

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 608, Page 1,
2 Section A, Line 2, by inserting after all of said section and line the following:

3
4 "195.202. 1. Except as authorized by sections 195.005 to 195.425 and sections 195.900 to
5 195.985, it is unlawful for any person to possess or have under his control a controlled substance.

6 2. Any person who violates this section with respect to any controlled substance except
7 thirty-five grams or less of marijuana or any synthetic cannabinoid is guilty of a class C felony.

8 3. Any person who violates this section with respect to not more than thirty-five grams of
9 marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.

10 195.211. 1. Except as authorized by sections 195.005 to 195.425 and sections 195.900 to
11 195.985, and except as provided in section 195.222, it is unlawful for any person to distribute,
12 deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled
13 substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled
14 substance.

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

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

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

25 195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except as
26 authorized by sections 195.005 to 195.425, [he] such person distributes, delivers, manufactures,
27 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a
28 mixture or substance containing a detectable amount of heroin. Violations of this subsection shall
29 be punished as follows:

30 (1) If the quantity involved is more than thirty grams but less than ninety grams the person

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1 shall be sentenced to the authorized term of imprisonment for a class A felony;

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

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

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

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

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

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

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

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

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

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

40 5. A person commits the crime of trafficking drugs in the first degree if, except as
41 authorized by sections 195.005 to 195.425, [he] such person distributes, delivers, manufactures,

1 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a
2 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this
3 subsection shall be punished as follows:

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

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

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

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

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

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

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

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

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

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

38 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
39 grams or more and the location of the offense was within two thousand feet of a school or public
40 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure
41 or building which contains rooms furnished for the accommodation or lodging of guests, and kept,

1 used, maintained, advertised, or held out to the public as a place where sleeping accommodations
2 are sought for pay or compensation to transient guests or permanent guests, the person shall be
3 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
4 without probation or parole.

5 9. A person commits the crime of trafficking drugs in the first degree if, except as
6 authorized by sections 195.005 to 195.425, [he or she] such person distributes, delivers,
7 manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty
8 grams of any material, compound, mixture or preparation which contains any quantity of 3,4-
9 methylenedioxyamphetamine. Violations of this subsection or attempts to violate this
10 subsection shall be punished as follows:

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

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

21 195.223. 1. A person commits the crime of trafficking drugs in the second degree if, except
22 as authorized by sections 195.005 to 195.425, [he] such person possesses or has under his or her
23 control, purchases or attempts to purchase, or brings into this state more than thirty grams of a
24 mixture or substance containing a detectable amount of heroin. Violations of this subsection shall
25 be punished as follows:

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

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

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

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

41 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of

1 a class A felony.

2 3. A person commits the crime of trafficking drugs in the second degree if, except as
3 authorized by sections 195.005 to 195.425, [he] such person possesses or has under his or her
4 control, purchases or attempts to purchase, or brings into this state more than eight grams of a
5 mixture or substance described in subsection 2 of this section which contains cocaine base.

6 Violations of this subsection shall be punished as follows:

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

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

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

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

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

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

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

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

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

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

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

37 7. A person commits the crime of trafficking drugs in the second degree if, except as
38 authorized by sections 195.005 to 195.425[he] and sections 195.900 to 195.985, such person
39 possesses or has under his or her control, purchases or attempts to purchase, or brings into this state
40 more than thirty kilograms or more of a mixture or substance containing marijuana. Violations of
41 this subsection shall be punished as follows:

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

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

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

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

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

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

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

23 10. 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 or she] such person possesses or has under his or her
25 control, purchases or attempts to purchase, or brings into this state more than thirty grams of any
26 material, compound, mixture or preparation which contains any quantity of 3,4-
27 methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
28 subsection shall be punished as follows:

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

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

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

35 195.900. 1. Sections 195.900 to 195.985 shall be known and may be cited as the "Missouri
36 Compassionate Care Act".

37 2. (1) The general assembly hereby declares that sections 195.900 to 195.985 shall be
38 deemed an exercise of the police powers of the state for the protection of the economic and social
39 welfare and the health, peace, and morals of the people of this state.

40 (2) The general assembly further declares that it is unlawful under state law to cultivate,
41 manufacture, distribute, or sell medical cannabis, except in compliance with the terms, conditions,

1 limitations, and restrictions in sections 195.900 to 195.985 or when acting as a primary caregiver in
2 compliance with the terms, conditions, limitations, and restrictions of sections 195.900 to 195.985.

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

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

15 (2) "Cannabis", all parts of the plant genus Cannabis in any species or form thereof,
16 including, but not limited to, Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis
17 Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted
18 from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or
19 preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant; fiber
20 produced from the stalks; oil or cake made from the seeds of the plant; any other compound,
21 manufacture, salt, derivative, mixture or preparation of the mature stalks except the resin extracted
22 therefrom; fiber, oil or cake; or the sterilized seed of the plant which is incapable of germination;

23 (3) "Cannabis plant monitoring system" means an electronic seed to sale tracking system
24 that includes, but is not limited to, testing and data collection established and maintained by the
25 licensed medical cannabis cultivation and production facility and medical cannabis center and
26 available to the division for the purposes of documenting each cannabis plant and for monitoring
27 plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a
28 qualifying patient from seed planting to final packaging;

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

30 (a) Cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired
31 immune deficiency syndrome, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's
32 disease and the symptoms thereof, ulcerative colitis, agitation of Alzheimer's disease, epilepsy,
33 multiple sclerosis, or the treatment of such conditions;

34 (b) Any other debilitating medical condition or its treatment that is added by the department
35 of health and senior services by rule under section 195.981 provided that the department receives a
36 petition signed by no less than ten physicians, having a valid and active license to practice medicine
37 in this state, asking for such addition;

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

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

41 (7) "Good cause", for purposes of refusing or denying a license renewal, reinstatement, or

1 initial license issuance:

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

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

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

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

10 (9) "Licensed premises", the premises specified in an application for a license under sections
11 195.900 to 195.985, which are owned or in possession of the licensee and within which the licensee
12 is authorized to cultivate, manufacture, distribute, or sell medical cannabis in accordance with the
13 provisions of sections 195.900 to 195.985;

