195.900 to 195.985, in accordance with the procedures established  
9 under sections 195.900 to 195.985;

10       (2) Promulgate such rules and such special rulings and findings as necessary for  
11 the proper regulation and control of the cultivation, manufacture, distribution, and sale  
12 of medical cannabis and for the enforcement of sections 195.900 to 195.985;

13       (3) Upon denial of a state license, provide written notice of the grounds for such  
14 denial of a state license to the applicant and to the local authority and the right of the

15 applicant to a right to a hearing before the administrative hearing commission under  
16 subsection 2 of section 195.924;

17 (4) Maintain the confidentiality of reports obtained from licensees showing the sales  
18 volume or quantity of medical cannabis sold or any other records that are exempt from  
19 inspection under state law;

20 (5) Develop such forms, licenses, identification cards, and applications as are  
21 necessary in the discretion of the division for the administration of sections 195.900 to  
22 195.985 or any of the rules promulgated under sections 195.900 to 195.985;

23 (6) Prepare and submit an annual report accounting to the governor for the  
24 efficient discharge of all responsibilities assigned by law or directive to the state licensing  
25 authority; and

26 (7) In recognition of the potential medicinal value of medical cannabis, make a  
27 request by January 1, 2016, to the federal Drug Enforcement Administration to consider  
28 rescheduling, for pharmaceutical purposes, medical cannabis from a Schedule I controlled  
29 substance to a Schedule II controlled substance.

30 2. (1) Rules promulgated under subdivision (2) of subsection 1 of this section may  
31 include, but shall not be limited to, the following:

32 (a) Compliance with, enforcement or violation of any provision of sections 195.900  
33 to 195.985, or any rule issued under sections 195.900 to 195.985, including procedures and  
34 grounds for denying, suspending, fining, restricting, or revoking a state license issued  
35 under sections 195.900 to 195.985;

36 (b) Specifications of duties of officers and employees of the division;

37 (c) Instructions for local licensing authorities and law enforcement officers;

38 (d) Requirements for inspections, investigations, searches, seizures, and such  
39 additional activities as may become necessary from time to time;

40 (e) Creation of a range of administrative penalties for use by the division;

41 (f) Prohibition of misrepresentation and unfair practices;

42 (g) Control of informational and product displays on licensed premises;

43 (h) Development of individual identification cards for owners, officers, managers,  
44 contractors, employees, and other support staff of entities licensed under sections 195.900  
45 to 195.985, including a fingerprint-based criminal record check as may be required by the  
46 division prior to issuing a card;

47 (i) Identification of state licensees and their owners, officers, managers, and  
48 employees;

49 (j) Security requirements for any premises licensed under sections 195.900 to  
50 195.985, including, at a minimum, lighting, physical security, video, alarm requirements,

51 and other minimum procedures for internal control as deemed necessary by the division  
52 to properly administer and enforce the provisions of sections 195.900 to 195.985, including  
53 reporting requirements for changes, alterations, or modifications to the premises;

54 (k) Regulation of the storage of, warehouses for, and transportation of medical  
55 cannabis;

56 (l) Sanitary requirements for medical cannabis centers and medical cannabis  
57 cultivation and production facilities, including but not limited to, sanitary requirements  
58 for the preparation of medical cannabis-infused products;

59 (m) The specification of acceptable forms of picture identification that a medical  
60 cannabis center may accept when verifying a sale;

61 (n) Labeling standards;

62 (o) Records to be kept by licensees and the required availability of the records;

63 (p) State licensing procedures, including procedures for renewals, reinstatements,  
64 initial licenses, and the payment of licensing fees;

65 (q) The reporting and transmittal of monthly sales tax payments by medical  
66 cannabis centers;

67 (r) Authorization for the department of revenue to have access to licensing  
68 information to ensure sales and income tax payment and effective administration of  
69 sections 195.900 to 195.985;

70 (s) Authorization for the division to impose administrative penalties and procedures  
71 of issuing, appealing and creating a violation list and schedule of administrative penalties;  
72 and

73 (t) Such other matters as are necessary for the fair, impartial, stringent, and  
74 comprehensive administration of sections 195.900 to 195.985.

75 (2) Nothing in sections 195.900 to 195.985 shall be construed as delegating to the  
76 division the power to fix prices for medical cannabis.

77 (3) Nothing in sections 195.900 to 195.985 shall be construed to limit a law  
78 enforcement agency's ability to investigate unlawful activity in relation to a medical  
79 cannabis center or medical cannabis cultivation and production facility. A law  
80 enforcement agency shall have the authority to run a Missouri criminal background check  
81 of a primary caregiver, licensee, or employee of a licensee during an investigation of  
82 unlawful activity related to medical cannabis.

195.909. 1. A local licensing authority may issue only the following medical  
2 cannabis licenses upon payment of the fee and compliance with all local licensing  
3 requirements to be determined by the local licensing authority:

4 (1) A medical cannabis center license;

5           **(2) A medical cannabis cultivation and production facility license.**

6           **2. (1)** A local licensing authority shall not issue a local license within a municipality  
7 or the unincorporated portion of a county unless the governing body of the municipality  
8 has adopted an ordinance or the governing body of the county has adopted a resolution  
9 containing specific standards for license issuance, or if no such ordinance or resolution is  
10 adopted prior to January 1, 2017, a local licensing authority shall consider the minimum  
11 licensing requirements of this section when issuing a license.

12           **(2)** In addition to all other standards applicable to the issuance of licenses under  
13 sections 195.900 to 195.985, the local governing body may adopt additional standards for  
14 the issuance of medical cannabis center or medical cannabis cultivation and production  
15 facility licenses consistent with the intent of sections 195.900 to 195.985 that may include  
16 but not be limited to:

17           **(a)** Distance restrictions between premises for which local licenses are issued;  
18           **(b)** Reasonable restrictions on the size of an applicant's licensed premises; and  
19           **(c)** Any other requirements necessary to ensure the control of the premises and the  
20 ease of enforcement of the terms and conditions of the license.

21           **3.** An application for a license specified in subsection 1 of this section shall be filed  
22 with the appropriate local licensing authority on forms provided by the state licensing  
23 authority and shall contain such information as the state licensing authority may require  
24 and any forms as the local licensing authority may require. Each application shall be  
25 verified by the oath or affirmation of the persons prescribed by the state licensing  
26 authority.

27           **4.** An applicant shall file with the application for a local license, plans and  
28 specifications for the interior of the building if the building to be occupied is in existence  
29 at the time. If the building is not in existence, the applicant shall file a plot plan and a  
30 detailed sketch for the interior and submit an architect's drawing of the building to be  
31 constructed. In its discretion, the local or state licensing authority may impose additional  
32 requirements necessary for the approval of the application.

195.912. 1. Upon receipt of an application for a local license, except an application  
2 for renewal or for transfer of ownership, a local licensing authority shall schedule and hold  
3 a public hearing upon the application to be held not less than thirty days after the date of  
4 the application, but not more than ninety days from the date of the application. If the local  
5 licensing authority fails to hold a public hearing within such time lines, the application  
6 shall be considered approved. If the local licensing authority schedules a hearing for a  
7 medical cannabis center application, it shall post and publish public notice thereof not less  
8 than ten days prior to the hearing. The local licensing authority shall give public notice by

9 the posting of a sign in a conspicuous place on the medical cannabis center premises for  
10 which application has been made and by publication in a newspaper of general circulation  
11 in the county in which the medical cannabis center premises are located.

12 2. Public notice given by posting shall include a sign of suitable material, not less  
13 than twenty-two inches wide and twenty-six inches high, composed of letters not less than  
14 one inch in height and stating the type of license applied for, the date of the hearing, the  
15 name and address of the applicant, and such other information as may be required to fully  
16 apprise the public of the nature of the application. The sign shall contain the names and  
17 addresses of the officers, directors, or manager of the facility to be licensed.

18 3. Public notice given by publication shall contain the same information as that  
19 required for signs.

20 4. If the building in which medical cannabis is to be sold is in existence at the time  
21 of the application, a sign posted as required in subsections 1 and 2 of this section shall be  
22 placed so as to be conspicuous and plainly visible to the general public. If the building is  
23 not constructed at the time of the application, the applicant shall post a sign at the premises  
24 upon which the building is to be constructed in such a manner that the notice shall be  
25 conspicuous and plainly visible to the general public.

26 5. (1) A local licensing authority or a license applicant with local licensing  
27 authority approval may request that the state licensing authority conduct a concurrent  
28 review of a new license application prior to the local licensing authority's final approval  
29 of the license application. Local licensing authorities who permit concurrent review shall  
30 continue to independently review the applicant's license application.

31 (2) When conducting a concurrent application review, the state licensing authority  
32 may advise the local licensing authority of any items that it finds that may result in the  
33 denial of the license application. Upon correction of the noted discrepancies if the  
34 correction is permitted by the state licensing authority, the state licensing authority shall  
35 notify the local licensing authority of its conditional approval of the license application  
36 subject to the final approval by the local licensing authority. The state licensing authority  
37 shall then issue the applicant's state license upon receiving evidence of final approval by  
38 the local licensing authority.

39 (3) All applications submitted for concurrent review shall be accompanied by all  
40 applicable state license and application fees. Any applications which are later denied or  
41 withdrawn may allow for a refund of license fees only. All application fees provided by an  
42 applicant shall be retained by the respective licensing authority.

195.915. 1. Not less than five days prior to the date of the public hearing authorized  
2 in section 195.912, the local licensing authority shall make known its findings, based on its

3 investigation, in writing to the applicant and other parties of interest. The local licensing  
4 authority has authority to refuse to issue a license provided for in this section for good  
5 cause, subject to judicial review.

6       2. Before entering a decision approving or denying the application for a local  
7 license, the local licensing authority may consider, except where sections 195.900 to 195.985  
8 specifically provides otherwise, the facts and evidence adduced as a result of its  
9 investigation, as well as any other facts pertinent to the type of license for which  
10 application has been made, including the number, type, and availability of medical  
11 cannabis outlets located in or near the premises under consideration, and any other  
12 pertinent matters affecting the qualifications of the applicant for the conduct of the type  
13 of business proposed.

