

FIRST REGULAR SESSION

# HOUSE BILL NO. 393

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HINMAN.

0738H.02I

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapters 144 and 195, RSMo, by adding thereto twenty-two new sections relating to hemp-derived consumable products, with penalty provisions.

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

Section A. Chapters 144 and 195, RSMo, are amended by adding thereto twenty-two new sections, to be known as sections 144.028, 195.2550, 195.2555, 195.2560, 195.2563, 195.2565, 195.2570, 195.2575, 195.2580, 195.2585, 195.2590, 195.2595, 195.2600, 195.2605, 195.2607, 195.2610, 195.2615, 195.2617, 195.2620, 195.2625, 195.2630, and 195.2635, to read as follows:

**144.028. 1. As used in this section, the term "hemp-derived consumable product" shall have the same meaning given to the term in section 195.2550.**

**2. For all tax years beginning on or after January 1, 2026, an excise tax is hereby levied and imposed upon the retail sale of hemp-derived consumable products to consumers within this state. The rate of tax shall be two percent of the retail purchase price paid or charged and shall be in addition to any tax imposed under any other provision of federal, state, or local law.**

**3. The revenue derived from the two percent rate levied under this section shall be used exclusively for the funding of veterans' programs, drug abuse prevention and education programs, and first responder programs.**

**4. The tax imposed under this section is intended to be passed on to and borne by the purchaser of the hemp-derived consumable product. The tax is a debt from the purchaser to the retailer until paid and is recoverable at law by the retailer in the same manner as other debts. A retailer is considered to act as a trustee on behalf of the state**

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.

15 when it collects tax from the purchaser on a taxable transaction. The tax shall be stated  
16 and charged separately on any documentation provided to the purchaser by the retailer  
17 at the time of the transaction.

195.2550. As used in sections 195.2550 to 195.2635, unless the context otherwise  
2 requires, the following terms mean:

3 (1) "Batch", a specific quantity of hemp-derived consumable product that is  
4 manufactured at the same time and using the same methods, equipment, and  
5 ingredients; that is uniform and intended to meet specifications for identity, strength,  
6 purity, and composition; and that is manufactured, packaged, and labeled according to  
7 a single batch production record executed and documented;

8 (2) "Batch number", a unique numeric or alphanumeric identifier assigned to a  
9 batch of hemp-derived consumable products;

10 (3) "Business", any of the following licensed under sections 195.2550 to  
11 195.2635:

12 (a) A distributor;

13 (b) A retailer; or

14 (c) A manufacturer;

15 (4) "Counter", the point of purchase at a retail establishment;

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

17 (6) "Distributor", a person or entity that purchases hemp-derived consumable  
18 products from manufacturers and sells them to retailers;

19 (7) "Division", the division of alcohol and tobacco control of the department of  
20 public safety;

21 (8) "Food service establishment", an establishment where food is prepared and  
22 served on the premises;

23 (9) "Franchise", a written or oral arrangement for a definite or indefinite  
24 period, in which a person grants to another person a license to use a trade name,  
25 trademark, service mark, or related characteristic, and in which there is a community of  
26 interest in the marketing of goods or services at wholesale, at retail, by lease, by  
27 agreement, or otherwise including, but not limited to, a commercial relationship of  
28 definite duration or continuing indefinite duration between a hemp-derived consumable  
29 beverage product manufacturer and a hemp-derived consumable beverage product  
30 distributor wherein a hemp-derived consumable beverage product distributor is  
31 granted the right to offer, sell, and distribute within this state or any designated area  
32 thereof some or all of the hemp-derived consumable beverage product manufacturer's  
33 hemp-derived consumable beverage products to hemp-derived consumable beverage  
34 product retailers;

35 (10) "Hemp", the plant *Cannabis sativa* L. and any part of that plant, including  
36 the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and  
37 salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol  
38 concentration of not more than three-tenths of one percent on a dry-weight basis;

