

SECOND REGULAR SESSION

[CORRECTED]

# HOUSE BILL NO. 2502

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARINGER.

5165H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to CBD oil products, with penalty provisions.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.1173, to read as follows:

**196.1173. 1. The provisions of this section shall be known and may be cited as the "CBD Product Labeling Act".**

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

**(1) "CBD", cannabidiol;**

**(2) "CBD oil product", a food product or dietary ingredient containing an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:**

**(a) Is composed of no more than three-tenths of one percent tetrahydrocannabinol by weight;**

**(b) Is composed of at least one-half of one percent cannabidiol by weight; and**

**(c) Contains no other psychoactive substance;**

**(3) "Dealer", a person who sells, prepares, or maintains CBD oil products or advertises, represents, or holds oneself out as selling, preparing, or maintaining CBD oil products. Such person may include, but not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;**

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.

- 16 (4) "Department", the department of health and senior services;
- 17 (5) "Director", the director of the department or the director's designee;
- 18 (6) "Food", a food, food product, food ingredient, dietary ingredient, dietary  
19 supplement, or beverage for human consumption;
- 20 (7) "THC", tetrahydrocannabinol.
- 21 3. The general assembly hereby occupies and preempts the entire field of regulating  
22 CBD oil products as provided in this section to the complete exclusion of any order,  
23 ordinance, or regulation by any political subdivision of this state. Any existing or future  
24 orders, ordinances, or regulations relating to CBD oil products as provided in this section  
25 are hereby void.
- 26 4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is  
27 represented to be a CBD oil product shall disclose on the product label the factual basis  
28 upon which that representation is made.
- 29 (2) A dealer shall not prepare, distribute, sell, or expose for sale a food represented  
30 to be a CBD oil product that does not conform to the disclosure requirement under  
31 subdivision (1) of this subsection.
- 32 5. (1) No CBD oil product shall be prepared, distributed, sold, or exposed for sale  
33 without a label containing the following information:
- 34 (a) The processor's business or trade name;
- 35 (b) The business or trade name of any entity that packaged the product, if different  
36 from the processor;
- 37 (c) The product identity that correctly identifies the CBD as either a concentrate  
38 or extract;
- 39 (d) The date the concentrate or extract was made;
- 40 (e) The net weight or volume in U.S. customary and metric units;
- 41 (f) The serving size and number of servings per container;
- 42 (g) The amount, in milligrams, of THC and CBD in each serving and in the  
43 container;
- 44 (h) A statement that reads: "This product is not approved by the FDA to treat,  
45 cure, or prevent any disease"; and
- 46 (i) Warnings that state: "For use only by adults 21 and older. Keep out of reach  
47 of children."
- 48 (2) This subsection shall not be construed to prohibit the inclusion of other  
49 information on any CBD oil product package.
- 50 6. A dealer shall not prepare, distribute, sell, or expose for sale any of the following:

51           (1) A CBD oil product that is adulterated with a dangerous non-cannabidiol  
52 substance. A CBD oil product shall be considered to be adulterated with a dangerous non-  
53 cannabidiol substance if the CBD oil product is mixed or packed with a non-cannabidiol  
54 substance and that substance affects the quality or strength of the CBD oil product to such  
55 a degree as to render the CBD oil product injurious to a consumer;

56           (2) A CBD oil product that is contaminated with a dangerous non-cannabidiol  
57 substance. A CBD oil product shall be considered to be contaminated with a dangerous  
58 non-cannabidiol substance if the CBD oil product contains a poisonous or otherwise  
59 deleterious non-cannabidiol ingredient including, but not limited to, any substance listed  
60 in section 195.017.

61           7. A dealer shall not distribute, sell, or expose for sale a CBD oil product to an  
62 individual under twenty-one years of age.

63           8. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the director  
64 may, after notice and hearing, impose a fine on the dealer of not more than five hundred  
65 dollars for the first offense and not more than one thousand dollars for the second or  
66 subsequent offense.

67           (2) A dealer who violates subdivision (2) of subsection 4 of this section or subsection  
68 5, 6, or 7 of this section is guilty of a class D misdemeanor.

69           (3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this  
70 section or subsection 5 or 6 of this section may, in addition to and distinct from any other  
71 remedy at law or in equity, bring a private cause of action in a court of competent  
72 jurisdiction for damages resulting from that violation including, but not limited to,  
73 economic, noneconomic, and consequential damages.

74           (4) A dealer does not violate subdivision (2) of subsection 4 of this section or  
75 subsection 5 or 6 of this section if a preponderance of the evidence shows that the dealer  
76 relied in good faith upon the representations of a manufacturer, processor, packer, or  
77 distributor of food represented to be a CBD oil product.

78           9. The department shall promulgate rules to implement the provisions of this  
79 section including, but not limited to, the requirements for the format, size, and placement  
80 of the disclosure label required under subdivision (1) of subsection 4 of this section and for  
81 the information to be included in the disclosure label. Any rule or portion of a rule, as that  
82 term is defined in section 536.010, that is created under the authority delegated in this  
83 section shall become effective only if it complies with and is subject to all of the provisions  
84 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
85 nonseverable, and if any of the powers vested with the general assembly pursuant to  
86 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

87 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
88 **proposed or adopted after August 28, 2020, shall be invalid and void.**

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