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

15 (11) "Limited access area", a building, room, or other contiguous area upon the licensed
16 premises where medical cannabis is grown, cultivated, stored, weighed, displayed, packaged, sold,
17 or possessed for sale, under control of the licensee, with limited access to only those persons
18 licensed by the division, and visitors and vendors as provided by rule. All areas of ingress or egress
19 to limited access areas shall be clearly identified as such by a sign as designated by the division;

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

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

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

27 (15) "Medical cannabis cultivation and production facility", a person licensed under sections
28 195.900 to 195.985 to operate a business as described in section 195.954;

29 (16) "Medical cannabis-infused product", a product infused with medical cannabis that is
30 intended for use other than by smoking, including but not limited to ointments and tinctures or
31 smokeless vaporizing devices. Such products, when manufactured or sold by a licensed medical
32 cannabis center, shall not be considered a drug for the purposes of chapter 196;

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

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

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

41 (20) "Primary caregiver", a natural person, other than the patient or the patient's physician,

1 who is eighteen years of age or older and has significant responsibility for managing the well-being
2 of a patient who has a debilitating medical condition;

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

5 (22) "Smokeless vaporizing device", a medical-grade vaporizer delivery device capable of
6 administering the active ingredients of a metered dose of medical cannabis via inhalation without
7 combustion by-products;

8 (23) "State licensing authority", the division of alcohol and tobacco control which is
9 responsible for regulating and controlling the licensing of the cultivation, manufacture, distribution,
10 and sale of medical cannabis in this state.

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

18 195.903. 1. For the purpose of regulating and controlling the licensing of the cultivation,
19 manufacture, distribution, and sale of medical cannabis in this state, the division of alcohol and
20 tobacco control is hereby designated as the state licensing authority.

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

28 3. During fiscal year 2017, the division shall consider employment of temporary or contract
29 staff to conduct background investigations. The additional cost of the background investigations
30 shall not exceed five hundred thousand dollars.

31 195.906. 1. The division shall:

32 (1) Grant or refuse state licenses for the cultivation, manufacture, distribution, and sale of
33 medical cannabis as provided by law; suspend, fine, restrict, or revoke such licenses upon a
34 violation of sections 195.900 to 195.985, or a rule promulgated under sections 195.900 to 195.985;
35 and impose any penalty authorized by sections 195.900 to 195.985, or any rule promulgated under
36 sections 195.900 to 195.985. The division may take any action with respect to a registration under
37 sections 195.900 to 195.985 as it may with respect to a license under sections 195.900 to 195.985,
38 in accordance with the procedures established under sections 195.900 to 195.985;

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

1 (3) Upon denial of a state license, provide written notice of the grounds for such denial of a
2 state license to the applicant and to the local authority and the right of the applicant to a right to a
3 hearing before the administrative hearing commission under subsection 2 of section 195.924;

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

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

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

12 (7) In recognition of the potential medicinal value of medical cannabis, make a request by
13 January 1, 2017, to the federal Drug Enforcement Administration to consider rescheduling, for
14 pharmaceutical purposes, medical cannabis from a Schedule I controlled substance to a Schedule II
15 controlled substance.

16 2. (1) Rules promulgated under subdivision (2) of subsection 1 of this section may include,
17 but shall not be limited to, the following:

18 (a) Compliance with, enforcement, or violation of any provision of sections 195.900 to
19 195.985, or any rule issued under sections 195.900 to 195.985, including procedures and grounds
20 for denying, suspending, fining, restricting, or revoking a state license issued under sections
21 195.900 to 195.985;

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

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

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

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

27 (f) Prohibition of misrepresentation and unfair practices;

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

29 (h) Development of individual identification cards for owners, officers, managers,
30 contractors, employees, and other support staff of entities licensed under sections 195.900 to
31 195.985, including a fingerprint-based criminal record check as may be required by the division
32 prior to issuing a card;

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

34 (j) Security requirements for any premises licensed under sections 195.900 to 195.985,
35 including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum
36 procedures for internal control as deemed necessary by the division to properly administer and
37 enforce the provisions of sections 195.900 to 195.985, including reporting requirements for
38 changes, alterations, or modifications to the premises;

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

40 (l) Sanitary requirements for medical cannabis centers and medical cannabis cultivation and
41 production facilities, including but not limited to, sanitary requirements for the preparation of

1 medical cannabis-infused products;

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

4 (n) Labeling standards;

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

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

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

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

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

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

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

18 195.909. 1. A local licensing authority may issue only the following medical cannabis
19 licenses upon payment of the fee and compliance with all local licensing requirements to be
20 determined by the local licensing authority:

21 (1) A medical cannabis center license;

22 (2) A medical cannabis cultivation and production facility license;

23 (3) A medical cannabis testing facility.

24 2. (1) A local licensing authority shall not issue a local license within a municipality or the
25 unincorporated portion of a county unless the governing body of the municipality has adopted an
26 ordinance or the governing body of the county has adopted a resolution containing specific
27 standards for license issuance, or if no such ordinance or resolution is adopted prior to January 1,
28 2018, a local licensing authority shall consider the minimum licensing requirements of this section
29 when issuing a license.

30 (2) In addition to all other standards applicable to the issuance of licenses under sections
31 195.900 to 195.985, the local governing body may adopt additional standards for the issuance of
32 medical cannabis center or medical cannabis cultivation and production facility licenses consistent
33 with the intent of sections 195.900 to 195.985 that may include but not be limited to:

34 (a) Distance restrictions between premises for which local licenses are issued;

35 (b) Reasonable restrictions on the size of an applicant's licensed premises; and

36 (c) Any other requirements necessary to ensure the control of the premises and the ease of
37 enforcement of the terms and conditions of the license.

38 3. An application for a license specified in subsection 1 of this section shall be filed with the
39 appropriate local licensing authority on forms provided by the state licensing authority and shall
40 contain such information as the state licensing authority may require and any forms as the local
41 licensing authority may require. Each application shall be verified by the oath or affirmation of the

1 persons prescribed by the state licensing authority.

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

8 195.912. 1. Upon receipt of an application for a local license, except an application for
9 renewal or for transfer of ownership, a local licensing authority shall schedule and hold a public
10 hearing upon the application to be held not less than thirty days after the date of the application, but
11 not more than ninety days from the date of the application. If the local licensing authority fails to
12 hold a public hearing within such time lines, the application shall be considered approved. If the
13 local licensing authority schedules a hearing for a medical cannabis center application, it shall post
14 and publish public notice thereof not less than ten days prior to the hearing. The local licensing
15 authority shall give public notice by the posting of a sign in a conspicuous place on the medical
16 cannabis center premises for which application has been made and by publication in a newspaper of
17 general circulation in the county in which the medical cannabis center premises are located.

