

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

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 831, Page 1, In the Title, Line 5, by  
2 deleting the phrase "the practice of professional licensees" and inserting in lieu thereof the phrase  
3 "public health and welfare"; and  
4

5 Further amend said bill, Page 4, Section 192.947, Line 12, by inserting immediately after all of said  
6 section and line the following;  
7

8 "195.202. 1. Except as authorized by sections 195.005 to 195.425 and sections 195.900 to  
9 195.985, it is unlawful for any person to possess or have under his control a controlled substance.

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

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

14 195.211. 1. Except as authorized by sections 195.005 to 195.425 and sections 195.900 to  
15 195.985, and except as provided in section 195.222, it is unlawful for any person to distribute,  
16 deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled  
17 substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled  
18 substance.

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

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

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

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

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

36 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the

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1 authorized term of imprisonment for a class A felony which term shall be served without probation  
2 or parole.

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

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

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

18 3. 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] such person distributes, delivers, manufactures,  
20 produces or attempts to distribute, deliver, manufacture or produce more than eight grams of a  
21 mixture or substance described in subsection 2 of this section which contains cocaine base.  
22 Violations of this subsection shall be punished as follows:

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

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

28 4. 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 five hundred  
31 milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide  
32 (LSD). Violations of this subsection shall be punished as follows:

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

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

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

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

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

48 6. A person commits the crime of trafficking drugs in the first degree if, except as

1 authorized by sections 195.005 to 195.425, [he] such person distributes, delivers, manufactures,  
2 produces or attempts to distribute, deliver, manufacture or produce more than four grams of  
3 phencyclidine. Violations of this subsection shall be punished as follows:

4 (1) If the quantity involved is more than four grams but less than twelve 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 twelve 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 7. 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] and sections 195.900 to 195.985, such person  
11 distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or  
12 produce more than thirty kilograms of a mixture or substance containing marijuana. Violations of  
13 this subsection shall be punished as follows:

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

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

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

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

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

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

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

45 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
46 grams or more and the location of the offense was within two thousand feet of a school or public  
47 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure  
48 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 subsection shall be punished as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1       (5) "Department", the department of health and senior services;  
2       (6) "Division", the division of alcohol and tobacco control within the department of public  
3 safety;  
4       (7) "Good cause", for purposes of refusing or denying a license renewal, reinstatement, or  
5 initial license issuance;  
6       (a) The licensee applicant has violated, does not meet, or has failed to comply with any of  
7 the terms, conditions, or provisions of sections 195.900 to 195.985, any rules promulgated  
8 thereunder, or any supplemental local law, rules, or regulations;  
9       (b) The licensee or applicant has failed to comply with any special terms or conditions that  
10 were placed on its license under an order of the state or local licensing authority;  
11       (c) The licensed premises have been operated in a manner that adversely affects the public  
12 health or welfare or the safety of the immediate neighborhood in which the establishment is located;  
13       (8) "License", to grant a license or registration under sections 195.900 to 195.985;  
14       (9) "Licensed premises", the premises specified in an application for a license under sections  
15 195.900 to 195.985, which are owned or in possession of the licensee and within which the licensee  
16 is authorized to cultivate, manufacture, distribute, or sell medical cannabis in accordance with the  
17 provisions of sections 195.900 to 195.985;  
18       (10) "Licensee", a person licensed or registered under sections 195.900 to 195.985;  
19       (11) "Limited access area", a building, room, or other contiguous area upon the licensed  
20 premises where medical cannabis is grown, cultivated, stored, weighed, displayed, packaged, sold,  
21 or possessed for sale, under control of the licensee, with limited access to only those persons  
22 licensed by the division, and visitors and vendors as provided by rule. All areas of ingress or egress  
23 to limited access areas shall be clearly identified as such by a sign as designated by the division;  
24       (12) "Local licensing authority", an authority designated by municipal or county charter or  
25 ordinance;  
26       (13) "Medical cannabis", cannabis that is grown and sold under sections 195.900 to 195.985  
27 for a purpose authorized under sections 195.900 to 195.985;  
28       (14) "Medical cannabis center", a person licensed under sections 195.900 to 195.985 to  
29 operate a business as described in sections 195.900 to 195.985 that sells medical cannabis to  
30 registered patients or primary caregivers but is not a primary caregiver;  
31       (15) "Medical cannabis cultivation and production facility", a person licensed under sections  
32 195.900 to 195.985 to operate a business as described in section 195.954;  
33       (16) "Medical cannabis-infused product", a product infused with medical cannabis that is  
34 intended for use other than by smoking, including but not limited to ointments and tinctures or  
35 smokeless vaporizing devices. Such products, when manufactured or sold by a licensed medical  
36 cannabis center, shall not be considered a drug for the purposes of chapter 196;  
37       (17) "Medical cannabis testing facility", a public or private laboratory licensed and certified,  
38 and approved by the division, to conduct research and analyze medical cannabis for contaminants  
39 and potency;  
40       (18) "Person", a natural person, partnership, association, company, corporation, limited  
41 liability company, or organization, or a manager, agent, owner, director, servant, officer, or  
42 employee thereof;  
43       (19) "Premises", a distinct and definite location, which may include a building, a part of a  
44 building, a room, or any other definite contiguous area;  
45       (20) "Primary caregiver", a natural person, other than the patient or the patient's physician,  
46 who is eighteen years of age or older and has significant responsibility for managing the well-being  
47 of a patient who has a debilitating medical condition;  
48       (21) "School", a public or private preschool, or a public or private elementary, middle,

