

FIRST REGULAR SESSION

# HOUSE BILL NO. 486

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

1033H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 315, RSMo, by adding thereto one new section 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. Chapter 315, RSMo, is amended by adding thereto one new section, to be known as section 315.081, to read as follows:

**315.081. 1. The provisions of this section shall be known and may be cited as the "Reduction of Illegal Public Consumption by Allowing for Compassionate Access to Medical Marijuana Act".**

**2. For purposes of this section, the following terms mean:**

**(1) "Lodging establishment", the same meaning given to the term in section 315.005;**

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

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

**(4) "Transient guest", the same meaning given to the term in section 315.005.**

**3. The department of health and senior services shall establish a statewide medical marijuana lodging establishment licensing system that will allow guests who possess a qualifying patient identification card issued under Article XIV, Section 1 of the Constitution of Missouri, or an equivalent card issued by another state, to consume medical**

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 marijuana and medical marijuana-infused products in lodging establishments and  
19 residential dwelling rentals licensed under this section.

20       4. The department of health and senior services shall maintain a list of lodging  
21 establishments and residential dwelling rentals licensed as medical marijuana lodging  
22 establishments under this section.

23       5. Lodging establishments and residential dwelling rentals that are licensed as  
24 medical marijuana lodging establishments under this section shall:

25       (1) Confirm that a guest who desires to consume medical marijuana or medical  
26 marijuana-infused products in the lodging establishment or residential dwelling rental has  
27 a qualifying patient identification card issued under Article XIV, Section 1 of the  
28 Constitution of Missouri, or an equivalent card issued by another state;

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

31       (3) Ensure that areas and rooms where medical marijuana and medical marijuana-  
32 infused products may be consumed are located twenty feet or more from areas that do not  
33 allow such consumption or ensure that medical marijuana and medical marijuana-infused  
34 product consumption is restricted to a floor or floors that are specifically designated for  
35 the consumption of such products. Lodging establishments or residential dwelling rentals  
36 licensed under this section that allow consumption at any location on the establishment's  
37 premises shall be exempt from the requirements of this subdivision.

38       6. (1) The fee for a license issued under this section shall be fifty dollars for each  
39 lodging establishment or residential dwelling rental.

40       (2) A lodging establishment or residential dwelling rental seeking licensure under  
41 this section shall submit an application with the fifty-dollar fee in a form and manner  
42 determined by the department of health and senior services. The application shall require  
43 the lodging establishment or residential dwelling rental to include a written description,  
44 blueprints, or similar information that communicates to the department that the  
45 establishment is in compliance with the requirements of this section.

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

48       7. (1) There is hereby created in the state treasury the "Medical Marijuana  
49 Lodging Establishment Fund", which shall consist of moneys collected under this section.  
50 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and  
51 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund  
52 and, upon appropriation, moneys in the fund shall be used solely for the administration of  
53 this section.

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

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

60           8. (1) Any lodging establishment or residential dwelling rental that does not have  
61 a medical marijuana lodging establishment license issued under this section and that  
62 knowingly allows guests to consume medical marijuana or medical marijuana-infused  
63 products on its premises shall be subject to a fine in the amount of one thousand dollars  
64 for a first offense. A second offense shall result in a fine in the amount of two thousand  
65 dollars. A third or subsequent offense shall result in a fine in the amount of five thousand  
66 dollars. In addition to a fine, a fourth offense shall result in the suspension for one week  
67 of the lodging establishment's license issued under the provisions of sections 315.005 to  
68 315.065 or the suspension for one week of the residential dwelling rental's business license  
69 or short-term rental business license, if such license exists, by the applicable municipal or  
70 county governing body.

71           (2) Any lodging establishment or residential dwelling rental licensed as a medical  
72 marijuana lodging establishment under this section that has not posted notice as required  
73 under subdivision (2) of subsection 5 of this section shall be subject to a fine in the amount  
74 of one hundred dollars for the first offense. A second offense shall result in a fine in the  
75 amount of two hundred dollars. A third offense shall result in a fine in the amount of five  
76 hundred dollars. A fourth offense shall result in the loss of the lodging establishment's or  
77 residential dwelling rental's medical marijuana lodging establishment license issued under  
78 this section for a period of one year. After one year, the lodging establishment or  
79 residential dwelling rental shall be eligible to reapply for a medical marijuana lodging  
80 establishment license issued under this section.

81           (3) Any lodging establishment or residential dwelling rental licensed as a medical  
82 marijuana lodging establishment under this section that does not comply with the  
83 requirements under subdivision (3) of subsection 5 of this section shall be subject to a fine  
84 in the amount of one hundred dollars for the first offense. A second offense shall result in  
85 a fine of two hundred dollars. A third offense shall result in a fine of three hundred  
86 dollars. A fourth offense shall result in the loss of the lodging establishment's or residential  
87 dwelling rental's medical marijuana lodging establishment license issued under this section  
88 for a period of one year. After one year, the lodging establishment or residential dwelling  
89 rental shall be eligible to reapply for such license.

90           **9. The department of health and senior services may promulgate all necessary rules**  
91 **and regulations for the administration of this section. Any rule or portion of a rule, as that**  
92 **term is defined in section 536.010, that is created under the authority delegated in this**  
93 **section shall become effective only if it complies with and is subject to all of the provisions**  
94 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
95 **nonseverable, and if any of the powers vested with the general assembly pursuant to**  
96 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
97 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
98 **proposed or adopted after August 28, 2021, shall be invalid and void.**

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