

SECOND REGULAR SESSION

HOUSE BILL NO. 2411

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

4785H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 315.005, RSMo, and to enact in lieu thereof two new sections relating to medical marijuana use in lodging establishments, with penalty provisions.

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

Section A. Section 315.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 315.005 and 315.081, to read as follows:

315.005. As used in sections 315.005 to ~~315.065~~ **315.081**, unless the context clearly indicates otherwise, the following terms mean:

(1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as adopted by the department. The department in its discretion, may incorporate, in whole or in part, the standards or codes promulgated by the National Fire Protection Association, Building Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River Board of State Sanitary Engineers, and American Society of Sanitary Engineers;

(2) "Department", the director of the department of health and senior services or an agent of the director of the department of health and senior services;

(3) "Guest room", any room or unit where sleeping accommodations are regularly furnished to the public;

(4) "Lodging establishment", any building, group of buildings, structure, facility, place, or places of business where five or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever

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

18 name called, and includes all such accommodations operated for hire as lodging establishments
19 for either transient guests, permanent guests, or for both transient and permanent guests;

20 (5) "Owner", the person responsible for obtaining a license from the department for
21 operating the lodging establishment;

22 (6) "Permanent guest", any person who rents and occupies a guest room in a lodging
23 establishment for a period of thirty-one days or more;

24 (7) "Person", any individual, partnership, corporation, association, organization, firm,
25 or federal, state, county, city, village, or municipal association or corporation;

26 (8) **"Residential dwelling", any building, structure, or part of a building or**
27 **structure that is used and occupied for human habitation or intended to be so used,**
28 **including any appurtenances belonging to it or enjoyed with it;**

29 (9) **"Residential dwelling rental", a single residential dwelling or any part thereof**
30 **offered for rent to transient guests. "Residential dwelling rental" shall not include a time-**
31 **share unit, as defined under section 407.600;**

32 (10) "Transient guest", any person who rents and occupies a guest room in a lodging
33 establishment for a period of less than thirty-one days.

315.081. 1. The provisions of this section shall be known and may be cited as the
2 **"Reduction of Illegal Public Consumption by Allowing for the Compassionate Access to**
3 **Medical Marijuana Act". The department of health and senior services shall establish a**
4 **statewide medical marijuana lodging establishment licensing system that will allow guests**
5 **who possess a patient identification card issued under Article XIV of the Constitution of**
6 **Missouri, or an equivalent card issued by another state, to consume medical marijuana and**
7 **medical marijuana-infused products in lodging establishments and residential dwelling**
8 **rentals.**

9 **2. The department shall maintain a list of lodging establishments and residential**
10 **dwelling rentals licensed as medical marijuana lodging establishments under this section.**

11 **3. Lodging establishments and residential dwelling rentals that are licensed as**
12 **medical marijuana lodging establishments under this section shall:**

13 (1) **Confirm that a guest who desires to consume medical marijuana and medical**
14 **marijuana-infused products in the lodging establishment or residential dwelling rental has**
15 **a medical marijuana patient identification card, or the equivalent, from any state;**

16 (2) **Post notice at all entrances declaring that medical marijuana and medical**
17 **marijuana-infused products may be consumed on the premises; and**

18 (3) **Ensure that areas and rooms where medical marijuana and medical marijuana-**
19 **infused products are consumed are located twenty feet or more from areas that do not**
20 **allow such consumption, or ensure that medical marijuana and marijuana-infused product**

21 consumption is restricted to a floor or floors that are specifically designated for the
22 consumption of such products. Lodging establishments or residential dwelling rentals
23 licensed under this section that allow consumption at any location on the establishment's
24 premises shall be exempt from the requirements of this subdivision.

25 4. (1) The fee for a license issued under this section shall be fifty dollars for each
26 lodging establishment or residential dwelling rental.

27 (2) The department shall create an application that must be completed and
28 included with the fifty dollar fee. The application shall require the lodging establishment
29 or residential dwelling rental to include a written description, blueprints, or similar
30 information that communicates to the department that the establishment is in compliance
31 with the requirements of this section.

32 (3) The medical marijuana lodging establishment license issued under this section
33 shall be valid for two years after its date of issuance.

34 5. (1) There is hereby created in the state treasury the "Medical Marijuana
35 Lodging Establishment Fund", which shall consist of moneys collected under this section.
36 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
37 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
38 and, upon appropriation, moneys in the fund shall be used solely for the administration of
39 this section.

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

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

46 6. (1) Any lodging establishment or residential dwelling rental that does not have
47 a medical marijuana lodging establishment license issued under this section and that
48 knowingly allows guests to consume medical marijuana or medical marijuana-infused
49 products on site shall be subject to a fine in the amount of one hundred dollars for a first
50 offense. A second offense shall result in a fine in the amount of two hundred dollars. A
51 third offense shall result in a fine in the amount of five hundred dollars. A fourth offense
52 shall result in the loss of the lodging establishment or residential dwelling rental's medical
53 marijuana lodging establishment license issued under this section for a period of one year.
54 After one year, the lodging establishment or residential dwelling rental shall be eligible to
55 reapply for a medical marijuana lodging establishment license issued under this section.

56 **(2) Any lodging establishment or residential dwelling rental licensed as a medical**
57 **marijuana lodging establishment under this section that has not posted notice as required**
58 **under subdivision (2) of subsection 3 of this section shall be subject to a fine in the amount**
59 **of one hundred dollars for the first offense. A second offense shall result in a fine in the**
60 **amount of two hundred dollars. A third offense shall result in a fine in the amount of five**
61 **hundred dollars. A fourth offense shall result in the loss of the lodging establishment or**
62 **residential dwelling rental's medical marijuana lodging establishment license issued under**
63 **this section for a period of one year. After one year, the lodging establishment or**
64 **residential dwelling rental shall be eligible to reapply for a medical marijuana lodging**
65 **establishment license issued under this section;**

66 **(3) Any lodging establishment or residential dwelling rental licensed as a medical**
67 **marijuana lodging establishment under this section that does not comply with the**
68 **requirements under subdivision (3) of subsection 3 of this section shall be subject to a fine**
69 **in the amount of one hundred dollars for the first offense. A second offense shall result in**
70 **a fine of two hundred dollars. A third offense shall result in a fine of three hundred**
71 **dollars. A fourth offense of this section shall result in the loss of the lodging establishment**
72 **or residential dwelling rental's medical marijuana lodging establishment license issued**
73 **under this section for a period of one year. After one year, the lodging or residential**
74 **dwelling rental shall be eligible to reapply for such license.**

75 **7. The department may promulgate all necessary rules and regulations for the**
76 **administration of this section. Any rule or portion of a rule, as that term is defined in**
77 **section 536.010, that is created under the authority delegated in this section shall become**
78 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
79 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
80 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
81 **the effective date, or to disapprove and annul a rule are subsequently held**
82 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
83 **after August 28, 2020, shall be invalid and void.**

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