1 junior high, or high school;

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

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

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

15 195.903. 1. For the purpose of regulating and controlling the licensing of the cultivation,  
16 manufacture, distribution, and sale of medical cannabis in this state, the division of alcohol and  
17 tobacco control is hereby designated as the state licensing authority.

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

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

28 195.906. 1. The division shall:

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

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

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

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

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

48 (6) Prepare and submit an annual report accounting to the governor for the efficient

1 discharge of all responsibilities assigned by law or directive to the state licensing authority; and

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

6 2. (1) Rules promulgated under subdivision (2) of subsection 1 of this section may include,  
 7 but shall not be limited to, the following:

8 (a) Compliance with, enforcement, or violation of any provision of sections 195.900 to  
 9 195.985, or any rule issued under sections 195.900 to 195.985, including procedures and grounds  
 10 for denying, suspending, fining, restricting, or revoking a state license issued under sections  
 11 195.900 to 195.985;

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

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

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

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

17 (f) Prohibition of misrepresentation and unfair practices;

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

19 (h) Development of individual identification cards for owners, officers, managers,  
 20 contractors, employees, and other support staff of entities licensed under sections 195.900 to  
 21 195.985, including a fingerprint-based criminal record check as may be required by the division  
 22 prior to issuing a card;

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

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

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

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

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

35 (n) Labeling standards;

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

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

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

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

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

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

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

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

4       (1) A medical cannabis center license;

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

6       (3) A medical cannabis testing facility.

7       2. (1) A local licensing authority shall not issue a local license within a municipality or the  
8 unincorporated portion of a county unless the governing body of the municipality has adopted an  
9 ordinance or the governing body of the county has adopted a resolution containing specific  
10 standards for license issuance, or if no such ordinance or resolution is adopted prior to January 1,  
11 2018, a local licensing authority shall consider the minimum licensing requirements of this section  
12 when issuing a license.

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

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

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

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

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

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

32       195.912. 1. Upon receipt of an application for a local license, except an application for  
33 renewal or for transfer of ownership, a local licensing authority shall schedule and hold a public  
34 hearing upon the application to be held not less than thirty days after the date of the application, but  
35 not more than ninety days from the date of the application. If the local licensing authority fails to  
36 hold a public hearing within such time lines, the application shall be considered approved. If the  
37 local licensing authority schedules a hearing for a medical cannabis center application, it shall post  
38 and publish public notice thereof not less than ten days prior to the hearing. The local licensing  
39 authority shall give public notice by the posting of a sign in a conspicuous place on the medical  
40 cannabis center premises for which application has been made and by publication in a newspaper of  
41 general circulation in the county in which the medical cannabis center premises are located.

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

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

1 signs.