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

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

26 4. If the building in which medical cannabis is to be cultivated, tested, manufactured,
27 distributed, or sold is in existence at the time of the application, a sign posted as required in
28 subsections 1 and 2 of this section shall be placed so as to be conspicuous and plainly visible to the
29 general public. If the building is not constructed at the time of the application, the applicant shall
30 post a sign at the premises upon which the building is to be constructed in such a manner that the
31 notice shall be conspicuous and plainly visible to the general public.

32 5. (1) A local licensing authority or a license applicant with local licensing authority
33 approval may request that the state licensing authority conduct a concurrent review of a new license
34 application prior to the local licensing authority's final approval of the license application. Local
35 licensing authorities who permit concurrent review shall continue to independently review the
36 applicant's license application.

37 (2) When conducting a concurrent application review, the state licensing authority may
38 advise the local licensing authority of any items that it finds that may result in the denial of the
39 license application. Upon correction of the noted discrepancies if the correction is permitted by the
40 state licensing authority, the state licensing authority shall notify the local licensing authority of its
41 conditional approval of the license application subject to the final approval by the local licensing

1 authority. The state licensing authority shall then issue the applicant's state license upon receiving
2 evidence of final approval by the local licensing authority.

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

7 195.915. 1. Not less than five days prior to the date of the public hearing authorized in
8 section 195.912, the local licensing authority shall make known its findings, based on its
9 investigation, in writing to the applicant and other parties of interest. The local licensing authority
10 has authority to refuse to issue a license provided for in this section for good cause, subject to
11 judicial review.

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

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

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

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

33 195.918. 1. (1) The division of alcohol and tobacco control shall not issue more than a
34 statewide total of thirty state licenses for medical cannabis centers and a statewide total of thirty
35 state licenses for medical cannabis cultivation and production facilities; except that, the division
36 may issue additional licenses under this subdivision if the division determines additional licenses are
37 necessary based upon patient needs.

38 (2) Licenses shall be geographically disbursed by the division, in consultation with the
39 department of health and senior services, based on the demographics of the state and patient demand
40 to ensure statewide access for patients.

41 2. Before the division of alcohol and tobacco control issues a state license to an applicant,

1 the applicant shall:

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

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

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

13 (2) Submit documentation acceptable to the division that the applicant has at least five
14 hundred thousand dollars in assets.

15 195.921. 1. Applications for a state license under the provisions of sections 195.900 to
16 195.985 shall be made to the division of alcohol and tobacco control on forms prepared and
17 furnished by the division and shall set forth such information as the division may require to enable
18 the division to determine whether a state license shall be granted. The information shall include the
19 name and address of the applicant, the names and addresses of the officers, directors, or managers,
20 and all other information deemed necessary by the division. Each application shall be verified by
21 the oath or affirmation of such person or persons as the division may prescribe.

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

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

28 195.924. 1. The division shall deny a state license if the premises on which the applicant
29 proposes to conduct its business do not meet the requirements of sections 195.900 to 195.985.

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

34 195.927. 1. A license provided by sections 195.900 to 195.985 shall not be issued to or
35 held by:

36 (1) A person until the annual fee has been paid;

37 (2) A licensed physician making patient recommendations;

38 (3) A person under twenty-one years of age;

39 (4) A person licensed under sections 195.900 to 195.985 who during a period of licensure or
40 who at the time of application has failed to:

41 (a) Provide a surety bond, proof of assets, or file any tax return with a taxing agency;

1 (b) Pay any taxes, interest, or penalties due;

2 (c) Pay any judgments due to a government agency;

3 (d) Stay out of default on a government-issued student loan;

4 (e) Pay child support; or

5 (f) Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for
6 judgments owed to a government agency, or an outstanding delinquency for child support.

7 (5) A person who has discharged a sentence in the ten years immediately preceding the
8 application date for a conviction of a felony or a person who at any time has been convicted of a
9 felony under any state or federal law regarding the possession, distribution, or use of a controlled
10 substance;

11 (6) A person who employs another person at a medical cannabis center or medical cannabis
12 cultivation and production facility who has not passed a criminal background check;

13 (7) A sheriff, deputy sheriff, police officer, or prosecuting officer, or any officer or
14 employee of the division or a local licensing authority;

15 (8) A person whose authority to be a primary caregiver as defined in sections 195.900 to
16 195.985 has been revoked by the department;

17 (9) A person for a license for a location that is currently licensed as a retail food
18 establishment or wholesale food registrant; or

19 (10) A person who is an officer, director, manager of a limited liability company whose
20 articles of organization state that management is vested in one or more managers, and general
21 partner of a limited liability partnership that owe a fiduciary duty to the licensee who is not a
22 resident of Missouri. All officers, directors, managers of a limited liability company whose articles
23 of organization state that management is vested in one or more managers, and general partners of a
24 limited liability partnership shall be residents of Missouri; except that, managers and employees
25 may be nonresidents. All stockholders who legally and beneficially own or control sixty percent or
26 more of the capital stock in amount and in voting rights shall be residents of Missouri and bona fide
27 residents of this state for a period of three years continuously immediately prior to the date of filing
28 of application for a license.

29 2. (1) In investigating the qualifications of an applicant or a licensee, the division shall
30 have access to criminal background check information furnished by a criminal justice agency
31 subject to any restrictions imposed by such agency. In the event the division considers the
32 applicant's criminal background check information, the division shall also consider any information
33 provided by the applicant regarding such criminal background check, including but not limited to
34 evidence of rehabilitation, character references, and educational achievements, especially those
35 items pertaining to the period of time between the applicant's last criminal conviction and the
36 consideration of the application for a state license.