39 (11) "Hemp-derived cannabinoid", any cannabinoid naturally occurring in, and  
40 originating from, the hemp plant including, but not limited to, delta-9  
41 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA),  
42 cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol  
43 (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV),  
44 tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), and  
45 delta-8 tetrahydrocannabinol (delta-8 THC). The term "hemp-derived cannabinoid"  
46 also includes any synthetic cannabinoid or semi-synthetic cannabinoid with the same  
47 molecular structure as a cannabinoid naturally occurring in the hemp plant as long as  
48 such cannabinoid was derived from the hemp plant;

49 (12) "Hemp-derived consumable beverage product", a hemp-derived  
50 consumable product that is a liquid intended for ingestion and that is not a tincture;

51 (13) "Hemp-derived consumable product", a hemp product that is a finished  
52 good intended for human ingestion or inhalation and that does not contain a total THC  
53 concentration measured post-decarboxylation of more than three-tenths of one percent  
54 on a dry-weight basis. Total THC concentration shall be calculated as the sum of:

55 (a) The measured delta-9 THC; and

56 (b) The product of the measured THCA multiplied by eight hundred seventy-  
57 seven thousandths;

58 (14) "Hemp product", any product that contains a hemp-derived cannabinoid.  
59 The term "hemp product" shall not include:

60 (a) Any hemp-derived product intended for topical application;

61 (b) Any hemp-derived animal feed product; or

62 (c) Any hemp seeds or hemp-seed-derived ingredients that are generally  
63 recognized as safe by the United States Food and Drug Administration;

64 (15) "Independent testing laboratory", a laboratory that meets all of the  
65 following conditions:

66 (a) Holds an International Organization for Standardization (ISO) 17025  
67 accreditation or is registered with the Drug Enforcement Administration in accordance  
68 with 21 CFR 1301.13;

69 (b) Does not have a direct or indirect interest in the entity whose product is being  
70 tested;

71 (c) Does not have a direct or indirect interest in a facility that cultivates,  
72 processes, distributes, dispenses, or sells hemp-derived consumable products in this  
73 state or any other jurisdiction; and

74 (d) Performs tetrahydrocannabinol concentration sampling and testing using the  
75 high-performance liquid chromatography (HPLC) method;

76 (16) "Ingestion", the process of consuming a hemp-derived consumable product  
77 through the mouth by swallowing into the gastrointestinal system or through tissue  
78 absorption;

79 (17) "Inhalation", the process of consuming a hemp-derived consumable  
80 product through the respiratory system through the mouth or nasal passageway;

81 (18) "License", a license issued in accordance with sections 195.2550 to  
82 195.2635;

83 (19) "Manufacture", to compound, blend, extract, infuse, cook, bake, or  
84 otherwise make or prepare products containing a hemp-derived cannabinoid, including  
85 the processes of extraction, infusion, packaging, repackaging, labeling, and relabeling of  
86 products containing a hemp-derived cannabinoid;

87 (20) "Manufacturer", any person who engages in the process of manufacturing,  
88 preparing, or packaging hemp-derived consumable products;

89 (21) "On-premises retailer", a retailer, other than a food service establishment,  
90 that sells hemp-derived consumable beverage products for on-site consumption;

91 (22) "Proof of age", a valid driver's license or other government-issued  
92 identification card that contains a photograph of the person and confirms the person's  
93 age as twenty-one years of age or older;

94 (23) "Retail establishment", a place of business open to the general public for  
95 the sale of goods or services;

96 (24) "Retailer", a person or entity that sells hemp-derived consumable products  
97 for consumption and not for resale. The term "retailer" shall include on-premises  
98 retailers and any food service establishments engaged in such sales;

99 (25) "Serving", the amount of a hemp-derived consumable product the  
100 manufacturer suggests be consumed at a single time;

101 (26) "Tincture", a hemp-derived consumable product that is a hemp-infused  
102 liquid or oil administered orally in small amounts using a dropper that indicates the  
103 serving size.