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

8 5. (1) A local licensing authority or a license applicant with local licensing authority  
9 approval may request that the state licensing authority conduct a concurrent review of a new license  
10 application prior to the local licensing authority's final approval of the license application. Local  
11 licensing authorities who permit concurrent review shall continue to independently review the  
12 applicant's license application.

13 (2) When conducting a concurrent application review, the state licensing authority may  
14 advise the local licensing authority of any items that it finds that may result in the denial of the  
15 license application. Upon correction of the noted discrepancies if the correction is permitted by the  
16 state licensing authority, the state licensing authority shall notify the local licensing authority of its  
17 conditional approval of the license application subject to the final approval by the local licensing  
18 authority. The state licensing authority shall then issue the applicant's state license upon receiving  
19 evidence of final approval by the local licensing authority.

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

24 195.915. 1. Not less than five days prior to the date of the public hearing authorized in  
25 section 195.912, the local licensing authority shall make known its findings, based on its  
26 investigation, in writing to the applicant and other parties of interest. The local licensing authority  
27 has authority to refuse to issue a license provided for in this section for good cause, subject to  
28 judicial review.

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

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

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

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

1 disapprove the application for state licensure.

2 195.918. 1. (1) The division of alcohol and tobacco control shall not issue more than a  
 3 statewide total of thirty state licenses for medical cannabis centers and a statewide total of thirty  
 4 state licenses for medical cannabis cultivation and production facilities; except that, the division  
 5 may issue additional licenses under this subdivision if the division determines additional licenses are  
 6 necessary based upon patient needs.

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

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

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

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

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

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

25 195.921. 1. Applications for a state license under the provisions of sections 195.900 to  
 26 195.985 shall be made to the division of alcohol and tobacco control on forms prepared and  
 27 furnished by the division and shall set forth such information as the division may require to enable  
 28 the division to determine whether a state license shall be granted. The information shall include the  
 29 name and address of the applicant, the names and addresses of the officers, directors, or managers,  
 30 and all other information deemed necessary by the division. Each application shall be verified by  
 31 the oath or affirmation of such person or persons as the division may prescribe.

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

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

38 195.924. 1. The division shall deny a state license if the premises on which the applicant  
 39 proposes to conduct its business do not meet the requirements of sections 195.900 to 195.985.

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

44 195.927. 1. A license provided by sections 195.900 to 195.985 shall not be issued to or  
 45 held by:

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

47 (2) A licensed physician making patient recommendations;

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

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

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

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

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

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

7       (e) Pay child support; or

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

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

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

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

18       (8) A person whose authority to be a primary caregiver as defined in sections 195.900 to  
 19 195.985 has been revoked by the department;

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

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

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

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

44       (3) At the time of filing an application for issuance or renewal of a state medical cannabis  
 45 center license or medical cannabis cultivation and production facility license, an applicant shall  
 46 submit a set of his or her fingerprints and file personal history information concerning the  
 47 applicant's qualifications for a state license on forms prepared by the division. The division shall  
 48 submit the fingerprints to the Missouri state highway patrol for the purpose of conducting a state

1 and federal fingerprint-based criminal background check. The Missouri state highway patrol shall,  
2 if necessary, forward the fingerprints to the Federal Bureau of Investigation for the purpose of  
3 conducting a fingerprint-based criminal background check. Fingerprints shall be submitted in  
4 accordance with section 43.543, and fees shall be paid in accordance with section 43.530. The  
5 division may acquire a name-based criminal background check for an applicant or a license holder  
6 who has twice submitted to a fingerprint-based criminal background check and whose fingerprints  
7 are unclassifiable. The division shall use the information resulting from the fingerprint-based  
8 criminal history record check to investigate and determine whether an applicant is qualified to hold  
9 a state license under sections 195.900 to 195.985. The division may verify any of the information  
10 an applicant is required to submit.

11 195.930. The division or a local licensing authority shall not receive or act upon an  
12 application for the issuance of a state or local license under sections 195.900 to 195.985:

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

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

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

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

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

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

38 195.933. 1. A state or local license granted under the provisions of sections 195.900 to  
39 195.985 shall not be transferable except as provided in this section, but this section shall not prevent  
40 a change of location as provided in subsection 13 of section 195.936.