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

41 (3) At the time of filing an application for issuance or renewal of a state medical cannabis

1 center license or medical cannabis cultivation and production facility license, an applicant shall
2 submit a set of his or her fingerprints and file personal history information concerning the
3 applicant's qualifications for a state license on forms prepared by the division. The division shall
4 submit the fingerprints to the Missouri state highway patrol for the purpose of conducting a state
5 and federal fingerprint-based criminal background check. The Missouri state highway patrol shall,
6 if necessary, forward the fingerprints to the Federal Bureau of Investigation for the purpose of
7 conducting a fingerprint-based criminal background check. Fingerprints shall be submitted in
8 accordance with section 43.543, and fees shall be paid in accordance with section 43.530. The
9 division may acquire a name-based criminal background check for an applicant or a license holder
10 who has twice submitted to a fingerprint-based criminal background check and whose fingerprints
11 are unclassifiable. The division shall use the information resulting from the fingerprint-based
12 criminal history record check to investigate and determine whether an applicant is qualified to hold
13 a state license under sections 195.900 to 195.985. The division may verify any of the information
14 an applicant is required to submit.

15 195.930. The division or a local licensing authority shall not receive or act upon an
16 application for the issuance of a state or local license under sections 195.900 to 195.985:

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

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

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

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

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

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

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

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

14 195.936. 1. Sections 195.900 to 195.985 authorizes a county or municipality to enact
15 reasonable regulations or other restrictions applicable to licenses of medical cannabis centers and
16 medical cannabis cultivation and production facility based on local zoning, health, safety, and public
17 welfare laws for the distribution of medical cannabis that are more restrictive than sections 195.900
18 to 195.985.

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

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

29 4. A medical cannabis center or medical cannabis cultivation and production facility shall
30 notify the division in writing of the name, address, and date of birth of an owner, officer, manager,
31 or employee before the new owner, officer, or employee begins working at, managing, owning, or
32 begins an association with the operation. The owner, officer, manager, or employee shall pass a
33 fingerprint-based criminal background check as required by the division and obtain the required
34 identification prior to being associated with, managing, owning, or working at the operation.

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

38 6. All owners of a licensed medical cannabis center or licensed medical cannabis cultivation
39 and production facility shall be authorized to do business in Missouri. A local licensing authority
40 shall not issue a license provided for in sections 195.900 to 195.985 until that share of the license
41 application fee due to the state has been received by the division. All licenses granted under

1 sections 195.900 to 195.985 shall be valid for a period not to exceed two years from the date of
2 issuance unless revoked or suspended under sections 195.900 to 195.985 or the rules promulgated
3 under sections 195.900 to 195.985.

4 7. Before granting a local or state license, the respective licensing authority may consider,
5 except where sections 195.900 to 195.985 specifically provide otherwise, the requirements of
6 sections 195.900 to 195.985 and any rules promulgated under sections 195.900 to 195.985, and all
7 other reasonable restrictions that are or may be placed upon the licensee by the licensing authority.
8 With respect to a second or additional license for the same licensee or the same owner of another
9 licensed business under sections 195.900 to 195.985, each licensing authority shall consider the
10 effect on competition of granting or denying the additional licenses to such licensee and shall not
11 approve an application for a second or additional license that has the effect of restraining
12 competition.

13 8. (1) Each license issued under sections 195.900 to 195.985 is separate and distinct. It is
14 unlawful for a person to exercise any of the privileges granted under a license other than the license
15 that the person holds or for a licensee to allow any other person to exercise the privileges granted
16 under the licensee's license. A separate license shall be required for each specific business or
17 business entity and each geographical location.

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

21 9. (1) The licenses provided under sections 195.900 to 195.985 shall specify the date of
22 issuance, the period of licensure, the name of the licensee, and the premises licensed. The licensee
23 shall conspicuously display the license at all times on the licensed premises.

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

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

30 11. A licensee shall report each transfer or change of financial interest in the license to the
31 division and the local licensing authority thirty days prior to any transfer or change under subsection
32 13 of this section. A report shall be required for transfers of capital stock of any corporation
33 regardless of size.

34 12. Each licensee shall manage the licensed premises himself or herself or employ a
35 separate and distinct manager on the premises and shall report the name of the manager to the
36 division and the local licensing authority. The licensee shall report any change in manager to the
37 division and local licensing authority thirty days prior to such change.

38 13. (1) A licensee may move his or her permanent location to any other place in the same
39 municipality for which the license was originally granted, or in the same county if the license was
40 granted for a place outside the corporate limits of a municipality, but it shall be unlawful to
41 cultivate, manufacture, distribute, or sell medical cannabis at any such place until permission to do

1 so is granted by the division and the local licensing authority provided for in sections 195.900 to
2 195.985.

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

8 195.939. 1. (1) Ninety days prior to the expiration date of an existing license, the division
9 shall notify the licensee of the expiration date by first class mail at the licensee's address of record
10 with the division. A licensee shall apply for the renewal of an existing license to the local licensing
11 authority not less than forty-five days and to the division not less than thirty days prior to the date of
12 expiration. A local licensing authority shall not accept an application for renewal of a license after
13 the date of expiration, except as provided in subsection 2 of this section. The division may extend
14 the expiration date of the license and accept a late application for renewal of a license; provided
15 that, the applicant has filed a timely renewal application with the local licensing authority. All
16 renewals filed with the local licensing authority and subsequently approved by the local licensing
17 authority shall next be processed by the division. The division or the local licensing authority, in its
18 discretion, subject to the requirements of this section and based upon reasonable grounds, may
19 waive the forty-five-day or thirty-day time requirements set forth in this subsection. The local
20 licensing authority may hold a hearing on the application for renewal only if the licensee has had
21 complaints filed against it, has a history of violations, or there are allegations against the licensee
22 that constitute good cause.

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

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

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

38 195.942. The division or local licensing authority may, in its discretion, revoke or elect not
39 to renew any license if it determines that the licensed premises have been inactive without good
40 cause for at least one year.

41 195.945. 1. The division, by rule, shall require a complete disclosure of all persons having

1 a direct or indirect financial interest and the extent of such interest in each license issued under
2 sections 195.900 to 195.985.

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

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

12 195.948. 1. For the purpose of regulating the cultivation, manufacture, distribution, testing,
13 and sale of medical cannabis, the division may, in its discretion and upon application on the
14 prescribed form made to it, issue and grant to the applicant a license or registration from any of the
15 following classes, subject to the provisions and restrictions provided by sections 195.900 to
16 195.985:

17 (1) Medical cannabis center license;

18 (2) Medical cannabis cultivation and production facility license;

19 (3) Medical cannabis testing facility license;

20 (4) Occupational licenses and registrations for owners, managers, operators, employees,
21 contractors, and other support staff employed by, working in, or having access to restricted areas of
22 the licensed premises as determined by the division. The division may take any action with respect
23 to a registration under sections 195.900 to 195.985 as it may with respect to a license under sections
24 195.900 to 195.985, in accordance with the procedures established under sections 195.900 to
25 195.985.