14       3. Within thirty days after the public hearing or completion of the application  
15 investigation, a local licensing authority shall issue its decision approving or denying an  
16 application for local licensure. The decision shall be in writing and shall state the reasons  
17 for the decision. The local licensing authority shall send a copy of the decision by certified  
18 mail to the applicant at the address shown in the application.

19       4. After approval of an application, a local licensing authority shall not issue a local  
20 license until the building in which the business to be conducted is ready for occupancy with  
21 such furniture, fixtures, and equipment in place as are necessary to comply with the  
22 applicable provisions of sections 195.900 to 195.985, and then only after the local licensing  
23 authority has inspected the premises to determine that the applicant has complied with the  
24 architect's drawing and the plot plan and detailed sketch for the interior of the buildings  
25 submitted with the application.

26       5. After approval of an application for local licensure, the local licensing authority  
27 shall notify the state licensing authority of such approval, who shall investigate and either  
28 approve or disapprove the application for state licensure.

195.918. 1. (1) The division of alcohol and tobacco control shall not issue more  
2 than a statewide total of thirty state licenses for medical cannabis centers and a statewide  
3 total of thirty state licenses for medical cannabis cultivation and production facilities;  
4 except that, an applicant for a medical cannabis center license may be approved for an  
5 additional two medical cannabis center licenses in accordance with subdivision (2) of this  
6 subsection. Such additional medical cannabis center licenses shall not be counted toward  
7 the thirty license statewide limit for medical cannabis centers.

8       (2) Licenses shall be geographically disbursed by the division, in consultation with  
9 the department of health and senior services, based on the demographics of the state and  
10 patient demand to ensure statewide access for patients. If more than thirty medical

11 cannabis centers are necessary to provide sufficient patient access, a medical cannabis  
12 center licensee may be approved for up to an additional two medical cannabis center  
13 licenses, subject to approval by the local licensing authority.

14       2. Before the division of alcohol and tobacco control issues a state license to an  
15 applicant, the applicant shall:

16           (1) (a) Procure and file with the division evidence of a good and sufficient bond in  
17 the amount of five thousand dollars with corporate surety thereon duly licensed to do  
18 business with the state, approved as to form by the state attorney general, and conditioned  
19 that the applicant shall report and pay all sales and use taxes due to the state, or for which  
20 the state is the collector or collecting agent, in a timely manner, as provided in law.

21           (b) A corporate surety shall not be required to make payments to the state claiming  
22 under such bond until a final determination of failure to pay taxes due to the state has been  
23 made by the division or a court of competent jurisdiction.

24           (c) All bonds required under this subdivision shall be renewed at such time as the  
25 bondholder's license is renewed. The renewal may be accomplished through a  
26 continuation certificate issued by the surety; and

27           (2) Submit documentation acceptable to the division that the applicant has at least  
28 five hundred thousand dollars in liquid assets. Documentation acceptable to the division  
29 includes a signed statement from a Missouri certified public accountant attesting to proof  
30 of the required amount of liquid assets under the control of the applicant. Such statement  
31 shall be dated within thirty calendar days before the date the application is submitted.

195.921. 1. Applications for a state license under the provisions of sections 195.900  
2 to 195.985 shall be made to the division of alcohol and tobacco control on forms prepared  
3 and furnished by the division and shall set forth such information as the division may  
4 require to enable the division to determine whether a state license shall be granted. The  
5 information shall include the name and address of the applicant, the names and addresses  
6 of the officers, directors, or managers, and all other information deemed necessary by the  
7 division. Each application shall be verified by the oath or affirmation of such person or  
8 persons as the division may prescribe.

9       2. The division shall not issue a state license under this section until the local  
10 licensing authority has approved the application for a local license and issued a local  
11 license as provided for in sections 195.909 to 195.918.

12       3. Nothing in sections 195.900 to 195.985 shall preempt or otherwise impair the  
13 power of a local government to enact ordinances or resolutions concerning matters  
14 authorized to local governments.

195.924. 1. The division shall deny a state license if the premises on which the  
2 applicant proposes to conduct its business do not meet the requirements of sections 195.900  
3 to 195.985.

4       2. If the division denies a state license under subsection 1 of this section, the  
5 applicant shall be entitled to a hearing before the administrative hearing commission. The  
6 division shall provide written notice of the grounds for denial of the state license to the  
7 applicant and to the local licensing authority at least fifteen days prior to the hearing.

195.927. 1. (1) A license provided by sections 195.900 to 195.985 shall not be issued  
2 to or held by:

3       (a) A person until the annual fee has been paid;  
4       (b) A person whose criminal history indicates that he or she is not of good moral  
5 character;

6       (c) A corporation, if the criminal history of any of its officers, directors, or  
7 stockholders indicates that the officer, director, or stockholder is not of good moral  
8 character;

9       (d) A licensed physician making patient recommendations;  
10      (e) A person employing, assisted by, or financed in whole or in part by any other  
11 person whose criminal history indicates he or she is not of good moral character and  
12 reputation satisfactory to the respective licensing authority;

13      (f) A person under twenty-one years of age;  
14      (g) A person licensed under sections 195.900 to 195.985 who during a period of  
15 licensure or who at the time of application has failed to:

16       a. Provide a surety bond, proof of liquid assets, or file any tax return with a taxing  
17 agency;

18       b. Pay any taxes, interest, or penalties due;

19       c. Pay any judgments due to a government agency;

20       d. Stay out of default on a government-issued student loan;

21       e. Pay child support; or

22       f. Remedy an outstanding delinquency for taxes owed, an outstanding delinquency  
23 for judgments owed to a government agency, or an outstanding delinquency for child  
24 support.

25       (h) A person who has discharged a sentence in the five years immediately preceding  
26 the application date for a conviction of a felony or a person who at any time has been  
27 convicted of a felony under any state or federal law regarding the possession, distribution,  
28 or use of a controlled substance;

29           (i) A person who employs another person at a medical cannabis center or medical  
30 cannabis cultivation and production facility who has not passed a criminal background  
31 check;

32           (j) A sheriff, deputy sheriff, police officer, or prosecuting officer, or any officer or  
33 employee of the division or a local licensing authority;

34           (k) A person whose authority to be a primary caregiver as defined in sections  
35 195.900 to 195.985 has been revoked by the department;

36           (l) A person for a license for a location that is currently licensed as a retail food  
37 establishment or wholesale food registrant; or

38           (m) A person who has an officer who is not a resident of Missouri. All officers shall  
39 be residents of Missouri, however, managers and employees may be nonresidents. All  
40 stockholders who legally and beneficially own or control sixty percent or more of the stock  
41 in amount and in voting rights shall be residents of Missouri and bona fide residents of the  
42 state for a period of three years continuously immediately prior to the date of filing of  
43 application for a license.

44           2. (1) In investigating the qualifications of an applicant or a licensee, the division  
45 shall have access to criminal background check information furnished by a criminal justice  
46 agency subject to any restrictions imposed by such agency. In the event the division  
47 considers the applicant's criminal background check information, the division shall also  
48 consider any information provided by the applicant regarding such criminal background  
49 check, including but not limited to evidence of rehabilitation, character references, and  
50 educational achievements, especially those items pertaining to the period of time between  
51 the applicant's last criminal conviction and the consideration of the application for a state  
52 license.

53           (2) As used in subdivision (1) of this subsection, "criminal justice agency" means  
54 any federal, state, or municipal court or any governmental agency or subunit of such  
55 agency that administers criminal justice under a statute or executive order and that  
56 allocates a substantial part of its annual budget to the administration of criminal justice.

57           (3) At the time of filing an application for issuance or renewal of a state medical  
58 cannabis center license or medical cannabis cultivation and production facility license, an  
59 applicant shall submit a set of his or her fingerprints and file personal history information  
60 concerning the applicant's qualifications for a state license on forms prepared by the  
61 division. The division shall submit the fingerprints to the Missouri state highway patrol  
62 for the purpose of conducting a fingerprint-based criminal background check. The  
63 Missouri state highway patrol shall forward the fingerprints to the Federal Bureau of  
64 Investigation for the purpose of conducting a fingerprint-based criminal background

65 check. The division may acquire a name-based criminal background check for an  
66 applicant or a license holder who has twice submitted to a fingerprint-based criminal  
67 background check and whose fingerprints are unclassifiable. An applicant who has  
68 previously submitted fingerprints for state licensing purposes may request that the  
69 fingerprints on file be used. The division shall use the information resulting from the  
70 fingerprint-based criminal history record check to investigate and determine whether an  
71 applicant is qualified to hold a state license under sections 195.900 to 195.985. The division  
72 may verify any of the information an applicant is required to submit.

195.930. The division or a local licensing authority shall not receive or act upon an  
2 application for the issuance of a state or local license under sections 195.900 to 195.985:

3       (1) If the application for a state or local license concerns a particular location that  
4 is the same as or within one thousand feet of a location for which, within the two years  
5 immediately preceding the date of the application, the division or a local licensing authority  
6 denied an application for the same class of license due to the nature of the use or other  
7 concern related to the location;

8       (2) Until it is established that the applicant is or shall be entitled to possession of  
9 the premises for which application is made under a lease, rental agreement, or other  
10 arrangement for possession of the premises or by virtue of ownership of the premises;

11       (3) For a location in an area where the cultivation, manufacture, and sale of  
12 medical cannabis as contemplated is not permitted under the applicable local zoning laws  
13 of the municipality or county;

14       (4) (a) If the building in which medical cannabis is to be sold is located within one  
15 thousand feet of a school; an alcohol or drug treatment facility; or the principal campus  
16 of a college, university, or seminary, or a residential child care facility. The provisions of  
17 this subdivision shall not affect the renewal or reissuance of a license once granted or apply  
18 to licensed premises located or to be located on land owned by a municipality, nor shall the  
19 provisions of this subdivision apply to an existing licensed premises on land owned by the  
20 state, or apply to a license in effect and actively doing business before such principal  
21 campus was constructed.

22       (b) The distances referred to in this subdivision are to be computed by direct  
23 measurement from the nearest property line of the land used for a school or campus to the  
24 nearest portion of the building in which medical cannabis is to be sold.