41 2. For a transfer of ownership, a license holder shall apply to the division and the local  
42 licensing authority on forms prepared and furnished by the division. In determining whether to  
43 permit a transfer of ownership, the division and the local licensing authority shall consider only the  
44 requirements of sections 195.900 to 195.985, any rules promulgated by the division, and any other  
45 local restrictions. The local licensing authority may hold a hearing on the application for transfer of  
46 ownership. The local licensing authority shall not hold a hearing under this subsection until the  
47 local licensing authority has posted a notice of hearing in the manner described in section 195.912  
48 on the licensed medical cannabis center premises for a period of ten days and has provided notice of

1 the hearing to the applicant at least ten days prior to the hearing. Any transfer of ownership hearing  
2 by the division shall be held in compliance with the requirements specified in section 195.912.

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

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

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

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

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

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

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

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

48 (2) At all times, a licensee shall possess and maintain possession of the premises for which

1 the license is issued by ownership, lease, rental, or other arrangement for possession of the  
 2 premises.

3 9. (1) The licenses provided under sections 195.900 to 195.985 shall specify the date of  
 4 issuance, the period of licensure, the name of the licensee, and the premises licensed. The licensee  
 5 shall conspicuously display the license at all times on the licensed premises.

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

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

12 11. A licensee shall report each transfer or change of financial interest in the license to the  
 13 division and the local licensing authority thirty days prior to any transfer or change under subsection  
 14 13 of this section. A report shall be required for transfers of capital stock of any corporation  
 15 regardless of size.

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

20 13. (1) A licensee may move his or her permanent location to any other place in the same  
 21 municipality for which the license was originally granted, or in the same county if the license was  
 22 granted for a place outside the corporate limits of a municipality, but it shall be unlawful to  
 23 cultivate, manufacture, distribute, or sell medical cannabis at any such place until permission to do  
 24 so is granted by the division and the local licensing authority provided for in sections 195.900 to  
 25 195.985.

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

31 195.939. 1. (1) Ninety days prior to the expiration date of an existing license, the division  
 32 shall notify the licensee of the expiration date by first class mail at the licensee's address of record  
 33 with the division. A licensee shall apply for the renewal of an existing license to the local licensing  
 34 authority not less than forty-five days and to the division not less than thirty days prior to the date of  
 35 expiration. A local licensing authority shall not accept an application for renewal of a license after  
 36 the date of expiration, except as provided in subsection 2 of this section. The division may extend  
 37 the expiration date of the license and accept a late application for renewal of a license; provided  
 38 that, the applicant has filed a timely renewal application with the local licensing authority. All  
 39 renewals filed with the local licensing authority and subsequently approved by the local licensing  
 40 authority shall next be processed by the division. The division or the local licensing authority, in its  
 41 discretion, subject to the requirements of this section and based upon reasonable grounds, may  
 42 waive the forty-five-day or thirty-day time requirements set forth in this subsection. The local  
 43 licensing authority may hold a hearing on the application for renewal only if the licensee has had  
 44 complaints filed against it, has a history of violations, or there are allegations against the licensee  
 45 that constitute good cause.

46 (2) The local licensing authority shall not hold a renewal hearing provided for by this  
 47 subsection for a medical cannabis center until it has posted a notice of hearing on the licensed  
 48 medical cannabis center premises in the manner described in section 195.912 for a period of ten

1 days and provided notice to the applicant at least ten days prior to the hearing. The local licensing  
 2 authority may refuse to renew any license for good cause, subject to judicial review.

3 2. (1) Notwithstanding the provisions of subsection 1 of this section, a licensee whose  
 4 license has been expired for not more than ninety days may file a late renewal application upon the  
 5 payment of a nonrefundable late application fee of five hundred dollars to the local licensing  
 6 authority. A licensee who files a late renewal application and pays the requisite fees may continue  
 7 to operate until both the state and local licensing authorities have taken final action to approve or  
 8 deny the licensee's late renewal application.

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

13 195.942. The division or local licensing authority may, in its discretion, revoke or elect not  
 14 to renew any license if it determines that the licensed premises have been inactive without good  
 15 cause for at least one year.