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

29 3. A medical cannabis business shall use the cannabis plant monitoring system as the
30 primary inventory tracking system of records.

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

33 195.951. 1. A medical cannabis center license shall be issued only to a person selling
34 medical cannabis under the terms and conditions of sections 195.900 to 195.985.

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

38 3. Except as otherwise provided in subsection 4 of this section, every person selling medical
39 cannabis as provided for in this section shall sell medical cannabis grown in its medical cannabis
40 cultivation and production facility licensed under sections 195.900 to 195.985.

41 4. A medical cannabis licensee shall not purchase more than thirty percent of its total on-

1 hand inventory of medical cannabis or medical cannabis-infused products from another licensed
2 medical cannabis center in Missouri. A medical cannabis center shall not sell more than thirty
3 percent of its total on-hand inventory to another Missouri medical cannabis license.

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

7 6. A licensed medical cannabis center may provide an amount of its medical cannabis
8 established by rule of the division for testing to a medical cannabis testing facility.

9 7. By January 1, 2018, all medical cannabis sold at a licensed medical cannabis center shall
10 be labeled as follows:

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

15 (a) The registered qualifying patient's name;

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

19 (c) The quantity of usable medical cannabis contained within the package;

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

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

23 (f) The cannabinoid profile of the medical cannabis contained within the package, including
24 tetrahydrocannabinol (THC) level;

25 (g) A statement that the product has been tested for contaminants, that there were no
26 adverse findings, and the date of testing, and the following statement, including capitalization:
27 "This product has not been analyzed or approved by the FDA. There is limited information on the
28 side effects of using this product, and there may be associated health risks. Do not drive or operate
29 machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM
30 CHILDREN.";

31 (2) The medical cannabis center shall place a legible, firmly affixed label on medical
32 cannabis-infused products on which the wording is no less than one-sixteenth inch in size on each
33 medical cannabis-infused product that it prepares for dispensing and which contains at a minimum
34 the following information:

35 (a) The registered qualifying patient's name;

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

39 (c) The name of the product;

40 (d) The quantity of usable cannabis contained within the product as measured in ounces;

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

1 the product, including the tetrahydrocannabinol (THC) level;

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

3 (g) To identify the batch associated with manufacturing and processing, a batch number,
4 sequential serial number, and bar code when used;

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

6 (i) A statement that the product has been tested for contaminants, that there were no adverse
7 findings, and the date of testing;

8 (j) A warning if known allergens are contained in the product; and

9 (k) The following statement, including capitalization: "This product has not been analyzed
10 or approved by the FDA. There is limited information on the side effects of using this product, and
11 there may be associated health risks. Do not drive or operate machinery when under the influence
12 of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.";

13 (3) Cannabis shall be packaged in plain, opaque, tamperproof, and childproof containers
14 without depictions of the product, cartoons, or images other than the medical cannabis center's logo.

15 8. A licensed medical cannabis center shall comply with all provisions of law as such
16 provisions relate to persons with disabilities.

17 195.954. A medical cannabis cultivation and production facility license may be issued only
18 to a person licensed under this section who grows and cultivates medical cannabis and who
19 manufactures medical cannabis or medical cannabis-infused products under the terms and conditions
20 of sections 195.900 to 195.985.

21 195.957. 1. The department of health and senior services is the designated state agency for
22 regulating and controlling the manufacturing of medical cannabis-infused products.

23 2. (1) Medical cannabis-infused products shall be prepared on a licensed premises that is
24 used exclusively for the manufacture and preparation of medical cannabis-infused products and
25 which uses equipment that is used exclusively for the manufacture and preparation of medical
26 cannabis-infused products.

27 (2) Only a licensed medical cannabis cultivation and production facility is permitted to
28 produce medical cannabis-infused products. A medical cannabis cultivation and production facility
29 may produce medical cannabis-infused products for only such facility's medical cannabis center, and
30 up to two additional medical cannabis centers under common ownership.

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

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

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

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

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

1 a. Accredited to International Organization for Standardization (ISO) 17025 by a third-party
2 accrediting body such as A2LA or ACLASS; or

3 b. Certified, registered, or accredited by an organization approved by the department;

4 (e) The facility shall arrange for testing to be conducted in accordance with the frequency
5 required by the department;

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

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

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

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

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

19 (k) All excess cannabis shall be returned to the source medical cannabis cultivation and
20 production facility and be disposed of under paragraph (e) of subdivision (6) of this subsection.

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

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

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

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

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

33 (a) Well cured and free of seeds and stems;

34 (b) Free of dirt, sand, debris, and other foreign matter;

35 (c) Free of contamination by mold, rot, other fungus, and bacterial diseases;

36 (d) Prepared and handled on food-grade stainless steel tables; and

37 (e) Packaged in a secure area.

38 (6) All facilities, including those that develop or process nonedible medical cannabis-
39 infused products, shall comply with the following sanitary requirements:

40 (a) Any dispensary agent whose job includes contact with cannabis or nonedible medical
41 cannabis-infused products, including cultivation, production, or packaging, is subject to the

1 requirements for food handlers under state law and in accordance with rules of the department of
2 health and senior services;

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

6 a. Maintaining adequate personal cleanliness; and

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

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

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

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

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

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

23 (h) Buildings, fixtures, and other physical facilities shall be maintained in a sanitary
24 condition;

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

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

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

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

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

41 (n) Products that may support the rapid growth of undesirable microorganisms shall be held

1 in a manner that prevents the growth of such microorganisms; and

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

5 3. (1) A medical cannabis cultivation and production facility shall provide adequate
6 lighting, ventilation, temperature, humidity, space, and equipment.

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

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

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

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

15 195.960. 1. Until a medical cannabis cultivation and production facility's cultivation or
16 production process has been validated, such facility shall not wholesale, transfer, or process into a
17 medical cannabis concentrate or medical cannabis product any medical cannabis, medical cannabis
18 concentrate, or medical cannabis product unless samples from the harvest batch or production batch
19 from which such medical cannabis, medical cannabis concentrate, or medical cannabis product was
20 derived were tested by a medical cannabis testing facility for contaminants and passed all
21 contaminant tests required by subsection 3 of this section.

