

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

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

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718,  
2 Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

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

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

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

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

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

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

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

14 (7) "Practitioner", a practitioner who is a physician licensed by the state board of  
15 registration for the healing arts and practicing within this state and, by training or experience, is  
16 qualified to treat a serious condition;

17 ~~[(7)]~~ (8) "Registrant", an individual to whom the department issues a hemp extract  
18 registration card under this section;

19 (9) "Serious condition":

20 (a) Cancer, positive status for human immunodeficiency virus or acquired immune  
21 deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage  
22 to the nervous tissue of the spinal cord with objective neurological indication of intractable  
23 spasticity, inflammatory bowel disease, neuropathies, Huntington's disease, post-traumatic stress  
24 disorder; or

25 (b) Any of the following conditions that is clinically associated with, or a complication of, a  
26 condition under this paragraph or its treatment: cachexia or wasting syndrome; severe or chronic  
27 pain; severe nausea; seizures; severe or persistent muscle spasms.

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

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

30 (2) Is a Missouri resident;

31 (3) Provides the department with a ~~[statement]~~ recommendation signed by a neurologist or  
32 practitioner that:

33 (a) Indicates that the individual suffers from intractable epilepsy or a serious condition and  
34 may benefit from treatment with hemp extract; and

35 (b) Is consistent with a record from the neurologist or practitioner concerning the individual  
36 contained in the database described in subsection [9] 10 of this section;

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1 (c) Indicates the practitioner or neurologist by training or experience is qualified to treat the  
 2 serious condition;

3 (d) States that the individual is under the practitioner or neurologist's continuing care for the  
 4 serious condition or intractable epilepsy; and

5 (e) Recommends the form of hemp extract the patient may consume, including the method  
 6 of consumption and any particular strain, variety, or quantity;

7 (4) Pays the department a fee in an amount established by the department under subsection  
 8 6 of this section; and

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

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

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

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

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

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

17 (2) Is a Missouri resident;

18 (3) Provides the department with a ~~[statement]~~ recommendation signed by a neurologist or  
 19 practitioner that:

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

22 (b) Is consistent with a record from the neurologist or practitioner concerning the minor  
 23 contained in the database described in subsection [9] 10 of this section;

24 (c) The practitioner or neurologist by training or experience is qualified to treat the serious  
 25 condition;

26 (d) The minor is under the practitioner or neurologist's continuing care for the serious  
 27 condition; and

28 (e) Recommends the form of hemp extract the patient may consume, including the method  
 29 of consumption and any particular strain, variety, or quantity;

30 (4) Pays the department a fee in an amount established by the department under subsection  
 31 6 of this section; and

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

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

35 (b) The minor's name;

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

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

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

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

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

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

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

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

4 7. The registration cards issued under this section shall be valid for one year and renewable  
5 if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this  
6 section. The practitioner or neurologist may state in the recommendation provided to the  
7 department that, in the practitioner or neurologist's professional opinion, the patient would benefit  
8 from hemp extract only until a specified earlier date and the registration card shall expire on the  
9 date provided in the recommendation.

10 8. Only a neurologist or practitioner may recommend hemp extract and sign the statement  
11 described in subsection 2 or 3 of this section as part of the treatment plan of a patient diagnosed  
12 with intractable epilepsy or a serious condition.

13 9. The neurologist or practitioner who signs the [statement] recommendation described in  
14 subsection 2 or 3 of this section shall:

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

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

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

24 [9.] 10. The department shall maintain a database of the records described in subsection [8]  
25 9 of this section and treat the records as identifiable health data.

26 [40.] 11. The department may share the records described in subsection [9] 10 of this  
27 section with a higher education institution for the purpose of studying hemp extract.

28 [41.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
29 created under the authority delegated in this section shall become effective only if it complies with  
30 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
31 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
32 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
33 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
34 adopted after July 14, 2014, shall be invalid and void.

35 192.947. 1. No individual or health care entity organized under the laws of this state shall  
36 be subject to any adverse action by the state or any agency, board, or subdivision thereof, including  
37 civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or  
38 administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or  
39 commission if such individual or health care entity, in its normal course of business and within its  
40 applicable licenses and regulations, acts in good faith upon or in furtherance of any order,  
41 recommendation, or statement by a neurologist or practitioner authorized under section 192.945  
42 relating to the medical use and administration of hemp extract with respect to an eligible patient.

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

46 195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term  
47 "hemp extract" shall mean an extract from a cannabis plant or a mixture or preparation containing  
48 cannabis plant material that:

- 1 (1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;
- 2 (2) Is composed of at least five percent cannabidiol by weight; and
- 3 (3) Contains no other psychoactive substance.