16 195.945. 1. The division, by rule, shall require a complete disclosure of all persons having  
 17 a direct or indirect financial interest and the extent of such interest in each license issued under  
 18 sections 195.900 to 195.985.

19 2. A person shall not have an unreported financial interest in a license under sections  
 20 195.900 to 195.985 unless such person has undergone a fingerprint-based criminal background  
 21 check as provided for by the division in its rules; except that, this subsection shall not apply to  
 22 banks, savings and loan associations, or industrial banks supervised and regulated by an agency of  
 23 the state or federal government, or to FHA-approved mortgagees, or to stockholders, directors, or  
 24 officers thereof.

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

28 195.948. 1. For the purpose of regulating the cultivation, manufacture, distribution, testing,  
 29 and sale of medical cannabis, the division may, in its discretion and upon application on the  
 30 prescribed form made to it, issue and grant to the applicant a license or registration from any of the  
 31 following classes, subject to the provisions and restrictions provided by sections 195.900 to  
 32 195.985:

33 (1) Medical cannabis center license;

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

35 (3) Medical cannabis testing facility license;

36 (4) Occupational licenses and registrations for owners, managers, operators, employees,  
 37 contractors, and other support staff employed by, working in, or having access to restricted areas of  
 38 the licensed premises as determined by the division. The division may take any action with respect  
 39 to a registration under sections 195.900 to 195.985 as it may with respect to a license under sections  
 40 195.900 to 195.985, in accordance with the procedures established under sections 195.900 to  
 41 195.985.

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

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

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

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

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

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

9       4. A medical cannabis licensee shall not purchase more than thirty percent of its total on-  
10 hand inventory of medical cannabis or medical cannabis-infused products from another licensed  
11 medical cannabis center in Missouri. A medical cannabis center shall not sell more than thirty  
12 percent of its total on-hand inventory to another Missouri medical cannabis license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48       (c) The name of the product;

- 1        (d) The quantity of usable cannabis contained within the product as measured in ounces;  
2        (e) A list of ingredients, including the cannabinoid profile of the cannabis contained within  
3 the product, including the tetrahydrocannabinol (THC) level;  
4        (f) The date of product creation and the recommended "use by" or expiration date;  
5        (g) To identify the batch associated with manufacturing and processing, a batch number,  
6 sequential serial number, and bar code when used;  
7        (h) Directions for use of the product if relevant;  
8        (i) A statement that the product has been tested for contaminants, that there were no adverse  
9 findings, and the date of testing;  
10       (j) A warning if known allergens are contained in the product; and  
11       (k) The following statement, including capitalization: "This product has not been analyzed  
12 or approved by the FDA. There is limited information on the side effects of using this product, and  
13 there may be associated health risks. Do not drive or operate machinery when under the influence  
14 of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.";  
15       (3) Cannabis shall be packaged in plain, opaque, tamperproof, and childproof containers  
16 without depictions of the product, cartoons, or images other than the medical cannabis center's logo.  
17       8. A licensed medical cannabis center shall comply with all provisions of law as such  
18 provisions relate to persons with disabilities.  
19       195.954. A medical cannabis cultivation and production facility license may be issued only  
20 to a person licensed under this section who grows and cultivates medical cannabis and who  
21 manufactures medical cannabis or medical cannabis-infused products under the terms and conditions  
22 of sections 195.900 to 195.985.  
23       195.957. 1. The department of health and senior services is the designated state agency for  
24 regulating and controlling the manufacturing of medical cannabis-infused products.  
25       2. (1) Medical cannabis-infused products shall be prepared on a licensed premises that is  
26 used exclusively for the manufacture and preparation of medical cannabis-infused products and  
27 which uses equipment that is used exclusively for the manufacture and preparation of medical  
28 cannabis-infused products.  
29       (2) Only a licensed medical cannabis cultivation and production facility is permitted to  
30 produce medical cannabis-infused products. A medical cannabis cultivation and production facility  
31 may produce medical cannabis-infused products for only such facility's medical cannabis center, and  
32 up to two additional medical cannabis centers under common ownership.  
33       (3) The medical cannabis cultivation and production facility shall have all cannabis  
34 cultivated by such facility tested in accordance with the following:  
35       (a) Cannabis shall be tested for the cannabinoid profile and for contaminants as specified by  
36 the department, including but not limited to mold, mildew, heavy metals, plant-growth regulators,  
37 and the presence of nonorganic pesticides. The department may require additional testing;  
38       (b) The facility shall maintain the results of all testing for no less than one year;  
39       (c) The facility shall have and follow a policy and procedure for responding to results  
40 indicating contamination, which shall include destruction of contaminated product and assessment  
41 of the source of contamination. Such policy shall be available to registered qualifying patients and  
42 primary caregivers;  
43       (d) All testing shall be conducted by an independent laboratory that is:  
44       a. Accredited to International Organization for Standardization (ISO) 17025 by a third-party  
45 accrediting body such as A2LA or ACLASS; or  
46       b. Certified, registered, or accredited by an organization approved by the department;  
47       (e) The facility shall arrange for testing to be conducted in accordance with the frequency  
48 required by the department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32       (e) Packaged in a secure area.