22 2. (1) A medical cannabis cultivation and production facility's cultivation process shall be
23 deemed valid if every harvest batch that it produced during a twelve-week period passed all
24 contaminant tests required by subsection 3 of this section, including at least twelve test batches that
25 were submitted at least six days apart and contained samples from entirely different harvest batches.

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

30 3. (1) Each harvest batch of medical cannabis and production batch of medical cannabis
31 concentrate and medical cannabis product shall be tested for microbial contamination by a medical
32 cannabis testing facility. The microbial contamination test shall include, but not be limited to,
33 testing to determine the presence of and amounts present of salmonella sp., escherichia coli, and
34 other bile-tolerant bacteria.

35 (2) Each harvest batch of medical cannabis and production batch of medical cannabis
36 concentrate and medical cannabis product shall be tested for mold contamination by a medical
37 cannabis testing facility. The mold contamination test shall include, but shall be limited to, testing
38 to determine presence and the level of aspergillus sp., mucor sp., penicillium sp., and thermophilic
39 actinomycetes sp.

40 (3) Each harvest batch of medical cannabis produced by a facility shall be tested for filth
41 and other visible contamination by a medical cannabis testing facility. The filth contamination test

1 shall include, but shall not be limited to, the detection, separation, quantification, identification, and
2 interpretation of extraneous materials, including insects, rodent droppings, visible adulterants, and
3 other contaminants, in medical cannabis flowers and trim.

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

8 4. (1) The division may require additional tests to be conducted on a harvest batch or
9 production batch prior to a facility wholesaling, transferring, or processing into a medical cannabis
10 concentrate or medical cannabis product any medical cannabis, medical cannabis concentrate, or
11 medical cannabis product from such harvest batch or production batch. Additional tests may
12 include, but not be limited to, screening for pesticides, harmful chemicals, adulterants, or other
13 types of microbials, molds, filth, or residual solvents.

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

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

23 5. (1) (a) If a facility makes a material change to its cultivation or production process, such
24 facility shall have the first five harvest batches or production batches produced using the new
25 standard operating procedures tested for all of the contaminants required by subsection 3 of this
26 section regardless of whether its process has been previously validated. If any such tests fail, such
27 facility's process shall be revalidated.

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

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

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

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

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

1 6. Notwithstanding any other provision of state law, sales of medical cannabis-infused
2 products shall not be exempt from state or local sales tax.

3 195.963. 1. (1) There is hereby created in the state treasury the "Medical Cannabis License
4 Cash Fund", which shall consist of all moneys collected by the division under sections 195.900 to
5 195.985. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
6 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and,
7 upon appropriation, moneys in the fund shall be used solely for the administration of sections
8 195.900 to 195.985.

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

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

13 (4) There is hereby created the "Medical Cannabis Program Account" as an account within
14 the medical cannabis license cash fund. The account shall consist of all moneys collected by the
15 department of health and senior services under section 195.981. The account shall be a dedicated
16 account and, upon appropriation, moneys in the account shall be used solely for the administration
17 of section 195.981.

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

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

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

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

29 (d) Licenses as listed in section 195.948.

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

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

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

38 3. Except as provided in subsection 4 of this section, the division shall establish a basic fee
39 that shall be paid at the time of service of any subpoena upon the division, plus a fee for meals and a
40 fee for mileage at the rate prescribed for state officers and employees, for each mile actually and
41 necessarily traveled in going to and returning from the place named in the subpoena. If the person

1 named in the subpoena is required to attend the place named in the subpoena for more than one day,
2 there shall be paid, in advance, a sum to be established by the division for each day of attendance to
3 cover the expenses of the person named in the subpoena.

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

6 195.966. 1. Except as otherwise provided, all fees and fines provided for by sections
7 195.900 to 195.985 shall be paid to the division, which shall transmit the fees to the state treasurer.
8 The state treasurer shall credit the fees to the medical cannabis license cash fund created in section
9 195.963.

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

12 195.969. 1. Each application for a local license provided for in sections 195.900 to 195.985
13 filed with a local licensing authority shall be accompanied by an application fee and a license fee in
14 an amount determined by the local licensing authority not to exceed ten percent of the state
15 application fee and license fee.

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

19 195.972. 1. In addition to any other sanctions prescribed by sections 195.900 to 195.985 or
20 rules promulgated under sections 195.900 to 195.985, the division or a local licensing authority has
21 the power, on its own motion or on complaint, after investigation and opportunity for a public
22 hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke a
23 license issued by the respective authority for a violation by the licensee or by any of the agents or
24 employees of the licensee of the provisions of sections 195.900 to 195.985, or any of the rules
25 promulgated under sections 195.900 to 195.985, or of any of the terms, conditions, or provisions of
26 the license issued by the division or local licensing authority. The division or a local licensing
27 authority has the power to administer oaths and issue subpoenas to require the presence of persons
28 and the production of papers, books, and records necessary to the determination of a hearing that the
29 division or local licensing authority is authorized to conduct.

30 2. The division or local licensing authority shall provide notice of suspension, revocation,
31 fine, or other sanction, as well as the required notice of the hearing under subsection 1 of this
32 section by mailing the same in writing to the licensee at the address contained in the license. Except
33 in the case of a summary suspension under section 195.984, a suspension shall not be for a longer
34 period than six months. If a license is suspended or revoked, a part of the fees paid therefore shall
35 not be returned to the licensee. Any license or permit may be summarily suspended by the issuing
36 licensing authority without notice, pending any prosecution, investigation, or public hearing under
37 the terms of section 195.984. Nothing in this section shall prevent the summary suspension of a
38 license under section 195.984. Each patient registered with a medical cannabis center that has had
39 its license summarily suspended may immediately transfer his or her primary center to another
40 licensed medical cannabis center.

41 3. (1) Whenever a decision of the division or a local licensing authority suspending a

1 license for fourteen days or less becomes final, the licensee may, before the operative date of the
2 suspension, petition for permission to pay a fine in lieu of having the license suspended for all or
3 part of the suspension period. Upon the receipt of the petition, the division or local licensing
4 authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be
5 made which it deems desirable and may, in its sole discretion, grant the petition if the division or
6 local licensing authority is satisfied that:

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

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

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

16 (2) The fine accepted shall be not less than five hundred dollars nor more than one hundred
17 thousand dollars.

