

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703,  
2 Page 14, Section 144.010, Line 125, by inserting after all of said section and line the following:

3  
4 "192.945. 1. As used in this section, the following terms shall mean:

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

6 (2) "Hemp extract", as such term is defined in section 195.207;

7 (3) "Hemp extract registration card", a card issued by the department under this section;

8 (4) "Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to  
9 three or more treatment options overseen by the neurologist;

10 (5) ["Neurologist", a physician who is licensed under chapter 334 and board certified in  
11 neurology;

12 (6)] "Parent", a parent or legal guardian of a minor who is responsible for the minor's  
13 medical care;

14 (6) "Physician", a person who is licensed under chapter 334 and board certified in neurology  
15 or gastroenterology;

16 (7) "Registrant", an individual to whom the department issues a hemp extract registration  
17 card under this section;

18 (8) "Serious condition":

19 (a) Amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage to the  
20 nervous tissue of the spinal cord with objective neurological indication of intractable spasticity,  
21 inflammatory bowel disease, neuropathies, Huntington's disease, intractable epilepsy; or

22 (b) Any of the following conditions that is clinically associated with, or a complication of, a  
23 condition under this subdivision or its treatment: severe or chronic pain; seizures; severe or  
24 persistent muscle spasms.

25 2. The department shall issue a hemp extract registration card to an individual who:

26 (1) Is eighteen years of age or older;

27 (2) Is a Missouri resident;

28 (3) Provides the department with a [statement] recommendation signed by a [neurologist]  
29 physician that:

30 (a) Indicates that the individual suffers from [intractable epilepsy] a serious condition and  
31 may benefit from treatment with hemp extract; [and]

32 (b) Is consistent with a record from the [neurologist] physician concerning the individual  
33 contained in the database described in subsection [9] 10 of this section; and

34 (c) States that the individual is under the physician's continuing care for the serious  
35 condition;

36 (4) Pays the department a fee in an amount established by the department under subsection

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1 6 of this section; and

2 (5) Submits an application to the department on a form created by the department that  
3 contains:

4 (a) The individual's name and address;

5 (b) A copy of the individual's valid photo identification; and

6 (c) Any other information the department considers necessary to implement the provisions  
7 of this section.

8 3. The department shall issue a hemp extract registration card to a parent who:

9 (1) Is eighteen years of age or older;

10 (2) Is a Missouri resident;

11 (3) Provides the department with a [statement] recommendation signed by a [neurologist]  
12 physician that:

13 (a) Indicates that a minor in the parent's care suffers from [intractable epilepsy] a serious  
14 condition and may benefit from treatment with hemp extract; [and]

15 (b) Is consistent with a record from the [neurologist] physician concerning the minor  
16 contained in the database described in subsection [9] 10 of this section; and

17 (c) States that the minor is under the physician's continuing care for the serious condition;

18 (4) Pays the department a fee in an amount established by the department under subsection  
19 6 of this section; and

20 (5) Submits an application to the department on a form created by the department that  
21 contains:

22 (a) The parent's name and address;

23 (b) The minor's name;

24 (c) A copy of the parent's valid photo identification; and

25 (d) Any other information the department considers necessary to implement the provisions  
26 of this section.

27 4. The department shall maintain a record of the name of each registrant and the name of  
28 each minor receiving care from a registrant.

29 5. The department may promulgate rules to authorize clinical trials involving hemp extract  
30 and shall promulgate rules to:

31 (1) Implement the provisions of this section including establishing the information the  
32 applicant is required to provide to the department and establishing in accordance with  
33 recommendations from the department of public safety the form and content of the hemp extract  
34 registration card; and

35 (2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a  
36 registrant, which shall be in addition to any other state [or federal] regulations]; and

37  
38 The department may promulgate rules to authorize clinical trials involving hemp extract].

39 6. The department shall establish fees that are no greater than the amount necessary to cover  
40 the cost the department incurs to implement the provisions of this section.

41 7. The registration cards issued under this section shall be valid for one year and renewable  
42 if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this  
43 section.

44 8. Only a physician may recommend hemp extract and sign the recommendation described  
45 in subsection 2 or 3 of this section as part of the treatment plan of a patient diagnosed with a serious  
46 condition.

47 9. The [neurologist] physician who signs the [statement] recommendation described in  
48 subsection 2 or 3 of this section shall:

1 (1) Keep a record of the [neurologist's] physician's evaluation and observation of a patient  
 2 who is a registrant or minor under a registrant's care including the patient's response to hemp  
 3 extract; [and]

4 (2) Transmit the record described in subdivision (1) of this subsection to the department;  
 5 and

6 (3) Notify the patient, or the patient's parent or guardian if the patient is a minor, prior to  
 7 providing a recommendation, that hemp extract has not been approved by the Federal Drug  
 8 Administration and by using such treatment the patient or parent is accepting the risks involved in  
 9 using an unapproved product.