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

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

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

42       a. Maintaining adequate personal cleanliness; and

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

45       (c) Hand-washing facilities shall be adequate and convenient and shall be furnished with  
46 running water at a suitable temperature. Hand-washing facilities shall be located in the facility in  
47 production areas and where good sanitary practices require employees to wash and sanitize their  
48 hands, and shall provide effective hand cleaning and sanitizing preparations and sanitary towel

1 service or suitable drying devices;

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

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

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

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

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

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

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

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

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

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

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

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

34 3. (1) A medical cannabis cultivation and production facility shall provide adequate  
35 lighting, ventilation, temperature, humidity, space, and equipment.

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

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

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

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

44 195.960. 1. Until a medical cannabis cultivation and production facility's cultivation or  
45 production process has been validated, such facility shall not wholesale, transfer, or process into a  
46 medical cannabis concentrate or medical cannabis product any medical cannabis, medical cannabis  
47 concentrate, or medical cannabis product unless samples from the harvest batch or production batch  
48 from which such medical cannabis, medical cannabis concentrate, or medical cannabis product was

1 derived were tested by a medical cannabis testing facility for contaminants and passed all  
2 contaminant tests required by subsection 3 of this section.

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

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

11 3. (1) Each harvest batch of medical cannabis and production batch of medical cannabis  
12 concentrate and medical cannabis product shall be tested for microbial contamination by a medical  
13 cannabis testing facility. The microbial contamination test shall include, but not be limited to,  
14 testing to determine the presence of and amounts present of salmonella sp., escherichia coli, and  
15 other bile-tolerant bacteria.

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

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

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

30 4. (1) The division may require additional tests to be conducted on a harvest batch or  
31 production batch prior to a facility wholesaling, transferring, or processing into a medical cannabis  
32 concentrate or medical cannabis product any medical cannabis, medical cannabis concentrate, or  
33 medical cannabis product from such harvest batch or production batch. Additional tests may  
34 include, but not be limited to, screening for pesticides, harmful chemicals, adulterants, or other  
35 types of microbials, molds, filth, or residual solvents.

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

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

45 5. (1) (a) If a facility makes a material change to its cultivation or production process, such  
46 facility shall have the first five harvest batches or production batches produced using the new  
47 standard operating procedures tested for all of the contaminants required by subsection 3 of this  
48 section regardless of whether its process has been previously validated. If any such tests fail, such

1 facility's process shall be revalidated.

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

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

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

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

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

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

18 195.963. 1. (1) There is hereby created in the state treasury the "Medical Cannabis License  
 19 Cash Fund", which shall consist of all moneys collected by the division under sections 195.900 to  
 20 195.985. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and  
 21 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and,  
 22 upon appropriation, moneys in the fund shall be used solely for the administration of sections  
 23 195.900 to 195.985.

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

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

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

33 2. (1) The division shall require all applicants for initial state licenses under sections  
 34 195.900 to 195.985 to submit a nonrefundable application fee of twelve thousand five hundred  
 35 dollars for a medical cannabis center license and twelve thousand five hundred dollars for a medical  
 36 cannabis cultivation and production facility license.