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

21 4. Upon payment of the fine under subsection 3 of this section, the division or local
22 licensing authority shall enter its further order permanently staying the imposition of the suspension.
23 If the fine is paid to a local licensing authority, the governing body of the authority shall cause the
24 moneys to be paid into the general fund of the local licensing authority. Fines paid to the division
25 under subsection 3 of this section shall be transmitted to the state treasurer who shall credit the same
26 to the medical cannabis license cash fund created in section 195.963.

27 5. In connection with a petition under subsection 3 of this section, the authority of the
28 division or local licensing authority is limited to the granting of such stays as are necessary for the
29 authority to complete its investigation and make its findings and, if the authority makes such
30 findings, to the granting of an order permanently staying the imposition of the entire suspension or
31 that portion of the suspension not otherwise conditionally stayed.

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

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

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

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

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

20 195.978. 1. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for
21 a person:

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

24 (2) To buy, sell, transfer, give away, or acquire medical cannabis except as allowed under
25 sections 195.900 to 195.985.

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

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

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

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

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

33 3. It is unlawful for any person licensed to sell medical cannabis under sections 195.900 to
34 195.985:

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

36 (2) To use advertising material that is misleading, deceptive, or false, or that is designed to
37 appeal to minors;

38 (3) (a) To sell medical cannabis to a person not licensed under sections 195.900 to 195.985
39 or to a person not able to produce a valid patient registry identification card. Notwithstanding any
40 provision in this paragraph to the contrary, a person under twenty-one years of age shall not be
41 employed to sell or dispense medical cannabis at a medical cannabis center or grow or cultivate

1 medical cannabis at a medical cannabis cultivation and production facility.

2 (b) If a licensee or a licensee's employee has reasonable cause to believe that a person is
3 exhibiting a fraudulent patient registry identification card in an attempt to obtain medical cannabis,
4 the licensee or employee shall be authorized to confiscate the fraudulent patient registry
5 identification card, if possible, and shall, within seventy-two hours after the confiscation, turn it
6 over to the department of health and senior services or local law enforcement agency. The failure to
7 confiscate the fraudulent patient registry identification card or to turn it over to the department or a
8 state or local law enforcement agency within seventy-two hours after the confiscation shall not
9 constitute a criminal offense;

10 (4) To offer for sale or solicit an order for medical cannabis in person except within the
11 licensed premises;

12 (5) To have in possession or upon the licensed premises any medical cannabis, the sale of
13 which is not permitted by the license;

14 (6) To buy medical cannabis from a person not licensed to sell as provided by sections
15 195.900 to 195.985;

16 (7) To sell medical cannabis except in the permanent location specifically designated in the
17 license for sale;

18 (8) To require a medical cannabis center and medical cannabis cultivation and production
19 facility to make delivery to any premises other than the specific licensed premises where the
20 medical cannabis is to be sold notwithstanding the requirements of section 195.951; or

21 (9) To sell, serve, or distribute medical cannabis at any time other than between the hours of
22 8:00 a.m. and 7:00 p.m. Monday through Sunday.

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

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

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

29
30 A violation of this subsection by a licensee shall be grounds for the immediate revocation of the
31 license granted under sections 195.900 to 195.985.

32 5. It shall be unlawful for a physician who makes patient referrals to a licensed medical
33 cannabis center to receive anything of value from the medical cannabis center licensee or its agents,
34 servants, officers, or owners or anyone financially interested in the licensee, and it shall be unlawful
35 for a licensee licensed under sections 195.900 to 195.985 to offer anything of value to a physician
36 for making patient referrals to the licensed medical cannabis center.

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

39 195.981. 1. The department of health and senior services shall promulgate rules:

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

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

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

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

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

9 (1) "Bona fide physician-patient relationship", for purposes of the medical cannabis
10 program:

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

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

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

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

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

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

22 (a) The physician holds a doctor of medicine or doctor of osteopathic medicine degree from
23 an accredited medical school;

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

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

28 (5) "Medical cannabis program", the program established under sections 195.900 to
29 195.985;

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

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

33 3. (1) The department shall promulgate rules to implement the medical cannabis program,
34 including rules for the following:

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

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

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

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

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

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

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

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

15 (a) What constitutes significant responsibility for managing the well-being of a patient;
16 except that, the act of supplying medical cannabis or cannabis paraphernalia, by itself, is insufficient
17 to constitute significant responsibility for managing the well-being of a patient;

18 (b) The development of a form for a primary caregiver to use in applying to the registry,
19 which form shall require, at a minimum, that the applicant provide his or her full name, home
20 address, date of birth, and an attestation that the applicant has a significant responsibility for
21 managing the well-being of the patient for whom he or she is designated as the primary caregiver
22 and that he or she understands and shall abide by this section, and the rules promulgated by the
23 department under this section;

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

26 (d) The grounds and procedure for a patient to change his or her designated primary
27 caregiver; and

28 (e) Designation on the application form of the medical cannabis center where the registered
29 patient or primary caregiver shall receive his or her medical cannabis as required under subsection 7
30 of this section.

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

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

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

39 (2) After a physician, who has a bona fide physician-patient relationship with the patient
40 applying for the medical cannabis program, determines, for the purposes of making a
41 recommendation, that the patient has a debilitating medical condition and that the patient may

1 benefit from the use of medical cannabis, the physician shall certify to the department that the
2 patient has a debilitating medical condition and that the patient may benefit from the use of medical
3 cannabis. If the physician certifies that the patient may benefit from the use of medical cannabis
4 based on a chronic or debilitating disease or medical condition, the physician shall specify the
5 chronic or debilitating disease or medical condition and, if known, the cause or source of the
6 chronic or debilitating disease or medical condition;

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

9 (4) A physician shall not:

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

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

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

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

20 5. (1) If the department has reasonable cause to believe that a physician has violated
21 subdivision (1), (2), or (3) of subsection 4 of this section, or the rules promulgated by the
22 department, the department may refer the matter to the state board of medical examiners for an
23 investigation and determination.