10 [9.] 10. The department shall maintain a database of the records described in subsection [8]  
 11 9 of this section and treat the records as identifiable health data.

12 [10.] 11. The department may share the records described in subsection [9] 10 of this  
 13 section with a higher education institution for the purpose of studying hemp extract.

14 [11.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 15 created under the authority delegated in this section shall become effective only if it complies with  
 16 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
 17 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
 18 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
 19 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
 20 adopted after July 14, 2014, shall be invalid and void.

21 192.947. 1. No individual or health care entity organized under the laws of this state shall  
 22 be subject to any adverse action by the state or any agency, board, or subdivision thereof, including  
 23 civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or  
 24 administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or  
 25 commission if such individual or health care entity, in its normal course of business and within its  
 26 applicable licenses and regulations, acts in good faith upon or in furtherance of any order or  
 27 recommendation by a physician authorized under section 192.945 relating to the medical use and  
 28 administration of hemp extract with respect to an eligible patient.

29 2. The provisions of subsection 1 of this section shall apply to the recommendation,  
 30 possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract,  
 31 including any act in preparation of such dispensing or administration.

32 3. This section shall not be construed to limit the rights provided under law for a patient to  
 33 bring a civil action for damages against a physician, hospital, registered or licensed practical nurse,  
 34 pharmacist, any other individual or entity providing health care services, or an employee of any  
 35 entity listed in this subsection.

36 195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term  
 37 "hemp extract" shall mean an extract from a cannabis plant or a mixture or preparation containing  
 38 cannabis plant material that:

39 (1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;

40 (2) Is composed of at least five percent cannabidiol by weight; and

41 (3) Contains no other psychoactive substance.

42 2. Notwithstanding any other provision of this chapter or chapter 579, an individual who  
 43 has been issued a valid hemp extract registration card under section 192.945, or is a minor under a  
 44 registrant's care, and possesses or uses hemp extract is not subject to the penalties described in this  
 45 chapter or chapter 579 for possession or use of the hemp extract if the individual:

46 (1) Possesses or uses the hemp extract only to treat [intractable epilepsy] a serious condition  
 47 as defined in section 192.945;

48 (2) Originally obtained the hemp extract from a sealed container with a label indicating the

1 hemp extract's place of origin and a number that corresponds with a certificate of analysis;

2 (3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:

3 (a) Has a number that corresponds with the number on the label described in subdivision (2)  
4 of this subsection;

5 (b) Indicates the hemp extract's ingredients including its percentages of  
6 tetrahydrocannabinol and cannabidiol by weight;

7 (c) Is created by a laboratory that is not affiliated with the producer of the hemp extract and  
8 is licensed in the state where the hemp extract was produced; and

9 (d) Is transmitted by the laboratory to the department of health and senior services; and

10 (4) Has a current hemp extract registration card issued by the department of health and  
11 senior services under section 192.945.

12 3. Notwithstanding any other provision of this chapter or chapter 579, an individual who  
13 possesses hemp extract lawfully under subsection 2 of this section and administers hemp extract to a  
14 minor suffering from [intractable epilepsy] a serious condition is not subject to the penalties  
15 described in this chapter or chapter 579 for administering the hemp extract to the minor if:

16 (1) The individual is the minor's parent or legal guardian; and

17 (2) The individual is registered with the department of health and senior services as the  
18 minor's parent under section 192.945.

19 4. An individual who has [been issued] a valid hemp extract registration card under section  
20 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract  
21 pursuant to this section. Subject to any rules or regulations promulgated by the department of  
22 health and senior services, an individual may apply for a waiver if a physician provides a substantial  
23 medical basis in a signed, written statement asserting that, based on the patient's medical history, in  
24 the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate  
25 the patient's medical condition or symptoms associated with such medical condition."; and

26  
27 Further amend said bill, Page 15, Section 261.130, Line 59, by inserting after all of said section and  
28 line the following:

29  
30 "261.265. 1. For purposes of this section, the following terms shall mean:

31 (1) "Cannabidiol oil care center", the premises specified in an application for a cultivation  
32 and production facility license in which the licensee is authorized to distribute processed hemp  
33 extract to persons possessing a hemp extract registration card issued under section 192.945;

34 (2) "Cultivation and production facility", the land and premises specified in an application  
35 for a cultivation and production facility license on which the licensee is authorized to grow,  
36 cultivate, process, and possess hemp and hemp extract;

37 (3) "Cultivation and production facility license", a license that authorizes the licensee to  
38 grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its  
39 cannabidiol oil care centers;

40 (4) "Department", the department of agriculture;

41 (5) "Grower", a nonprofit entity issued a cultivation and production facility license by the  
42 department of agriculture that produces hemp extract for the treatment of [intractable epilepsy] a  
43 serious condition as the term "serious condition" is defined under section 192.945;

44 (6) "Hemp":

45 (a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that  
46 contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the  
47 lesser of:

48 a. Three-tenths of one percent on a dry weight basis; or

1           b. The percent based on a dry weight basis determined by the federal Controlled Substances  
2 Act under 21 U.S.C. Section 801, et seq.;

3           (b) Any cannabis sativa seed that is:

4           a. Part of a growing crop;

5           b. Retained by a grower for future planting; or

6           c. For processing into or use as agricultural hemp seed.