25       (c) In addition to the requirements of section 195.909, the local licensing authority  
26 shall consider the evidence and make a specific finding of fact as to whether the building  
27 in which the medical cannabis is to be sold is located within the distance restrictions  
28 established by or under this subdivision.

195.933. 1. A state or local license granted under the provisions of sections 195.900  
2 to 195.985 shall not be transferable except as provided in this section, but this section shall  
3 not prevent a change of location as provided in subsection 13 of section 195.936.

2. For a transfer of ownership, a license holder shall apply to the division and the  
5 local licensing authority on forms prepared and furnished by the division. In determining  
6 whether to permit a transfer of ownership, the division and the local licensing authority  
7 shall consider only the requirements of sections 195.900 to 195.985, any rules promulgated  
8 by the division, and any other local restrictions. The local licensing authority may hold a  
9 hearing on the application for transfer of ownership. The local licensing authority shall  
10 not hold a hearing under this subsection until the local licensing authority has posted a  
11 notice of hearing in the manner described in section 195.912 on the licensed medical  
12 cannabis center premises for a period of ten days and has provided notice of the hearing  
13 to the applicant at least ten days prior to the hearing. Any transfer of ownership hearing  
14 by the division shall be held in compliance with the requirements specified in section  
15 195.912.

195.936. 1. Sections 195.900 to 195.985 authorizes a county or municipality to enact  
2 reasonable regulations or other restrictions applicable to licenses of medical cannabis  
3 centers and medical cannabis cultivation and production facility based on local zoning,  
4 health, safety and public welfare laws for the distribution of medical cannabis that are  
5 more restrictive than sections 195.900 to 195.985.

2. A medical cannabis center or medical cannabis cultivation and production  
7 facility shall not operate until it has been licensed by the local licensing authority and the  
8 state licensing authority under sections 195.900 to 195.985. In connection with a license,  
9 the applicant shall provide a complete and accurate list of all owners, officers, and  
10 employees who work at, manage, own, or are otherwise associated with the operation and  
11 shall provide a complete and accurate application as required by the division.

12 3. A medical cannabis center or medical cannabis cultivation and production  
13 facility shall notify the division in writing within ten days after an owner, officer, or  
14 employee ceases to work at, manage, own, or otherwise be associated with the operation.  
15 The owner, officer, or employee shall surrender his or her identification card to the  
16 division on or before the date of the notification.

17 4. A medical cannabis center or medical cannabis cultivation and production  
18 facility shall notify the division in writing of the name, address, and date of birth of an  
19 owner, officer, manager, or employee before the new owner, officer, or employee begins  
20 working at, managing, owning, or begins an association with the operation. The owner,  
21 officer, manager, or employee shall pass a fingerprint-based criminal background check

22 as required by the division and obtain the required identification prior to being associated  
23 with, managing, owning, or working at the operation.

24 5. A medical cannabis center or medical cannabis cultivation and production  
25 facility shall not acquire, possess, cultivate, deliver, transfer, transport, supply, or dispense  
26 cannabis for any purpose except to assist patients with debilitating medical conditions.

27 6. All owners of a licensed medical cannabis center or licensed medical cannabis  
28 cultivation and production facility shall be authorized to do business in Missouri. A local  
29 licensing authority shall not issue a license provided for in sections 195.900 to 195.985 until  
30 that share of the license application fee due to the state has been received by the division.  
31 All licenses granted under sections 195.900 to 195.985 shall be valid for a period not to  
32 exceed two years from the date of issuance unless revoked or suspended under sections  
33 195.900 to 195.985 or the rules promulgated under sections 195.900 to 195.985.

34 7. Before granting a local or state license, the respective licensing authority may  
35 consider, except where sections 195.900 to 195.985 specifically provides otherwise, the  
36 requirements of sections 195.900 to 195.985 and any rules promulgated under sections  
37 195.900 to 195.985, and all other reasonable restrictions that are or may be placed upon  
38 the licensee by the licensing authority. With respect to a second or additional license for  
39 the same licensee or the same owner of another licensed business under sections 195.900  
40 to 195.985, each licensing authority shall consider the effect on competition of granting or  
41 denying the additional licenses to such licensee and shall not approve an application for a  
42 second or additional license that has the effect of restraining competition.

43 8. (1) Each license issued under sections 195.900 to 195.985 is separate and distinct.  
44 It is unlawful for a person to exercise any of the privileges granted under a license other  
45 than the license that the person holds or for a licensee to allow any other person to exercise  
46 the privileges granted under the licensee's license. A separate license shall be required for  
47 each specific business or business entity and each geographical location.

48 (2) At all times, a licensee shall possess and maintain possession of the premises for  
49 which the license is issued by ownership, lease, rental, or other arrangement for possession  
50 of the premises.

51 9. (1) The licenses provided under sections 195.900 to 195.985 shall specify the date  
52 of issuance, the period of licensure, the name of the licensee, and the premises licensed.  
53 The licensee shall conspicuously display the license at all times on the licensed premises.

54 (2) A local licensing authority shall not transfer location of or renew a license to sell  
55 medical cannabis until the applicant for the license produces a license issued and granted  
56 by the state licensing authority covering the whole period for which a license or license  
57 renewal is sought.

58       **10. In computing any period of time prescribed by sections 195.900 to 195.985, the**  
59       **day of the act, event, or default from which the designated period of time begins to run**  
60       **shall not be included. Saturdays, Sundays, and legal holidays shall be counted as any other**  
61       **day.**

62       **11. A licensee shall report each transfer or change of financial interest in the license**  
63       **to the division and the local licensing authority thirty days prior to any transfer or change**  
64       **under subsection 13 of this section. A report shall be required for transfers of capital stock**  
65       **of any corporation regardless of size.**

66       **12. Each licensee shall manage the licensed premises himself or herself or employ**  
67       **a separate and distinct manager on the premises and shall report the name of the manager**  
68       **to the division and the local licensing authority. The licensee shall report any change in**  
69       **manager to the division and local licensing authority thirty days prior to such change.**

70       **13. (1) A licensee may move his or her permanent location to any other place in the**  
71       **same municipality for which the license was originally granted, or in the same county if the**  
72       **license was granted for a place outside the corporate limits of a municipality, but it shall**  
73       **be unlawful to cultivate, manufacture, distribute or sell medical cannabis at any such place**  
74       **until permission to do so is granted by the division and the local licensing authority**  
75       **provided for in sections 195.900 to 195.985.**

76       **(2) In permitting a change of location, the division and the local licensing authority**  
77       **shall consider all reasonable restrictions that are or may be placed upon the new location**  
78       **by the governing body or local licensing authority of the municipality or county any such**  
79       **change in location shall be in accordance with all requirements of sections 195.900 to**  
80       **195.985 and rules promulgated under sections 195.900 to 195.985.**

195.939. 1. (1) Ninety days prior to the expiration date of an existing license, the  
2 division shall notify the licensee of the expiration date by first class mail at the licensee's  
3 address of record with the division. A licensee shall apply for the renewal of an existing  
4 license to the local licensing authority not less than forty-five days and to the division not  
5 less than thirty days prior to the date of expiration. A local licensing authority shall not  
6 accept an application for renewal of a license after the date of expiration, except as  
7 provided in subsection 2 of this section. The division may extend the expiration date of the  
8 license and accept a late application for renewal of a license provided that the applicant has  
9 filed a timely renewal application with the local licensing authority. All renewals filed with  
10 the local licensing authority and subsequently approved by the local licensing authority  
11 shall next be processed by the division. The division or the local licensing authority, in its  
12 discretion, subject to the requirements of this section and based upon reasonable grounds,  
13 may waive the forty-five day or thirty day time requirements set forth in this subsection.

14     **The local licensing authority may hold a hearing on the application for renewal only if the  
15     licensee has had complaints filed against it, has a history of violations, or there are  
16     allegations against the licensee that constitute good cause.**

17         **(2) The local licensing authority shall not hold a renewal hearing provided for by  
18     this subsection for a medical cannabis center until it has posted a notice of hearing on the  
19     licensed medical cannabis center premises in the manner described in section 195.912 for  
20     a period of ten days and provided notice to the applicant at least ten days prior to the  
21     hearing. The local licensing authority may refuse to renew any license for good cause,  
22     subject to judicial review.**

23         **2. (1) Notwithstanding the provisions of subsection 1 of this section, a licensee  
24     whose license has been expired for not more than ninety days may file a late renewal  
25     application upon the payment of a nonrefundable late application fee of five hundred  
26     dollars to the local licensing authority. A licensee who files a late renewal application and  
27     pays the requisite fees may continue to operate until both the state and local licensing  
28     authorities have taken final action to approve or deny the licensee's late renewal  
29     application.**

30         **(2) The state and local licensing authorities shall not accept a late renewal  
31     application more than ninety days after the expiration of a licensee's permanent annual  
32     license. A licensee whose permanent annual license has been expired for more than ninety  
33     days shall not cultivate, manufacture, distribute, or sell any medical cannabis until all  
34     required licenses have been obtained.**

195.942. The division or local licensing authority may, in its discretion, revoke or  
2     elect not to renew any license if it determines that the licensed premises have been inactive  
3     without good cause for at least one year.

195.945. 1. The division, by rule, shall require a complete disclosure of all persons  
2     having a direct or indirect financial interest and the extent of such interest in each license  
3     issued under sections 195.900 to 195.985.