24 (2) If the department has reasonable cause to believe that a physician has violated
25 subdivision (4) of subsection 4 of this section, the department shall conduct a hearing to determine
26 whether a violation has occurred. Upon a finding of unprofessional conduct by the state board of
27 medical examiners or a finding of a violation of subdivision (4) of subsection 4 of this section by
28 the department, the department shall restrict a physician's authority to recommend the use of
29 medical cannabis, which restrictions may include the revocation or suspension of a physician's
30 privilege to recommend medical cannabis. The restriction shall be in addition to any sanction
31 imposed by the state board of medical examiners.

32 6. (1) A primary caregiver shall not delegate to any other person his or her authority to
33 provide medical cannabis to a patient nor may a primary caregiver engage others to assist in
34 providing medical cannabis to a patient.

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

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

41 7. A registered patient or primary caregiver shall not:

1 (1) Purchase medical cannabis from unauthorized sources; or

2 (2) Obtain medical cannabis from other registered patients or primary caregivers.

3 8. (1) To be considered in compliance with this section and the rules of the department, a
4 patient or primary caregiver shall have his or her registry identification card in his or her possession
5 at all times that he or she is in possession of any form of medical cannabis and produce the same
6 upon request of a law enforcement officer to demonstrate that the patient or primary caregiver is not
7 in violation of the law. A person who violates this section or the rules promulgated by the
8 department may be subject to criminal prosecution.

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

15 (3) The department may deny a patient's application for a registry identification card or
16 revoke the card if the department determines that the physician who diagnosed the patient's
17 debilitating medical condition, the patient, or the primary caregiver violated this section, or the rules
18 promulgated by the department under this section; except that, when a physician's violation is the
19 basis for adverse action, the department may only deny or revoke a patient's application or registry
20 identification card when the physician's violation is related to the issuance of a medical cannabis
21 recommendation.

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

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

29 (6) A homebound patient who receives a waiver from the department to allow a primary
30 caregiver to transport the patient's medical cannabis to the patient from a medical cannabis center
31 shall provide the primary caregiver with the patient's registry identification card, which the primary
32 caregiver shall carry when the primary caregiver is transporting the medical cannabis. A medical
33 cannabis center may provide the medical cannabis to the primary caregiver for transport to the
34 patient if the primary caregiver produces the patient's registry identification card.

35 9. (1) The use of medical cannabis is allowed under state law to the extent that it is carried
36 out in accordance with sections 195.900 to 195.985 and the rules of the department.

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

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

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

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

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

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

6 a. In a correctional facility;

7 b. Subject to a sentence to incarceration; or

8 c. In a vehicle, aircraft, or motorboat;

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

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

14 (3) A person shall not establish a business to permit patients to congregate and smoke
15 medical cannabis.

16 10. Only licensed medical cannabis cultivation and production facilities may cultivate
17 medical cannabis.

18 11. If a patient raises an affirmative defense to prosecution under sections 195.900 to
19 195.985, the patient's physician shall certify the specific amounts in excess of an adequate supply
20 that are necessary to address the patient's debilitating medical condition and why such amounts are
21 necessary. A patient who asserts this affirmative defense shall waive confidentiality privileges
22 related to the condition or conditions that were the basis for the recommendation. If a patient,
23 primary caregiver, or physician raises an exception to the state criminal laws, the patient, primary
24 caregiver, or physician waives the confidentiality of his or her records related to the condition or
25 conditions that were the basis for the recommendation maintained by the department for the medical
26 cannabis program. Upon request of a law enforcement agency for such records, the department
27 shall only provide records pertaining to the individual raising the exception, and shall redact all
28 other patient, primary caregiver, or physician identifying information.

29 12. (1) Except as provided in subdivision (2) of this subsection, the department shall
30 establish a basic fee that shall be paid at the time of service of any subpoena upon the department,
31 plus a fee for meals and a fee for mileage at the rate prescribed for state officers and employees, for
32 each mile actually and necessarily traveled in going to and returning from the place named in the
33 subpoena. If the person named in the subpoena is required to attend the place named in the
34 subpoena for more than one day, there shall be paid, in advance, a sum to be established by the
35 department for each day of attendance to cover the expenses of the person named in the subpoena.

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

38 13. The department may collect fees from patients who apply to the medical cannabis
39 program for a cannabis registry identification card for the purpose of offsetting the department's
40 direct and indirect costs of administering the program. The amount of such fees shall be set by rule
41 of the department. The amount of the fees set under this section shall reflect the actual direct and

1 indirect costs of the department in the administration and enforcement of this section. All fees
2 collected by the department through the medical cannabis program shall be transferred to the state
3 treasurer who shall credit the same to the medical cannabis program account within the medical
4 cannabis license cash fund created in section 195.963.

5 195.982. No individual or health care entity organized under the laws of this state shall be
6 subject to any adverse action by the state or any agency, board, or subdivision thereof, including
7 civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or
8 administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or
9 commission if such individual or employee or agent of the health care entity, in its normal course of
10 business and within its applicable licenses and regulations, recommends the use of medical cannabis
11 to an eligible patient and certifies a debilitating medical condition for an applicant to the medical
12 cannabis program under sections 195.900 to 195.985.

13 195.984. 1. (1) The division of alcohol and tobacco control may summarily suspend a
14 license issued under sections 195.900 to 195.985 prior to a hearing in order immediately to stop or
15 restrict operations by a licensee to protect the public health, safety, or welfare. The division may
16 rescind or amend a summary suspension.

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

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

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

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

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

31 195.985. Any rule or portion of a rule, as that term is defined in section 536.010, that is
32 created under the authority delegated in sections 195.900 to 195.985 shall become effective only if
33 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
34 536.028. Sections 195.900 to 195.985 and chapter 536 are nonseverable, and if any of the powers
35 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
36 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
37 authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void."; and
38

39 Further amend said bill, Page 4, Section 208.800, Line 3, by inserting after all of said section and
40 line the following:

41

1 "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 occupant
9 to destroy such plants or a search warrant shall be issued on probable cause shown. In all such
10 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 cannabis
12 plants for purposes of providing medical cannabis under sections 195.900 to 195.985.

13 Section B. Section A of this act is hereby submitted to the qualified voters of this state for
14 approval or rejection at an election which is hereby ordered and which shall be held and conducted
15 on the Tuesday immediately following the first Monday in August, 2016, pursuant to the laws and
16 constitutional provisions of this state for the submission of referendum measures by the general
17 assembly, and this act shall become effective when approved by a majority of the votes cast thereon
18 at such election and not otherwise."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.