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

- 8 (1) Possesses or uses the hemp extract only to treat intractable epilepsy or a serious  
9 condition as defined in section 192.945;
- 10 (2) Originally obtained the hemp extract from a sealed container with a label indicating the  
11 hemp extract's place of origin and a number that corresponds with a certificate of analysis;
- 12 (3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:
  - 13 (a) Has a number that corresponds with the number on the label described in subdivision (2)  
14 of this subsection;
  - 15 (b) Indicates the hemp extract's ingredients including its percentages of  
16 tetrahydrocannabinol and cannabidiol by weight;
  - 17 (c) Is created by a laboratory that is not affiliated with the producer of the hemp extract and  
18 is licensed in the state where the hemp extract was produced; and
  - 19 (d) Is transmitted by the laboratory to the department of health and senior services; and
- 20 (4) Has a current hemp extract registration card issued by the department of health and  
21 senior services under section 192.945;
- 22 (5) Possesses a form of hemp extract that is in compliance with any recommendation or  
23 limitation by the practitioner or neurologist as stated in the recommendation provided to the  
24 department.

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

- 29 (1) The individual is the minor's parent or legal guardian; and
- 30 (2) The individual is registered with the department of health and senior services as the  
31 minor's parent under section 192.945.

32 4. An individual who has ~~been issued~~ a valid hemp extract registration card under section  
33 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract  
34 pursuant to this section. Subject to any rules or regulations promulgated by the department of  
35 health and senior services, an individual may apply for a waiver if a physician provides a substantial  
36 medical basis in a signed, written statement asserting that, based on the patient's medical history, in  
37 the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate  
38 the patient's medical condition or symptoms associated with such medical condition.

39 261.265. 1. For purposes of this section, the following terms shall mean:

- 40 (1) "Cannabidiol oil care center", the premises specified in an application for a cultivation  
41 and production facility license in which the licensee is authorized to distribute processed hemp  
42 extract to persons possessing a hemp extract registration card issued under section 192.945;
- 43 (2) "Cultivation and production facility", the land and premises specified in an application  
44 for a cultivation and production facility license on which the licensee is authorized to grow,  
45 cultivate, process, and possess hemp and hemp extract;
- 46 (3) "Cultivation and production facility license", a license that authorizes the licensee to  
47 grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its  
48 cannabidiol oil care centers;

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

2 (5) "Grower", a nonprofit entity issued a cultivation and production facility license by the  
3 department of agriculture that produces hemp extract for the treatment of intractable epilepsy or a  
4 serious condition as such terms are defined under section 192.945;

5 (6) "Hemp":

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

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

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

12 (b) Any cannabis sativa seed that is:

13 a. Part of a growing crop;

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

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

16 This term shall not include industrial hemp commodities or products;

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

21 2. The department shall issue a cultivation and production facility license to a nonprofit  
22 entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1  
23 of section 195.207 or hemp on the entity's property if the entity has had its domicile in the state for  
24 at least five years, has submitted to the department an application as required by the department  
25 under subsection 7 of this section, the entity meets all requirements of this section and the  
26 department's rules, and there are fewer than ~~two~~ the maximum number of licensed cultivation and  
27 production facilities operating in the state as provided under subsection 3 of this section. Any  
28 cultivation and production facility license issued before August 28, 2015, shall continue to be valid  
29 even if the licensed entity does not meet the domicile requirement under this subsection.

30 3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp  
31 extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy  
32 [as defined in section 192.945] or a serious condition, consistent with any and all state or federal  
33 regulations regarding the production, manufacture, or distribution of such product. The department  
34 shall not issue more than:

35 (1) Two cultivation and production facility licenses for the operation of such facilities at any  
36 one time in the year 2015;

37 (2) Five cultivation and production facility licenses for the operation of such facilities at any  
38 one time in the year 2016;

39 (3) Eight cultivation and production facility licenses for the operation of such facilities at  
40 any one time in the year 2017;

41 (4) Ten cultivation and production facility licenses for the operation of such facilities at any  
42 one time in the year 2018 and every year thereafter.

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

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

48 6. In addition to an audit conducted in accordance with subsection 5 of this section, the

1 director may inspect independently, or in cooperation with the state highway patrol or a local law  
2 enforcement agency, any hemp crop during the crop's growth phase and take a representative  
3 composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC)  
4 concentration exceeding the lesser of:

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

6 (2) The percent based on a dry weight basis determined by the federal Controlled  
7 Substances Act under 21 U.S.C. Section 801, et seq.,  
8 the director may detain, seize, or embargo the crop.

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

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

12 (2) Security requirements for cultivation and production facility premises, including, at a  
13 minimum, lighting, physical security, video and alarm requirements;

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

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

18 (5) Requirements that any hemp extract received from a legal source be submitted to a  
19 testing facility designated by the department to ensure that such hemp extract complies with the  
20 provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides.  
21 Any hemp extract that is not submitted for testing or which after testing is found not to comply with  
22 the provisions of section 195.207 shall not be distributed or used and shall be submitted to the  
23 department for destruction; and

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

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

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

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

40  
41 Further amend said bill by amending the title, enacting clause, and intersectional references  
42 accordingly.