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

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

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

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

44 (d) Licenses as listed in section 195.948.

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

48 (4) The division may charge applicants licensed under sections 195.900 to 195.985 a fee for

1 the cost of each fingerprint analysis and background investigation undertaken to qualify new  
 2 officers, directors, managers, or employees.

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

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

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

14 195.966. 1. Except as otherwise provided, all fees and fines provided for by sections  
 15 195.900 to 195.985 shall be paid to the division, which shall transmit the fees to the state treasurer.  
 16 The state treasurer shall credit the fees to the medical cannabis license cash fund created in section  
 17 195.963.

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

20 195.969. 1. Each application for a local license provided for in sections 195.900 to 195.985  
 21 filed with a local licensing authority shall be accompanied by an application fee and a license fee in  
 22 an amount determined by the local licensing authority not to exceed ten percent of the state  
 23 application fee and license fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

43        195.975. 1. Each licensee shall keep a complete set of all records necessary to show fully  
 44 the business transactions of the licensee, all of which shall be open at all times during business  
 45 hours for the inspection and examination of the division or its duly authorized representatives. The  
 46 division may require any licensee to furnish such information as it considers necessary for the  
 47 proper administration of this section and may require an audit to be made of the books of account  
 48 and records on such occasions as it may consider necessary by an auditor to be selected by the

1 division who shall likewise have access to all books and records of the licensee, and the expense  
 2 thereof shall be paid by the licensee.

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

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

14 195.978. 1. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for  
 15 a person:

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

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

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

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

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

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

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

27 3. It is unlawful for any person licensed to sell medical cannabis under sections 195.900 to  
 28 195.985:

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

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

32 (3) (a) To sell medical cannabis to a person not licensed under sections 195.900 to 195.985  
 33 or to a person not able to produce a valid patient registry identification card. Notwithstanding any  
 34 provision in this paragraph to the contrary, a person under twenty-one years of age shall not be  
 35 employed to sell or dispense medical cannabis at a medical cannabis center or grow or cultivate  
 36 medical cannabis at a medical cannabis cultivation and production facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8       (5) "Medical cannabis program", the program established under sections 195.900 to  
 9 195.985;

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

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

13       3. (1) The department shall promulgate rules to implement the medical cannabis program,  
 14 including rules for the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12       (2) After a physician, who has a bona fide physician-patient relationship with the patient  
13 applying for the medical cannabis program, determines, for the purposes of making a  
14 recommendation, that the patient has a debilitating medical condition and that the patient may  
15 benefit from the use of medical cannabis, the physician shall certify to the department that the  
16 patient has a debilitating medical condition and that the patient may benefit from the use of medical  
17 cannabis. If the physician certifies that the patient may benefit from the use of medical cannabis  
18 based on a chronic or debilitating disease or medical condition, the physician shall specify the  
19 chronic or debilitating disease or medical condition and, if known, the cause or source of the  
20 chronic or debilitating disease or medical condition;

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

23       (4) A physician shall not:

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

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

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

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

34       5. (1) If the department has reasonable cause to believe that a physician has violated  
35 subdivision (1), (2), or (3) of subsection 4 of this section, or the rules promulgated by the  
36 department, the department may refer the matter to the state board of medical examiners for an  
37 investigation and determination.

38       (2) If the department has reasonable cause to believe that a physician has violated  
39 subdivision (4) of subsection 4 of this section, the department shall conduct a hearing to determine  
40 whether a violation has occurred. Upon a finding of unprofessional conduct by the state board of  
41 medical examiners or a finding of a violation of subdivision (4) of subsection 4 of this section by  
42 the department, the department shall restrict a physician's authority to recommend the use of  
43 medical cannabis, which restrictions may include the revocation or suspension of a physician's  
44 privilege to recommend medical cannabis. The restriction shall be in addition to any sanction  
45 imposed by the state board of medical examiners.

46       6. (1) A primary caregiver shall not delegate to any other person his or her authority to  
47 provide medical cannabis to a patient nor may a primary caregiver engage others to assist in  
48 providing medical cannabis to a patient.