7  
8 This term shall not include industrial hemp commodities or products;

9           (7) "Hemp monitoring system", an electronic tracking system that includes, but is not  
10 limited to, testing and data collection established and maintained by the cultivation and production  
11 facility and is available to the department for the purposes of documenting the hemp extract  
12 production and retail sale of the hemp extract.

13           2. The department shall issue a cultivation and production facility license to a nonprofit  
14 entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1  
15 of section 195.207 or hemp on the entity's property if the entity has been a resident of the state for at  
16 least five years, has completed a state and federal fingerprint-based criminal record check in  
17 accordance with section 43.543 and has paid all applicable criminal background check fees in  
18 accordance with section 43.530, has submitted to the department an application as required by the  
19 department under subsection 7 of this section, the entity meets all requirements of this section and  
20 the department's rules, and there are fewer than [two] four licensed cultivation and production  
21 facilities operating in the state. Any cultivation and production facility license issued before August  
22 28, 2016, shall continue to be valid as originally licensed even if the licensed entity does not meet  
23 the residency requirement under this subsection.

24           3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp  
25 extract as defined in section 195.207 for the treatment of persons suffering from [intractable  
26 epilepsy as defined in section 192.945] a serious condition, consistent with any and all state or  
27 federal regulations regarding the production, manufacture, or distribution of such product. The  
28 department shall not issue more than [two] four cultivation and production facility licenses for the  
29 operation of such facilities at any one time.

30           4. The department shall maintain a list of growers.

31           5. All growers shall keep records in accordance with rules adopted by the department.  
32 Upon at least three days' notice, the director of the department may audit the required records during  
33 normal business hours. The director may conduct an audit for the purpose of ensuring compliance  
34 with this section.

35           6. In addition to an audit conducted in accordance with subsection 5 of this section, the  
36 director may inspect independently, or in cooperation with the state highway patrol or a local law  
37 enforcement agency, any hemp crop during the crop's growth phase and take a representative  
38 composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC)  
39 concentration exceeding the lesser of:

40           (1) Three-tenths of one percent on a dry weight basis; or

41           (2) The percent based on a dry weight basis determined by the federal Controlled  
42 Substances Act under 21 U.S.C. Section 801, et seq.,

43  
44 the director may detain, seize, or embargo the crop.

45           7. The department shall promulgate rules including, but not limited to:

46           (1) Application requirements for licensing, including requirements for the submission of  
47 fingerprints and the completion of a criminal background check;

48           (2) Security requirements for cultivation and production facility premises, including, at a

1 minimum, lighting, physical security, video and alarm requirements;

2 (3) Rules relating to hemp monitoring systems as defined in this section;

3 (4) Other procedures for internal control as deemed necessary by the department to properly  
4 administer and enforce the provisions of this section, including reporting requirements for changes,  
5 alterations, or modifications of the premises;

6 (5) Requirements that any hemp extract received from a legal source be submitted to a  
7 testing facility designated by the department to ensure that such hemp extract complies with the  
8 provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides.

9 Any hemp extract that is not submitted for testing or which after testing is found not to comply with  
10 the provisions of section 195.207 shall not be distributed or used and shall be submitted to the  
11 department for destruction; [and]

12 (6) Rules regarding the manufacture, storage, and transportation of hemp and hemp extract,  
13 which shall be in addition to any other state or federal regulations; and

14 (7) Rules establishing fees that are no greater than the amount necessary to cover the cost  
15 the department incurs to administer the provisions of this section.

16 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
17 under the authority delegated in this section shall become effective only if it complies with and is  
18 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
19 chapter 536 are nonseverable, and if any of the powers vested with the general assembly under  
20 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
21 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
22 July 14, 2014, shall be invalid and void.

23 9. All hemp waste from the production of hemp extract shall either be destroyed, recycled  
24 by the licensee at the hemp cultivation and production facility, or donated to the department or an  
25 institution of higher education for research purposes, and shall not be used for commercial purposes.

26 10. In addition to any other liability or penalty provided by law, the director may revoke or  
27 refuse to issue or renew a cultivation and production facility license and may impose a civil penalty  
28 on a grower for any violation of this section, or section 192.945 or 195.207. The director may not  
29 impose a civil penalty under this section that exceeds two thousand five hundred dollars."; and  
30

31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.