195.2555. 1. A person shall not:

2 (1) Knowingly sell or distribute a hemp-derived consumable product to a person  
3 who is under twenty-one years of age;

4           **(2) Knowingly purchase a hemp-derived consumable product on behalf of a**  
5 **person who is under twenty-one years of age;**

6           **(3) Knowingly persuade, entice, send, or assist a person who is under twenty-one**  
7 **years of age to purchase, acquire, receive, or attempt to purchase a hemp-derived**  
8 **consumable product;**

9           **(4) Knowingly distribute free samples of a hemp-derived consumable product in**  
10 **or on a public street, sidewalk, or park;**

11           **(5) Knowingly sell hemp-derived consumable products in or on a public street,**  
12 **sidewalk, or park without obtaining a temporary event permit from the division; or**

13           **(6) Knowingly sell or distribute a hemp-derived consumable product without**  
14 **having first obtained proof of age from the prospective purchaser or recipient unless an**  
15 **ordinary person would conclude on the basis of appearance that the prospective**  
16 **purchaser or recipient is not under twenty-one years of age.**

17           **2. (1) A person under twenty-one years of age shall not:**

18           **(a) Knowingly purchase, possess, or accept receipt of a hemp-derived**  
19 **consumable product; or**

20           **(b) Knowingly present purported proof of age that is false or fraudulent or that**  
21 **does not actually identify the person for the purpose of purchasing or receiving a hemp-**  
22 **derived consumable product.**

23           **(2) Notwithstanding the provisions of subdivision (1) of this subsection to the**  
24 **contrary, it shall be lawful, and shall not constitute a violation of sections 195.2550 to**  
25 **195.2635, for a person under twenty-one years of age to consume hemp-derived**  
26 **consumable products under the supervision of the person's parent or legal guardian or**  
27 **in accordance with the provisions of section 195.2635. Nothing in this subdivision shall**  
28 **be construed to alter the prohibition on persons under twenty-one years of age**  
29 **possessing hemp-derived consumable products.**

30           **3. A retailer or retail establishment shall maintain any hemp-derived**  
31 **consumable product other than hemp-derived consumable beverage products on or**  
32 **behind the counter, in an area or retail establishment restricted to adults twenty-one**  
33 **years of age or older, or in a locked cabinet. Any hemp-derived consumable beverage**  
34 **product, including those in cases or boxes, offered for retail sale shall be merchandised**  
35 **in such a manner, which may include, but shall not be limited to, signage, shelf-talkers,**  
36 **and stickers on cooler doors, so as to clearly indicate to consumers the products contain**  
37 **hemp-derived cannabinoids and are for sale only to persons twenty-one years of age or**  
38 **older.**

39           **4. Any person who violates any provision of this section shall be subject to a fine**  
40 **not to exceed two hundred fifty dollars for a first violation to be paid into the state**

41 school moneys fund established under section 166.051 as provided by law for other fines  
42 and penalties. The penalty for any second or subsequent violation shall be a class D  
43 misdemeanor.

44 5. The division shall enforce sections 195.2550 to 195.2635 in a manner that may  
45 reasonably be expected to reduce the extent to which hemp-derived consumable  
46 products are sold or distributed to persons under twenty-one years of age and shall  
47 conduct inspections at locations where such products are sold or distributed to ensure  
48 compliance with sections 195.2550 to 195.2635.

49 6. Nothing in this section shall prohibit law enforcement from using the  
50 following persons to enforce the provisions of this section:

51 (1) Any minor under eighteen years of age if the minor's parent or legal  
52 guardian has consented to the minor's involvement in the enforcement effort; and

53 (2) Any person eighteen years of age or older and under twenty-one years of age  
54 if the person has consented to his or her involvement in the enforcement effort.

55 7. Notwithstanding the provisions of this chapter or chapter 579 or any other  
56 provision of law to the contrary other than the provisions of subsection 8 of this section,  
57 any purchase, possession, consumption, use, manufacture, transportation, or  
58 distribution of any hemp-derived consumable product that complies with the  
59 provisions of sections 195.2550 to 195.2635 shall be lawful.

