

HB 1781 -- INTOXICATING CANNABINOIDS

SPONSOR: Perkins

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime Prevention and Public Safety by a vote of 15 to 8.

This bill establishes the "Intoxicating Cannabinoid Control Act".

The bill defines "CBD", "Cannabimimetic agent", "Cannabinoid", "Department", "Intoxicating cannabinoid", "Intoxicating cannabinoid product", "Marijuana", and "synthetic cannabinoid" as pertaining to the Act.

This bill specifies that any intoxicating cannabinoid, in any form and from any source, is subject to the regulations promulgated by the Department of Health and Senior Services under Article XIV of the Constitution of Missouri and treated as marijuana under such regulations and sold only at dispensaries licensed by the Department.

This bill is similar to HB 1328 (2023).

PROPOSERS: Supporters say that this bill deals with how intoxicating cannabinoids are regulated. This is about protecting the public and offering businesses a framework in which to do business and sell these products. Prior to 2014, if it came from the cannabis sativa plant, it was considered marijuana and it was illegal. Then the definition started changing in order to carve out hemp, since that was not an intoxicating substance. The DEA does not consider intoxicating cannabinoids to be hemp or to be legal. If you take a CBD molecule and you put it through a process, you are simulating a process that makes it a schedule I controlled substance. It is adulterating a plant to make it intoxicating. These products are usually created to resemble candy, and that could cause a problem, especially when trying to keep these products out of the hands of children. There needs to be testing, packaging, and labeling standards and there should be age limits. Supporters do not want to ban these products outright but they need to be properly represented and regulated. There are concerns over accessibility and the safety of the products. Supporters want to make sure there is no attractiveness to children to consume these products. School resource officers find these products at schools all the time. Hemp and CBD on their own are not intoxicating just like hops and barley are not. There needs to be a process to make them intoxicating. Law enforcement across the state has its hands full as it continues to battle the drug epidemic in the state. Limiting where this is distributed is key.

Congress did not intend to authorize intoxicating marijuana in the Farm Bill; it intended to authorize hemp.

Testifying in person for the bill were Representative Perkins; Missouri Chapter, American Academy of Pediatrics; Brian Taylor, Jefferson County Sheriff Dept.; Winton Policy Group; BJC Healthcare; St Louis Childrens Hospital; American Trade Assoc. For Cannabis and Hemp; Det. Daniel Rodriguez, Jefferson County Sheriff Dept.; Diana Coats, Good Day Farm; Dr. Trish Hurford; Eric Walter, MoCann Trade Assoc; SSM Health; Patrick Van Meter, Midwest Natural Fiber; Missouri Association of Prosecuting Attorneys; Chief Chirs Digiuseppi, Lake St. Louis Police; Chief Robert Shockey, Missouri Police Chiefs Assoc.; and MoCann Trade; Rosenblum Robbins.

OPPONENTS: Those who oppose the bill say that the federal Farm Bill defined and permitted the sale of these products and they are separate and distinct from medical and recreational marijuana. The question now is what can and what should Missouri do to regulate these federally-authorized products. Opponents believe that all retailers, not just dispensaries, should be allowed to sell these federally-authorized and Missouri regulated products. Some of the producers do not want to partner with dispensaries to sell their products because the dispensaries have such limited licensure. There are 200 dispensaries in Missouri, which works out to about 1 dispensary per 30,000 people. The bill unfairly increases the current monopoly of the marijuana industry. Opponents are not arguing against regulation; they are against monopolies. It should be reasonably taxed and reasonably regulated but this bill would kill thousands of small businesses. Some companies do more stringent and frequent testing, even though it is not required of them. A bill like this would make a black market thrive and that would make communities less safe. The testing and regulations in the marijuana industry are nothing compared to the hemp and cannabinoid industries and they don't want to be included in the same industry. The bill violates the Constitution and it tramples the Wickard v. Filburn case that was before the United States Supreme Court. Bad actors give the industry a bad name, especially those who market their products to children. The marijuana industry has marketed to children for years and no one is hammering that industry on its marketing.

Testifying in person against the bill were MPCA - Mo Petroleum & Convenience Assoc.; Todd Harris, Plift; David Polatnik, MNG 2005 Inc D/B/A CBD Kratom; Jade Owens, CBD American Shaman; Brian Riegel, Southpoint Hemp Inc.; Emmitt Monslow, Sacred Leaf; Eapen Thampy, Mo Hemp Trade; Jake Silverman, Missouri Smoke Free; John Burns, Stella Blues Vapors; John Grady, Slaphappy Hemp Company; Ron Hicks; Sean Hackmann, Missouri Hemp Trade Association; Vince Sanders; Missouri Hemp Trade Association; Jasen Trackey, Weedman

And Glassman; Rebecca Plank, Ozark Nutrition, Canna Corner, KNS Holding LLC; Emmitt Monslow; Joshua Blades, Show Me Beverages; Kara Grady, Slap Happy Hemp; Kevin Halderman, Hemp Hemp Hooray & Missouri Hemp Trade Association; Nathan Simpson, Ozark Nutrition/Canna Corner/KNS Holdings Llc; and Arnie C. Dienoff.

OTHERS: Others testifying on the bill submitted their testimony in writing.

Testifying in person on the bill was Kara Grady, Slaphappy Hemp.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.