4         **2. A person shall not have an unreported financial interest in a license under  
5     sections 195.900 to 195.985 unless such person has undergone a fingerprint-based criminal  
6     background check as provided for by the division in its rules; except that, this subsection  
7     shall not apply to banks, savings and loan associations, or industrial banks supervised and  
8     regulated by an agency of the state or federal government, or to FHA-approved  
9     mortgagees, or to stockholders, directors, or officers thereof.**

10         **3. This section is intended to prohibit and prevent the control of the outlets for the  
11     sale of medical cannabis by a person or party other than the persons licensed under the  
12     provisions of sections 195.900 to 195.985.**

195.948. 1. For the purpose of regulating the cultivation, manufacture,  
2 distribution, testing and sale of medical cannabis, the division may, in its discretion and  
3 upon application in the prescribed form made to it, issue and grant to the applicant a  
4 license or registration from any of the following classes, subject to the provisions and  
5 restrictions provided by sections 195.900 to 195.985:

6       (1) Medical cannabis center license;  
7       (2) Medical cannabis cultivation and production facility license;  
8       (3) Medical cannabis testing facility registration;  
9       (4) Occupational licenses and registrations for owners, managers, operators,  
10 employees, contractors, and other support staff employed by, working in, or having access  
11 to restricted areas of the licensed premises as determined by the division. The division may  
12 take any action with respect to a registration under sections 195.900 to 195.985 as it may  
13 with respect to a license under sections 195.900 to 195.985, in accordance with the  
14 procedures established under sections 195.900 to 195.985.

15       2. In order to do business in Missouri under sections 195.900 to 195.985, a business  
16 shall hold both a medical cannabis center license and a medical cannabis cultivation and  
17 production facility license.

18       3. All persons licensed under sections 195.900 to 195.985 shall collect sales tax on  
19 all sales made under the licensing activities.

20       4. A state-chartered bank or a credit union may loan money to any person licensed  
21 under sections 195.900 to 195.985 for the operation of a licensed business.

195.951. 1. A medical cannabis center license shall be issued only to a person  
2 selling medical cannabis under the terms and conditions of sections 195.900 to 195.985.

3       2. Notwithstanding the provision of this section, a medical cannabis center licensee  
4 may also sell medical cannabis-infused products that are prepackaged and labeled under  
5 subsection 7 of section 195.951.

6       3. Every person selling medical cannabis as provided for in this section shall sell  
7 only medical cannabis grown in its medical cannabis cultivation and production facility  
8 licensed under sections 195.900 to 195.985. The provisions of this subsection shall not  
9 apply to medical cannabis-infused products.

10       4. Notwithstanding the requirements of subsection 3 of this section to the contrary,  
11 a medical cannabis licensee shall not purchase more than thirty percent of its total on-hand  
12 inventory of medical cannabis from another licensed medical cannabis center in Missouri.  
13 A medical cannabis center shall not sell more than thirty percent of its total on-hand  
14 inventory to another Missouri medical cannabis licensee.

15       **5. Prior to initiating a sale, the employee of the medical cannabis center making the**  
16 **sale shall verify that the purchaser has a valid registration card issued under section**  
17 **195.981 and a valid picture identification card that matches the name on the registration**  
18 **card.**

19       **6. A licensed medical cannabis center may provide a small amount of its medical**  
20 **cannabis for testing to a medical cannabis testing facility.**

21       **7. All medical cannabis sold at a licensed medical cannabis center shall be labeled**  
22 **as follows:**

23           **(1) Labeling of cannabis, excluding medical cannabis-infused products. The**  
24 **medical cannabis center shall place a legible, firmly affixed label on which the wording is**  
25 **no less than one-sixteenth inch in size on each package of cannabis that it prepares for**  
26 **dispensing and which contains at a minimum the following information:**

27           **(a) The registered qualifying patient's name;**

28           **(b) The name and registration number of the medical cannabis center that**  
29 **produced the cannabis, together with the medical cannabis center's telephone number and**  
30 **mailing address, and website information, if any;**

31           **(c) The quantity of usable cannabis contained within the package;**

32           **(d) The date that the medical cannabis center packaged the contents;**

33           **(e) A batch number, sequential serial number, and bar code when used, to identify**  
34 **the batch associated with manufacturing and processing;**

35           **(f) The cannabinoid profile of the cannabis contained within the package, including**  
36 **tetrahydrocannabinol (THC) level;**

37           **(g) A statement that the product has been tested for contaminants, that there were**  
38 **no adverse findings, and the date of testing, and the following statement, including**  
39 **capitalization: "This product has not been analyzed or approved by the FDA. There is**  
40 **limited information on the side effects of using this product, and there may be associated**  
41 **health risks. Do not drive or operate machinery when under the influence of this product.**

42 **KEEP THIS PRODUCT AWAY FROM CHILDREN.";**

43           **(2) Labeling of medical cannabis-infused products. The medical cannabis center**  
44 **shall place a legible firmly affixed label on which the wording is no less than one-sixteenth**  
45 **inch in size on each medical cannabis-infused product that it prepares for dispensing and**  
46 **which contains at a minimum the following information:**

47           **(a) The registered qualifying patient's name;**

48           **(b) The name and registration number of the medical cannabis center that**  
49 **produced the medical cannabis-infused product, together with the medical cannabis**  
50 **center's telephone number and mailing address, and website information, if any;**

51           (c) The name of the product;

52           (d) The quantity of usable cannabis contained within the product as measured in

53           ounces;

54           (e) A list of ingredients, including the cannabinoid profile of the cannabis contained

55           within the product, including the tetrahydrocannabinol (THC) level;

56           (f) The date of product creation and the recommended "use by" or expiration date;

57           (g) To identify the batch associated with manufacturing and processing, a batch

58           number, sequential serial number, and bar code when used;

59           (h) Directions for use of the product if relevant;

60           (i) A statement that the product has been tested for contaminants, that there were

61           no adverse findings, and the date of testing;

62           (j) A warning if nuts or other known allergens are contained in the product; and

63           (k) The following statement, including capitalization: "This product has not been

64           analyzed or approved by the FDA. There is limited information on the side effects of using

65           this product, and there may be associated health risks. Do not drive or operate machinery

66           when under the influence of this product. KEEP THIS PRODUCT AWAY FROM

67           CHILDREN.";

68           (3) Cannabis shall be packaged in plain, opaque, tamper-proof, and child-proof

69           containers without depictions of the product, cartoons, or images other than the medical

70           cannabis center's logo. Edibles shall not bear a reasonable resemblance to any product

71           available for consumption as commercially available candy, cakes and cookies as defined

72           in section 195.900.

73           8. A licensed medical cannabis center shall comply with all provisions of law as

74           such provisions relate to persons with disabilities.

195.954. A medical cannabis cultivation and production facility license may be

2 issued only to a person licensed under this section who grows and cultivates medical

3 cannabis and who manufactures medical cannabis-infused products under the terms and

4 conditions of sections 195.900 to 195.985.

195.957. 1. (1) Medical cannabis-infused products shall be prepared on a licensed

2 premises that is used exclusively for the manufacture and preparation of medical

3 cannabis-infused products and which uses equipment that is used exclusively for the

4 manufacture and preparation of medical cannabis-infused products.

5           (2) Except for a registered qualifying patient or primary caregiver who are not

6           subject to such requirements, only a licensed medical cannabis cultivation and production

7           facility is permitted to produce medical cannabis-infused products. A medical cannabis

8           cultivation and production facility may produce medical cannabis-infused products for

9     only such facility's medical cannabis center, and up to two additional medical cannabis  
10    centers under common ownership.

11       (3) The medical cannabis cultivation and production facility shall have all cannabis  
12    cultivated by such facility tested in accordance with the following:

13           (a) Cannabis shall be tested for the cannabinoid profile and for contaminants as  
14    specified by the division, including but not limited to mold, mildew, heavy metals,  
15    plant-growth regulators, and the presence of nonorganic pesticides. The division may  
16    require additional testing;

17           (b) The facility shall maintain the results of all testing for no less than one year;

18           (c) The facility shall have and follow a policy and procedure for responding to  
19    results indicating contamination, which shall include destruction of contaminated product  
20    and assessment of the source of contamination. Such policy shall be available to registered  
21    qualifying patients and primary caregivers;

22           (d) All testing shall be conducted by an independent laboratory that is:

23              a. Accredited to International Organization for Standardization (ISO) 17025 by a  
24    third-party accrediting body such as A2LA or ACCLASS; or

25              b. Certified, registered, or accredited by an organization approved by the division;

26              (e) The facility shall arrange for testing to be conducted in accordance with the  
27    frequency required by the division;

28              (f) A facility shall have a contractual arrangement with a laboratory for the  
29    purposes of testing cannabis, including a stipulation that those individuals responsible for  
30    testing at the laboratory be licensed;

31              (g) An executive of a facility is prohibited from having any financial or other  
32    interest in a laboratory providing testing services for any medical cannabis cultivation and  
33    production facility;

34              (h) No individual employee of a laboratory providing testing services for medical  
35    cannabis cultivation and production facilities shall receive direct financial compensation  
36    from any medical cannabis cultivation and production facility;

37              (i) All transportation of cannabis to and from laboratories providing cannabis  
38    testing services shall comply with rules promulgated under paragraph (d) of subdivision  
39    (1) of subsection 2 of section 195.906;

40              (j) All storage of cannabis at a laboratory providing cannabis testing services shall  
41    comply with subdivision (4) of this subsection; and

42              (k) All excess cannabis shall be returned to the source medical cannabis cultivation  
43    and production facility and be disposed of under paragraph (e) of subdivision (7) of this  
44    subsection.