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

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

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

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

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

10       8. (1) To be considered in compliance with this section and the rules of the department, a  
 11 patient or primary caregiver shall have his or her registry identification card in his or her possession  
 12 at all times that he or she is in possession of any form of medical cannabis and produce the same  
 13 upon request of a law enforcement officer to demonstrate that the patient or primary caregiver is not  
 14 in violation of the law. A person who violates this section or the rules promulgated by the  
 15 department may be subject to criminal prosecution.

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

22       (3) The department may deny a patient's application for a registry identification card or  
 23 revoke the card if the department determines that the physician who diagnosed the patient's  
 24 debilitating medical condition, the patient, or the primary caregiver violated this section, or the rules  
 25 promulgated by the department under this section; except that, when a physician's violation is the  
 26 basis for adverse action, the department may only deny or revoke a patient's application or registry  
 27 identification card when the physician's violation is related to the issuance of a medical cannabis  
 28 recommendation.

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

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

36       (6) A homebound patient who receives a waiver from the department to allow a primary  
 37 caregiver to transport the patient's medical cannabis to the patient from a medical cannabis center  
 38 shall provide the primary caregiver with the patient's registry identification card, which the primary  
 39 caregiver shall carry when the primary caregiver is transporting the medical cannabis. A medical  
 40 cannabis center may provide the medical cannabis to the primary caregiver for transport to the  
 41 patient if the primary caregiver produces the patient's registry identification card.

42       9. (1) The use of medical cannabis is allowed under state law to the extent that it is carried  
 43 out in accordance with sections 195.900 to 195.985 and the rules of the department.

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

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

47       (b) Engage in the medical use of cannabis in plain view or in a place open to the general  
 48 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  
 42 indirect costs of the department in the administration and enforcement of this section. All fees  
 43 collected by the department through the medical cannabis program shall be transferred to the state  
 44 treasurer who shall credit the same to the medical cannabis program account within the medical  
 45 cannabis license cash fund created in section 195.963.

46 195.982. No individual or health care entity organized under the laws of this state shall be  
 47 subject to any adverse action by the state or any agency, board, or subdivision thereof, including  
 48 civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or

1 administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or  
 2 commission if such individual or employee or agent of the health care entity, in its normal course of  
 3 business and within its applicable licenses and regulations, recommends the use of medical cannabis  
 4 to an eligible patient and certifies a debilitating medical condition for an applicant to the medical  
 5 cannabis program under sections 195.900 to 195.985.

6 195.984. 1. (1) The division of alcohol and tobacco control may summarily suspend a  
 7 license issued under sections 195.900 to 195.985 prior to a hearing in order immediately to stop or  
 8 restrict operations by a licensee to protect the public health, safety, or welfare. The division may  
 9 rescind or amend a summary suspension.

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

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

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

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

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

24 195.985. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 25 created under the authority delegated in sections 195.900 to 195.985 shall become effective only if  
 26 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
 27 536.028. Sections 195.900 to 195.985 and chapter 536 are nonseverable, and if any of the powers  
 28 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
 29 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
 30 authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

31 263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby declared  
 32 to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing  
 33 upon their land. Any person who knowingly allows such plants to grow on his land or refuses to  
 34 destroy such plants after being notified to do so shall allow any sheriff or such other persons as  
 35 designated by the county commission to enter upon any land in this state and destroy such plants.

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

40 3. The provisions of this section shall not apply to the authorized production of cannabis  
 41 plants for purposes of providing medical cannabis under sections 195.900 to 195.985."; and  
 42

43 Further amend said bill, Pages 72-73, Section B, Lines 1-5, by deleting all of said lines and inserting  
 44 in lieu thereof the following:

45  
 46 "Section B. Section A of this act is hereby submitted to the qualified voters of this state for  
 47 approval or rejection at an election which is hereby ordered and which shall be held and conducted  
 48 on the Tuesday immediately following the first Monday in August, 2016, pursuant to the laws and

1 constitutional provisions of this state for the submission of referendum measures by the general  
2 assembly, and this act shall become effective when approved by a majority of the votes cast thereon  
3 at such election and not otherwise."; and  
4  
5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.