45           **(4) (a) All cannabis in the process of cultivation, production, preparation,**  
46 **transport, or analysis shall be housed and stored in such a manner as to prevent diversion,**  
47 **theft, or loss.**

48           **(b) Such items shall be accessible only to the minimum number of specifically**  
49 **authorized dispensary agents essential for efficient operation.**

50           **(c) Such items shall be returned to a secure location immediately after completion**  
51 **of the process or at the end of the scheduled business day.**

52           **(d) If a manufacturing process cannot be completed at the end of a working day,**  
53 **the processing area or tanks, vessels, bins, or bulk containers containing cannabis shall be**  
54 **securely locked inside an area or building that affords adequate security.**

55           **(5) A medical cannabis cultivation and production facility shall process cannabis**  
56 **in a safe and sanitary manner. A facility shall process the leaves and flowers of the female**  
57 **cannabis plant only, which shall be:**

- 58           **(a) Well cured and free of seeds and stems;**
- 59           **(b) Free of dirt, sand, debris, and other foreign matter;**
- 60           **(c) Free of contamination by mold, rot, other fungus, and bacterial diseases;**
- 61           **(d) Prepared and handled on food-grade stainless steel tables; and**
- 62           **(e) Packaged in a secure area.**

63           **(6) Production of edible medical cannabis-infused products shall take place in**  
64 **compliance with the following:**

65           **(a) All edible medical cannabis-infused products shall be prepared, handled, and**  
66 **stored in compliance with the sanitation requirements in subdivision (7) of this subsection**  
67 **and any other applicable rules or state law; and**

68           **(b) Any edible medical cannabis-infused product that is made to resemble a typical**  
69 **food or beverage product shall be packaged in an opaque package and labeled as required**  
70 **by subsection 7 of section 195.951.**

71           **(7) All facilities, including those that develop or process nonedible medical**  
72 **cannabis-infused products, shall comply with the following sanitary requirements:**

73           **(a) Any dispensary agent whose job includes contact with cannabis or nonedible**  
74 **medical cannabis-infused products, including cultivation, production, or packaging, is**  
75 **subject to the requirements for food handlers under state law and in accordance with rules**  
76 **of the department of health and senior services;**

77           **(b) Any dispensary agent working in direct contact with preparation of cannabis**  
78 **or nonedible medical cannabis-infused products shall conform to sanitary practices while**  
79 **on duty, including:**

- 80           **a. Maintaining adequate personal cleanliness; and**

81       **b. Washing hands thoroughly in an adequate hand-washing area before starting  
82 work, and at any other time when hands may have become soiled or contaminated;**

83       **(c) Hand-washing facilities shall be adequate and convenient and shall be furnished  
84 with running water at a suitable temperature. Hand-washing facilities shall be located in  
85 the facility in production areas and where good sanitary practices require employees to  
86 wash and sanitize their hands, and shall provide effective hand cleaning and sanitizing  
87 preparations and sanitary towel service or suitable drying devices;**

88       **(d) There shall be sufficient space for placement of equipment and storage of  
89 materials as is necessary for the maintenance of sanitary operations;**

90       **(e) Litter and waste shall be properly removed, disposed of so as to minimize the  
91 development of odor, and minimize the potential for the waste attracting and harboring  
92 pests. The operating systems for waste disposal shall be maintained in an adequate  
93 manner;**

94       **(f) Floors, walls, and ceilings shall be constructed in such a manner that they may  
95 be adequately kept clean and in good repair;**

96       **(g) There shall be adequate safety lighting in all processing and storage areas, as  
97 well as areas where equipment or utensils are cleaned;**

98       **(h) Buildings, fixtures, and other physical facilities shall be maintained in a  
99 sanitary condition;**

100       **(i) All contact surfaces, including utensils and equipment, shall be maintained in  
101 a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently  
102 as necessary to protect against contamination, using a sanitizing agent registered by the  
103 United States Environmental Protection Agency (EPA), in accordance with labeled  
104 instructions. Equipment and utensils shall be so designed and of such material and  
105 workmanship as to be adequately cleanable;**

106       **(j) All toxic items shall be identified, held, and stored in a manner that protects  
107 against contamination of cannabis and medical cannabis-infused products;**

108       **(k) A facility's water supply shall be sufficient for necessary operations. Any  
109 private water source shall be capable of providing a safe, potable, and adequate supply of  
110 water to meet the facility's needs;**

111       **(l) Plumbing shall be of adequate size and design, and adequately installed and  
112 maintained to carry sufficient quantities of water to required locations throughout the  
113 facility. Plumbing shall properly convey sewage and liquid disposable waste from the  
114 facility. There shall be no cross-connections between the potable and waste water lines;**

115       **(m) A facility shall provide its employees with adequate readily accessible toilet  
116 facilities that are maintained in a sanitary condition and in good repair;**

117       (n) Products that may support the rapid growth of undesirable microorganisms  
118 shall be held in a manner that prevents the growth of such microorganisms; and

119       (o) Storage and transportation of finished products shall be under conditions that  
120 shall protect them against physical, chemical, and microbial contamination as well as  
121 against deterioration of them or their container.

122       2. (1) A medical cannabis cultivation and production facility shall provide  
123 adequate lighting, ventilation, temperature, humidity, space, and equipment.

124       (2) A facility shall have separate areas for storage of cannabis that is outdated,  
125 damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging  
126 have been opened or breached, until such products are destroyed.

127       (3) Facility storage areas shall be maintained in a clean and orderly condition.

128       (4) Facility storage areas shall be free from infestation by insects, rodents, birds,  
129 and pests of any kind.

130       (5) Facility storage areas shall be maintained in accordance with the security  
131 requirements promulgated under paragraph (j) of subdivision (1) of subsection 2 of section  
132 195.906.

195.960. 1. Until a medical cannabis cultivation and production facility's  
2 cultivation or production process has been validated, such facility shall not wholesale,  
3 transfer, or process into a medical cannabis concentrate or medical cannabis product any  
4 medical cannabis, medical cannabis concentrate, or medical cannabis product unless  
5 samples from the harvest batch or production batch from which such medical cannabis,  
6 medical cannabis concentrate, or medical cannabis product was derived was tested by a  
7 medical cannabis testing facility for contaminants and passed all contaminant tests  
8 required by subsection 3 of this section.

9       2. (1) A medical cannabis cultivation and production facility's cultivation process  
10 shall be deemed valid if every harvest batch that it produced during a twelve-week period  
11 passed all contaminant tests required by subsection 3 of this section, including at least  
12 twelve test batches that were submitted at least six days apart and contain samples from  
13 entirely different harvest batches.

14       (2) A facility's production process shall be deemed valid if every production batch  
15 that it produced during a four-week period passed all contaminant tests required by  
16 subsection 3 of this section, including at least four test batches that were submitted at least  
17 six days apart which contain samples from entirely different production batches.

18       3. (1) Each harvest batch of medical cannabis and production batch of medical  
19 cannabis concentrate and medical cannabis product shall be tested for microbial  
20 contamination by a medical cannabis testing facility. The microbial contamination test

21 shall include, but not be limited to, testing to determine the presence of and amounts  
22 present of salmonella sp., escherichia coli. and other bile tolerant bacteria.

23       (2) Each harvest batch of medical cannabis and production batch of medical  
24 cannabis concentrate and medical cannabis product shall be tested for mold contamination  
25 by a medical cannabis testing facility. The mold contamination test shall include, but shall  
26 be limited to, testing to determine presence and the level of aspergillus sp., mucor sp.,  
27 penicillium sp., and thermophilic ectinomycetes sp.

28       (3) Each harvest batch of medical cannabis produced by a facility shall be tested  
29 for filth and other visible contamination by a medical cannabis testing facility. The filth  
30 contamination test shall include, but shall not be limited to, the detection, separation,  
31 quantification, identification, and interpretation of extraneous materials, including insects,  
32 rodent droppings, visible adulterants and other contaminants, in medical cannabis flowers  
33 and trim.

34       (4) Each production batch of solvent-based medical cannabis concentrate produced  
35 by a facility shall be tested for residual solvent contamination by a medical cannabis testing  
36 facility. The residual solvent contamination test shall include, but not be limited to, testing  
37 to determine the presence of, and amounts present of, butane, propane, ethanol,  
38 isopropanol, acetone, and heptane.

39       4. (1) The division may require additional tests to be conducted on a harvest batch  
40 or production batch prior to a facility wholesaling, transferring, or processing into a  
41 medical cannabis concentrate or medical cannabis product any medical cannabis, medical  
42 cannabis concentrate, or medical cannabis product from such harvest batch or production  
43 batch. Additional tests may include, but not be limited to, screening for pesticide, harmful  
44 chemicals, adulterants or other types of microbials, molds, filth or residual solvents.

45       (2) (a) A production batch of medical cannabis concentrate shall be considered  
46 exempt from subdivision (1) of this subsection if the facility that produced it does not  
47 wholesale or transfer any portion of the production batch and it uses the entire production  
48 batch to manufacture medical cannabis product; except that, a solvent-based medical  
49 cannabis concentrate produced using butane, propane, ethanol, isopropanol, acetone, or  
50 heptane shall still be submitted for a residual solvent contaminant test.

51       (b) A facility shall not be required to have residual solvent testing conducted on the  
52 product batch of a solvent-based medical cannabis concentrate if only CO2 was used  
53 during the production of the medical cannabis concentrate.

54       5. (1) (a) If a facility makes a material change to its cultivation or production  
55 process, such facility shall have the first five harvest batches or production batches  
56 produced using the new standard operating procedures tested for all of the contaminants

57 required by subsection 3 of this section regardless of whether its process has been  
58 previously validated. If any such tests fail, such facility's process shall be revalidated.

59       (b) It shall be considered a material change if a facility begins using a new or  
60 different pesticide during its cultivation process and the first five harvest batches produced  
61 using the new or different pesticide shall also be tested for pesticide.

62       (c) It shall be considered a material change if a facility begins using a new or  
63 different solvent or combination of solvents.

64       (d) A facility that makes a material change shall notify the medical cannabis testing  
65 facility that conducts contaminant testing on the first five harvest batches or production  
66 batches produced using the new standard operating procedures.

67       (e) When a harvest batch or production batch is required to be submitted for  
68 testing under this subsection, the facility that produced it shall not wholesale, transfer or  
69 process into a medical cannabis concentrate or medical cannabis product any of the  
70 medical cannabis, medical cannabis concentrate, or medical cannabis product from such  
71 harvest batch or production batch.

72       (2) If six of the ten most recently tested test batches produced by a facility fail  
73 contaminant testing, the facility shall be required to revalidate its process.

74       6. Medical cannabis-infused products shall not be consumed on a premises licensed  
75 under sections 195.900 to 195.985.

76       7. Notwithstanding any other provision of state law, sales of medical  
77 cannabis-infused products shall not be exempt from state or local sales tax.

195.963. 1. (1) There is hereby created in the state treasury the "Medical Cannabis  
2 License Cash Fund", which shall consist of all money collected by the division under  
3 sections 195.900 to 195.985. The state treasurer shall be custodian of the fund. In  
4 accordance with sections 30.170 and 30.180, the state treasurer may approve  
5 disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the  
6 fund shall be used solely for the administration of sections 195.900 to 195.985.

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

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

13       (4) There is hereby created the "Medical Cannabis Program Account" as an  
14 account within the medical cannabis license cash fund. The account shall consist of all  
15 moneys collected by the department of health and senior services under section 195.981.

16 the account shall be a dedicated account and, upon appropriation, money in the account  
17 shall be used solely for the administration of section 195.981.

18       2. (1) The division shall require all applicants for initial state licenses under  
19 sections 195.900 to 195.985 to submit a nonrefundable application fee of twelve thousand  
20 five hundred dollars for a medical cannabis center license and twelve thousand five  
21 hundred dollars for a medical cannabis cultivation and production facility license.

22       (2) The division shall establish all other fees for processing the following types of  
23 applications, licenses, notices, or reports required to be submitted to the state licensing  
24 authority:

25           (a) Applications to change location under subsection 13 of section 195.936 and rules  
26 promulgated thereunder;

27           (b) Applications for transfer of ownership under section 195.933 and rules  
28 promulgated thereunder;

29           (c) License renewal and expired license renewal applications under section 195.939;  
30 and

31           (d) Licenses as listed in section 195.948.

32           (3) The amounts of the fees under subdivisions (1) and (2) of this subsection, when  
33 added to the other fees transferred to the fund under this section, shall reflect the actual  
34 direct and indirect costs of the division in the administration and enforcement of sections  
35 195.900 to 195.985.

36           (4) The division may charge applicants licensed under sections 195.900 to 195.985  
37 a fee for the cost of each fingerprint analysis and background investigation undertaken to  
38 qualify new officers, directors, managers, or employees.

39           (5) At least annually, the division shall review the amounts of the fees and, if  
40 necessary, adjust the amounts to reflect the direct and indirect costs of the division.

41       3. Except as provided in subsection 4 of this section, the division shall establish a  
42 basic fee that shall be paid at the time of service of any subpoena upon the division, plus  
43 a fee for meals and a fee for mileage at the rate prescribed for state officers and employees,  
44 for each mile actually and necessarily traveled in going to and returning from the place  
45 named in the subpoena. If the person named in the subpoena is required to attend the  
46 place named in the subpoena for more than one day, there shall be paid, in advance, a sum  
47 to be established by the division for each day of attendance to cover the expenses of the  
48 person named in the subpoena.

49       4. The subpoena fee established under subsection 3 of this section shall not be  
50 applicable to any federal, state or local governmental agency.

195.966. 1. Except as otherwise provided, all fees and fines provided for by sections  
2 195.900 to 195.985 shall be paid to the division, which shall transmit the fees to the state  
3 treasurer. The state treasurer shall credit the fees to the medical cannabis license cash  
4 fund created in section 195.963.

5 2. The expenditures of the division shall be paid out of appropriations from the  
6 medical cannabis license cash fund created in section 195.963.

195.969. 1. Each application for a local license provided for in sections 195.900 to  
2 195.985 filed with a local licensing authority shall be accompanied by an application fee  
3 and a license fee in an amount determined by the local licensing authority not to exceed ten  
4 percent of the state application fee and license fee.

5 2. License fees as determined by the local licensing authority shall be paid to the  
6 treasurer of the municipality or county where the licensed premises is located in advance  
7 of the approval, denial, or renewal of the license.

195.972. 1. In addition to any other sanctions prescribed by sections 195.900 to  
2 195.985 or rules promulgated under sections 195.900 to 195.985, the division or a local  
3 licensing authority has the power, on its own motion or on complaint, after investigation  
4 and opportunity for a public hearing at which the licensee shall be afforded an opportunity  
5 to be heard, to suspend or revoke a license issued by the respective authority for a violation  
6 by the licensee or by any of the agents or employees of the licensee of the provisions of  
7 sections 195.900 to 195.985, or any of the rules promulgated under sections 195.900 to  
8 195.985, or of any of the terms, conditions, or provisions of the license issued by the  
9 division or local licensing authority. The division or a local licensing authority has the  
10 power to administer oaths and issue subpoenas to require the presence of persons and the  
11 production of papers, books, and records necessary to the determination of a hearing that  
12 the division or local licensing authority is authorized to conduct.

13 2. The division or local licensing authority shall provide notice of suspension,  
14 revocation, fine, or other sanction, as well as the required notice of the hearing under  
15 subsection 1 of this section by mailing the same in writing to the licensee at the address  
16 contained in the license. Except in the case of a summary suspension under section  
17 195.984, a suspension shall not be for a longer period than six months. If a license is  
18 suspended or revoked, a part of the fees paid therefore shall not be returned to the licensee.  
19 Any license or permit may be summarily suspended by the issuing licensing authority  
20 without notice pending any prosecution, investigation, or public hearing under the terms  
21 of section 195.984. Nothing in this section shall prevent the summary suspension of a  
22 license under section 195.984. Each patient registered with a medical cannabis center that

23 has had its license summarily suspended may immediately transfer his or her primary  
24 center to another licensed medical cannabis center.

25       **3. (1) Whenever a decision of the division or a local licensing authority suspending**  
26 **a license for fourteen days or less becomes final, the licensee may, before the operative date**  
27 **of the suspension, petition for permission to pay a fine in lieu of having the license**  
28 **suspended for all or part of the suspension period. Upon the receipt of the petition, the**  
29 **division or local licensing authority may, in its sole discretion, stay the proposed suspension**  
30 **and cause any investigation to be made which it deems desirable and may, in its sole**  
31 **discretion, grant the petition if the division or local licensing authority is satisfied that:**

32       **(a) The public welfare and morals shall not be impaired by permitting the licensee**  
33 **to operate during the period set for suspension and that the payment of the fine shall**  
34 **achieve the desired disciplinary purposes;**

35       **(b) The books and records of the licensee are kept in such a manner that the loss**  
36 **of sales that the licensee would have suffered had the suspension gone into effect may be**  
37 **determined with reasonable accuracy; and**

38       **(c) The licensee has not had his or her license suspended or revoked, nor had any**  
39 **suspension stayed by payment of a fine, during the two years immediately preceding the**  
40 **date of the motion or complaint that resulted in a final decision to suspend the license or**  
41 **permit.**

42       **(2) The fine accepted shall be not less than five hundred dollars nor more than one**  
43 **hundred thousand dollars.**

44       **(3) Payment of a fine under the provisions of this subsection shall be in the form**  
45 **of cash or in the form of a certified check or cashier's check made payable to the division**  
46 **or local licensing authority, whichever is appropriate.**

47       **4. Upon payment of the fine under subsection 3 of this section, the division or local**  
48 **licensing authority shall enter its further order permanently staying the imposition of the**  
49 **suspension. If the fine is paid to a local licensing authority, the governing body of the**  
50 **authority shall cause the moneys to be paid into the general fund of the local licensing**  
51 **authority. Fines paid to the division under subsection 3 of this section shall be transmitted**  
52 **to the state treasurer who shall credit the same to the medical cannabis license cash fund**  
53 **created in section 195.963.**

54       **5. In connection with a petition under subsection 3 of this section, the authority of**  
55 **the division or local licensing authority is limited to the granting of such stays as are**  
56 **necessary for the authority to complete its investigation and make its findings and, if the**  
57 **authority makes such findings, to the granting of an order permanently staying the**

58 imposition of the entire suspension or that portion of the suspension not otherwise  
59 conditionally stayed.

60       6. If the division or local licensing authority does not make the findings required  
61 in subdivision (1) of subsection 3 of this section and does not order the suspension  
62 permanently stayed, the suspension shall go into effect on the operative date finally set by  
63 the division or local licensing authority.

64       7. Each local licensing authority shall report all actions taken to impose fines,  
65 suspensions, and revocations to the division in a manner required by the division. No later  
66 than January fifteenth of each year, the division shall compile a report of the preceding  
67 year's actions in which fines, suspensions, or revocations were imposed by local licensing  
68 authorities and by the division. The division shall file one copy of the report with the chief  
69 clerk of the house of representatives, one copy with the secretary of the senate, and six  
70 copies in the legislative library.

195.975. 1. Each licensee shall keep a complete set of all records necessary to show  
2 fully the business transactions of the licensee, all of which shall be open at all times during  
3 business hours for the inspection and examination of the division or its duly authorized  
4 representatives. The division may require any licensee to furnish such information as it  
5 considers necessary for the proper administration of this section and may require an audit  
6 to be made of the books of account and records on such occasions as it may consider  
7 necessary by an auditor to be selected by the division who shall likewise have access to all  
8 books and records of the licensee, and the expense thereof shall be paid by the licensee.

9       2. The licensed premises, including any places of storage where medical cannabis  
10 is grown, stored, cultivated, sold, or dispensed, shall be subject to inspection by the division  
11 or local licensing authorities and their investigators, during all business hours and other  
12 times of apparent activity, for the purpose of inspection or investigation. For examination  
13 of any inventory or books and records required to be kept by the licensees, access shall be  
14 required during business hours. Where any part of the licensed premises consists of a  
15 locked area, upon demand to the licensee, such area shall be made available for inspection  
16 without delay, and, upon request by authorized representatives of the division or local  
17 licensing authority, the licensee shall open the area for inspection.

18       3. Each licensee shall retain all books and records necessary to show fully the  
19 business transactions of the licensee for a period of the current tax year and the three  
20 immediately prior tax years.

195.978. 1. Except as otherwise provided in sections 195.900 to 195.985, it is  
2 unlawful for a person:

3           **(1) To consume medical cannabis in a licensed medical cannabis center, and it shall  
4 be unlawful for a medical cannabis licensee to allow medical cannabis to be consumed  
5 upon its licensed premises;**

6           **(2) With knowledge, to permit or fail to prevent the use of such person's registry  
7 identification by any other person for the unlawful purchasing of medical cannabis; or**

8           **(3) To buy, sell, transfer, give away, or acquire medical cannabis except as allowed  
9 under sections 195.900 to 195.985.**

10           **2. It is unlawful for a person licensed under sections 195.900 to 195.985:**

11           **(1) To be within a limited-access area unless the person's license badge is displayed  
12 as required by sections 195.900 to 195.985;**

13           **(2) To fail to designate areas of ingress and egress for limited-access areas and post  
14 signs in conspicuous locations as required by sections 195.900 to 195.985;**

15           **(3) To fail to report a transfer required by section 195.933; or**

16           **(4) To fail to report the name of or a change in managers as required by section  
17 195.936.**

18           **3. It is unlawful for any person licensed to sell medical cannabis under sections  
19 195.900 to 195.985:**

20           **(1) To display any signs that are inconsistent with local laws or regulations;**

21           **(2) To use advertising material that is misleading, deceptive, or false, or that is  
22 designed to appeal to minors;**

23           **(3) To provide public premises, or any portion thereof, for the purpose of  
24 consumption of medical cannabis in any form;**

25           **(4) (a) To sell medical cannabis to a person not licensed under sections 195.900 to  
26 195.985 or to a person not able to produce a valid patient registry identification card.  
27 Notwithstanding any provision in this paragraph to the contrary, a person under  
28 twenty-one years of age shall not be employed to sell or dispense medical cannabis at a  
29 medical cannabis center or grow or cultivate medical cannabis at a medical cannabis  
30 cultivation and production facility.**

31           **(b) If a licensee or a licensee's employee has reasonable cause to believe that a  
32 person is exhibiting a fraudulent patient registry identification card in an attempt to obtain  
33 medical cannabis, the licensee or employee shall be authorized to confiscate the fraudulent  
34 patient registry identification card, if possible, and shall, within seventy-two hours after  
35 the confiscation, turn it over to the department of health and senior services or local law  
36 enforcement agency. The failure to confiscate the fraudulent patient registry identification  
37 card or to turn it over to the department or a state or local law enforcement agency within  
38 seventy-two hours after the confiscation shall not constitute a criminal offense;**

39           **(5) To offer for sale or solicit an order for medical cannabis in person except within  
40 the licensed premises;**

41           **(6) To have in possession or upon the licensed premises any medical cannabis, the  
42 sale of which is not permitted by the license;**

43           **(7) To buy medical cannabis from a person not licensed to sell as provided by  
44 sections 195.900 to 195.985;**

45           **(8) To sell medical cannabis except in the permanent location specifically  
46 designated in the license for sale;**

47           **(9) To have on the licensed premises any medical cannabis or cannabis  
48 paraphernalia that shows evidence of the medical cannabis having been consumed or  
49 partially consumed;**

50           **(10) To require a medical cannabis center and medical cannabis cultivation and  
51 production facility to make delivery to any premises other than the specific licensed  
52 premises where the medical cannabis is to be sold; or**

53           **(11) To sell, serve, or distribute medical cannabis at any time other than between  
54 the hours of 8:00 a.m. and 7:00 p.m. Monday through Sunday.**

55           **4. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for:**

56           **(1) A medical cannabis center or medical cannabis cultivation and production  
57 facility to sell, deliver, or cause to be delivered to a licensee any medical cannabis not  
58 grown upon its licensed premises; or**

59           **(2) A medical cannabis center or medical cannabis cultivation and production  
60 facility to sell, possess, or permit sale of medical cannabis not grown upon its licensed  
61 premises.**

62

63           **A violation of this subsection by a licensee shall be grounds for the immediate revocation  
64 of the license granted under sections 195.900 to 195.985.**

65           **5. It shall be unlawful for a physician who makes patient referrals to a licensed  
66 medical cannabis center to receive anything of value from the medical cannabis center  
67 licensee or its agents, servants, officers, or owners or anyone financially interested in the  
68 licensee, and it shall be unlawful for a licensee licensed under sections 195.900 to 195.985  
69 to offer anything of value to a physician for making patient referrals to the licensed  
70 medical cannabis center.**

71           **6. A person who commits any acts that are unlawful under this section is guilty of  
72 a class A misdemeanor.**

**195.981. 1. The department of health and senior services shall promulgate rules:**

2       **(1) To ensure that patients suffering from legitimate debilitating medical conditions**  
3   **are able to safely gain access to medical cannabis and to ensure that such patients:**

4       **(a) Are not subject to criminal prosecution for their use of medical cannabis in**  
5   **accordance with this section, and the rules of the department;**

6       **(b) Are able to establish an affirmative defense to their use of medical cannabis in**  
7   **accordance with this section, and the rules of the department;**

8       **(2) To prevent persons who do not suffer from legitimate debilitating medical**  
9   **conditions from using this section as a means to sell, acquire, possess, produce, use, or**  
10   **transport cannabis in violation of state and federal laws.**

11      **2. As used in this section, the following terms shall mean:**

12       **(1) "Bona fide physician-patient relationship", for purposes of the medical**  
13   **cannabis program:**

14       **(a) A physician and a patient have a treatment or counseling relationship, in the**  
15   **course of which the physician has completed a full assessment of the patient's medical**  
16   **history and current medical condition, including an appropriate personal physical**  
17   **examination;**

18       **(b) The physician has consulted with the patient with respect to the patient's**  
19   **debilitating medical condition before the patient applies for a registry identification card;**  
20   **and**

21       **(c) The physician is available to or offers to provide follow-up care and treatment**  
22   **to the patient, including but not limited to patient examinations, to determine the efficacy**  
23   **of the use of medical cannabis as a treatment of the patient's debilitating medical**  
24   **condition;**

25       **(2) "Department", the department of health and senior services;**

26       **(3) "Director", the director of the department of health and senior services;**

27       **(4) "In good standing", with respect to a physician's license:**

28       **(a) The physician holds a doctor of medicine or doctor of osteopathic medicine**  
29   **degree from an accredited medical school;**

30       **(b) The physician holds a valid license to practice medicine in Missouri that does**  
31   **not contain a restriction or condition that prohibits the recommendation of medical**  
32   **cannabis; and**

33       **(c) The physician has a valid and unrestricted United States Department of Justice**  
34   **Federal Drug Enforcement Administration controlled substances registration;**

35       **(5) "Medical cannabis program", the program established under sections 195.900**  
36   **to 195.985;**

37           **(6) "Primary caregiver", the same meaning as such term is defined in section  
38 195.900;**

39           **(7) "Registry identification card", the nontransferable confidential registry  
40 identification card issued by the department to patients and primary caregivers under this  
41 section.**

42           **3. (1) The department shall promulgate rules to implement the medical cannabis  
43 program, including rules for the following:**

44           **(a) The establishment and maintenance of a confidential registry of patients who  
45 have applied for and are entitled to receive a registry identification card;**

46           **(b) The development by the department of an application form and making such  
47 form available to residents of this state seeking to be listed on the confidential registry of  
48 patients who are entitled to receive a registry identification card;**

49           **(c) The verification by the department of medical information concerning patients  
50 who have applied for a confidential registry card or for renewal of a registry identification  
51 card;**

52           **(d) The development by the department of a form that shall be used by a physician  
53 when making a medical cannabis recommendation for a patient;**

54           **(e) The conditions for issuance and renewal, and the form, of the registry  
55 identification cards issued by patients, including but not limited to standards for ensuring  
56 that the department issues a registry identification card to a patient only if such patient has  
57 a bona fide physician-patient relationship with a physician in good standing and licensed  
58 to practice medicine in the state of Missouri;**

59           **(f) Communications with law enforcement officials about registry identification  
60 cards that have been suspended when a patient is no longer diagnosed as have a  
61 debilitating medical condition; and**

62           **(g) A waiver process to allow a homebound patient who is on the registry to have  
63 a primary caregiver transport the patient's medical cannabis from a licensed medical  
64 cannabis center to the patient.**

65           **(2) The department may promulgate rules regarding the following:**

66           **(a) What constitutes significant responsibility for managing the well-being of a  
67 patient; except that, the act of supplying medical cannabis or cannabis paraphernalia, by  
68 itself, is insufficient to constitute significant responsibility for managing the well-being of  
69 a patient;**

70           **(b) The development of a form for a primary caregiver to use in applying to the  
71 registry, which form shall require, at a minimum, that the applicant provide his or her full  
72 name, home address, date of birth, and an attestation that the applicant has a significant**

73 responsibility for managing the well-being of the patient for whom he or she is designated  
74 as the primary caregiver and that he or she understands and shall abide by this section,  
75 and the rules promulgated by the department under this section;

76 (c) The development of a form that constitutes written documentation, which a  
77 physician shall use when making a medical cannabis recommendation for a patient; and

78 (d) The grounds and procedure for a patient to change his or her designated  
79 primary caregiver.

80 (3) The department shall conduct a public review hearing to receive public input  
81 on any emergency rules adopted by the department and be provided with an update from  
82 the industry, caregivers, patients, and other stakeholders regarding the industry's current  
83 status. The department shall provide at least five business days' notice prior to the  
84 hearing.

85 4. Any resident of Missouri may petition the department to add conditions or  
86 treatments to the list of debilitating medical conditions as defined in subsection 3 of section  
87 195.900. The department shall consider petitions in the manner required by department  
88 rule, including public notice and hearing. The department shall approve or deny a petition  
89 within one hundred eighty days of its submission. The approval or denial of any petition  
90 is a final decision of the department, subject to judicial review.

91 5. A physician who certifies a debilitating medical condition for an applicant to the  
92 medical cannabis program shall comply with all of the following requirements:

93 (1) The physician shall have a valid and active license to practice medicine in this  
94 state, which license is in good standing;

95 (2) After a physician, who has a bona fide physician-patient relationship with the  
96 patient applying for the medical cannabis program, determines, for the purposes of making  
97 a recommendation, that the patient has a debilitating medical condition and that the  
98 patient may benefit from the use of medical cannabis, the physician shall certify to the  
99 department that the patient has a debilitating medical condition and that the patient may  
100 benefit from the use of medical cannabis. If the physician certifies that the patient may  
101 benefit from the use of medical cannabis based on a chronic or debilitating disease or  
102 medical condition, the physician shall specify the chronic or debilitating disease or medical  
103 condition and, if known, the cause or source of the chronic or debilitating disease or  
104 medical condition;

105 (3) The physician shall maintain a record-keeping system for all patients for whom  
106 the physician has recommended the medical use of cannabis;

107 (4) A physician shall not:

108       (a) Accept, solicit, or offer any form of pecuniary remuneration from or to a  
109 primary caregiver, distributor, or any other provider of medical cannabis;

110       (b) Offer a discount or any other thing of value to a patient who uses or agrees to  
111 use a particular primary caregiver, distributor, or other provider of medical cannabis to  
112 procure medical cannabis;

113       (c) Examine a patient for purposes of diagnosing a debilitating medical condition  
114 at a location where medical cannabis is sold or distributed; or

115       (d) Holds an economic interest in an enterprise that provides or distributes medical  
116 cannabis if the physician certifies the debilitating medical condition of a patient for  
117 participation in the medical cannabis program.

118       6. (1) If the department has reasonable cause to believe that a physician has  
119 violated subdivision (1), (2), or (3) of subsection 5 of this section, or the rules promulgated  
120 by the department, the department may refer the matter to the state board of medical  
121 examiners for an investigation and determination.

122       (2) If the department has reasonable cause to believe that a physician has violated  
123 subdivision (4) of subsection 5 of this section, the department shall conduct a hearing to  
124 determine whether a violation has occurred. Upon a finding of unprofessional conduct by  
125 the state board of medical examiners or a finding of a violation of subdivision (4) of  
126 subsection 5 of this section by the department, the department shall restrict a physician's  
127 authority to recommend the use of medical cannabis, which restrictions may include the  
128 revocation or suspension of a physician's privilege to recommend medical cannabis. The  
129 restriction shall be in addition to any sanction imposed by the state board of medical  
130 examiners.

131       7. (1) A primary caregiver shall not delegate to any other person his or her  
132 authority to provide medical cannabis to a patient nor may a primary caregiver engage  
133 others to assist in providing medical cannabis to a patient.

134       (2) A primary caregiver shall not cultivate cannabis. Only a medical cannabis  
135 cultivation and production facility may cultivate cannabis and only for medical use.

136       (3) A primary caregiver shall provide to a law enforcement agency, upon inquiry,  
137 the registry identification card number of each of his or her patients. The department shall  
138 maintain a registry of such information and make it available twenty-four hours per day  
139 and seven days a week to law enforcement for verification purposes.

140       8. (1) To be considered in compliance with this section and the rules of the  
141 department, a patient or primary caregiver shall have his or her registry identification  
142 card in his or her possession at all times that he or she is in possession of any form of  
143 medical cannabis and produce the same upon request of a law enforcement officer to

144 demonstrate that the patient or primary caregiver is not in violation of the law. A person  
145 who violates this section or the rules promulgated by the department may be subject to  
146 criminal prosecution.

147 (2) The department shall maintain a registry of such information and make it  
148 available twenty-four hours per day and seven days a week to law enforcement for  
149 verification purposes. Upon inquiry by a law enforcement officer as to an individual's  
150 status as a patient the department shall check the registry. If the individual is not  
151 registered as a patient or primary caregiver, the department may provide that response to  
152 law enforcement. The department may promulgate rules to implement this subsection.

153 (3) The department may deny a patient's application for a registry identification  
154 card or revoke the card if the department determines that the physician who diagnosed the  
155 patient's debilitating medical condition, the patient, or the primary caregiver violated this  
156 section, or the rules promulgated by the department under this section; except that, when  
157 a physician's violation is the basis for adverse action, the department may only deny or  
158 revoke a patient's application or registry identification card when the physician's violation  
159 is related to the issuance of a medical cannabis recommendation.

160 (4) A registry identification card shall be valid for one year and shall contain a  
161 unique identification number. It shall be the responsibility of the patient to apply to renew  
162 his or her registry identification card prior to the date on which the card expires. The  
163 department shall develop a form for a patient to use in renewing his or her registry  
164 identification card.

165 (5) If the department grants a patient a waiver to allow a primary caregiver to  
166 transport the patient's medical cannabis from a medical cannabis center to the patient, the  
167 department shall designate the waiver on the patient's registry identification card.

168 (6) A homebound patient who receives a waiver from the department to allow a  
169 primary caregiver to transport the patient's medical cannabis to the patient from a medical  
170 cannabis center shall provide the primary caregiver with the patient's registry  
171 identification card, which the primary caregiver shall carry when the primary caregiver  
172 is transporting the medical cannabis. A medical cannabis center may provide the medical  
173 cannabis to the primary caregiver for transport to the patient if the primary caregiver  
174 produces the patient's registry identification card.

175 9. (1) The use of medical cannabis is allowed under state law to the extent that it  
176 is carried out in accordance with sections 195.900 to 195.985 and the rules of the  
177 department.

178 (2) A patient or primary caregiver shall not:

179       (a) Engage in the medical use of cannabis in a way that endangers the health and  
180 well-being of a person;

181       (b) Engage in the medical use of cannabis in plain view or in a place open to the  
182 general public;

183       (c) Undertake any task while under the influence of medical cannabis, when doing  
184 so would constitute negligence or professional malpractice;

185       (d) Possess medical cannabis or otherwise engage in the use of medical cannabis in  
186 or on the grounds of a school or in a school bus;

187       (e) Engage in the use of medical cannabis while:

- 188       a. In a correctional facility;
- 189       b. Subject to a sentence to incarceration; or
- 190       c. In a vehicle, aircraft, or motorboat;

191       (f) Operate, navigate, or be in actual physical control of any vehicle, aircraft, or  
192 motorboat while under the influence of medical cannabis; or

193       (g) Use medical cannabis if the person does not have a debilitating medical  
194 condition as diagnosed by the person's physician in the course of a bona fide  
195 physician-patient relationship and for which the physician has recommended the use of  
196 medical cannabis.

197       (3) A person shall not establish a business to permit patients to congregate and  
198 smoke or otherwise consume medical cannabis.

199       10. Only licensed medical cannabis cultivation and production facilities may  
200 cultivate medical cannabis.

201       11. If a patient raises an affirmative defense the patient's physician shall certify the  
202 specific amounts in excess of two and one-half ounces that are necessary to address the  
203 patient's debilitating medical condition and why such amounts are necessary. A patient  
204 who asserts this affirmative defense shall waive confidentiality privileges related to the  
205 condition or conditions that were the basis for the recommendation. If a patient, primary  
206 caregiver, or physician raises an exception to the state criminal laws, the patient, primary  
207 caregiver, or physician waives the confidentiality of his or her records related to the  
208 condition or conditions that were the basis for the recommendation maintained by the  
209 department for the medical cannabis program. Upon request of a law enforcement agency  
210 for such records, the department shall only provide records pertaining to the individual  
211 raising the exception, and shall redact all other patient, primary caregiver, or physician  
212 identifying information.

213       12. (1) Except as provided in subdivision (2) of this subsection, the department  
214 shall establish a basic fee that shall be paid at the time of service of any subpoena upon the

215 department, plus a fee for meals and a fee for mileage at the rate prescribed for state  
216 officers and employees, for each mile actually and necessarily traveled in going to and  
217 returning from the place named in the subpoena. If the person named in the subpoena is  
218 required to attend the place named in the subpoena for more than one day, there shall be  
219 paid, in advance, a sum to be established by the department for each day of attendance to  
220 cover the expenses of the person named in the subpoena.

221 (2) The subpoena fee established under subdivision (1) of the subsection shall not  
222 be applicable to any federal, state, or local governmental agency.

223 13. The department may collect fees from patients who apply to the medical  
224 cannabis program for a cannabis registry identification card for the purpose of offsetting  
225 the department's direct and indirect costs of administering the program. The amount of  
226 such fees shall be set by rule of the department. The amount of the fees set under this  
227 section shall reflect the actual direct and indirect costs of the department in the  
228 administration and enforcement of this section. All fees collected by the department  
229 through the medical cannabis program shall be transferred to the state treasurer who shall  
230 credit the same to the medical cannabis program account within the medical cannabis  
231 license cash fund created in section 195.963.

195.984. 1. (1) The division of alcohol and tobacco control may summarily suspend  
2 a license issued under sections 195.900 to 195.985 prior to a hearing in order immediately  
3 to stop or restrict operations by a licensee to protect the public health, safety, or welfare.  
4 The division may rescind or amend a summary suspension.

5 (2) If, based upon inspection, affidavits, or other evidence, the division determines  
6 that a licensee or the products prepared by a licensee pose an immediate or serious threat  
7 to the public health, safety, or welfare, the division may summarily suspend a license:

8 (a) Requiring cessation or restriction of any or all licensee operations and  
9 prohibiting the use of medical cannabis produced by such licensee; or

10 (b) Placing restrictions on a licensee to the extent necessary to avert a continued  
11 threat, pending final investigation results.

12 (3) The requirements of the summary suspension shall remain in effect until the  
13 division rescinds or amends such requirements or until such time as the division takes final  
14 action on any related pending complaint and issues a final decision.

15 2. The department of health and senior services may summarily suspend any  
16 registration issued under section 195.981, pending further proceedings for denial of  
17 renewal or revocation of a registration, whenever the department finds that the continued  
18 registration poses an imminent danger to the public health, safety, or welfare.

**195.985. Any rule or portion of a rule, as that term is defined in section 536.010,  
2 that is created under the authority delegated in sections 195.900 to 195.985 shall become  
3 effective only if it complies with and is subject to all of the provisions of chapter 536 and,  
4 if applicable, section 536.028. Sections 195.900 to 195.985 and chapter 536 are  
5 nonseverable and if any of the powers vested with the general assembly pursuant to  
6 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
7 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
8 proposed or adopted after August 28, 2015, shall be invalid and void.**

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby  
2 declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants  
3 growing upon their land. Any person who knowingly allows such plants to grow on his land or  
4 refuses to destroy such plants after being notified to do so shall allow any sheriff or such other  
5 persons as designated by the county commission to enter upon any land in this state and destroy  
6 such plants.

7       2. Entry to such lands shall not be made, by any sheriff or other designated person to  
8 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or  
9 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In  
10 all such instances, the county commission shall bear the cost of destruction and notification.

11       **3. The provisions of this section shall not apply to the authorized production of  
12 cannabis plants for purposes of providing medical cannabis under sections 195.900 to  
13 195.985.**

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