60 8. If the sale of hemp-derived consumable products becomes illegal under  
61 federal law, the following provisions shall apply:

62 (1) The sale of hemp-derived consumable products in this state shall be  
63 prohibited;

64 (2) Any license issued by the division under sections 195.2550 to 195.2635 shall  
65 be revoked; and

66 (3) The division shall not begin, or shall stop, issuing any licenses under sections  
67 195.2550 to 195.2635.

195.2560. 1. A person or entity that is in the business of hemp-derived  
2 consumable products in this state, including any manufacturer, distributor, or retailer,  
3 shall obtain a license from the division authorizing the person or entity to engage in that  
4 business prior to the commencement of the business or, for a business operating before  
5 the effective date of the rules promulgated under sections 195.2550 to 195.2635, within a  
6 time period specified by the division by rule.

7 2. Any person or entity engaging in the business of manufacturing or selling  
8 hemp-derived consumable products in this state without a valid license required under  
9 sections 195.2550 to 195.2635 shall be subject to a fine not to exceed two hundred fifty  
10 dollars.

11           **3. (1) Any license granted to a retailer shall be location specific. The division**  
12 **shall require a retailer to obtain a separate license for each location at which the retailer**  
13 **sells hemp-derived consumable products for consumption.**

14           **(2) Any license granted to a manufacturer or distributor shall not be location**  
15 **specific. The division shall not require a manufacturer or distributor to obtain a**  
16 **separate license for each location at which the manufacturer or distributor operates.**

17           **4. To obtain and maintain a manufacturer, distributor, or retailer license under**  
18 **this section, a person or entity shall:**

19           **(1) Submit to the division information the division prescribes as necessary for**  
20 **the efficient enforcement of sections 195.2550 to 195.2635;**

21           **(2) For initial licensing, pay to the division a fee of:**

22           **(a) For manufacturers and distributors, five hundred dollars; and**

23           **(b) For retailers, two hundred fifty dollars per location, not to exceed two**  
24 **thousand five hundred dollars for a retailer with multiple locations; and**

25           **(3) Consent to reasonable inspection and sampling by the division of the person's**  
26 **or entity's inventory of hemp-derived consumable products.**

27           **5. A license issued under this section shall be valid for a period of one year and**  
28 **may be renewed annually. The division shall charge an annual renewal fee of:**

29           **(1) For manufacturers and distributors, two hundred fifty dollars; and**

30           **(2) For retailers, one hundred dollars per location, not to exceed two thousand**  
31 **five hundred dollars for a retailer with multiple locations.**

32           **6. The division may deny or revoke a license for any violation of sections**  
33 **195.2550 to 195.2635 or the rules promulgated under sections 195.2550 to 195.2635.**

34           **7. No more than ninety days after the promulgation of rules under sections**  
35 **195.2550 to 195.2635, the division shall issue licenses for the manufacture, distribution,**  
36 **and sale of hemp-derived consumable products in this state.**

37           **8. Notwithstanding any other provision of this section, any applicant that meets**  
38 **the requirements set forth in sections 195.2550 to 195.2635 shall be issued a license by**  
39 **the division. A license application shall be automatically deemed approved, and a**  
40 **license shall be issued, if the division fails to approve or deny the application within**  
41 **thirty days of the date of the submission of the application.**

42           **9. All fees payable under this section shall be collected by the division and**  
43 **transmitted to the department of revenue for deposit in the state treasury to the credit of**  
44 **the hemp business fund established under section 195.2563.**

45           **10. (1) Beginning on the effective date of this section and continuing thereafter,**  
46 **no new retail establishments offering hemp-derived consumable products shall be**  
47 **located within one hundred feet of any educational institution, public or private,**

48 providing elementary or secondary education to children at any level from kindergarten  
49 through grade twelve or at any equivalent level if the institution does not use grade  
50 divisions.

51 (2) Notwithstanding the provisions of subdivision (1) of this subsection, a retail  
52 establishment that was operating within one hundred feet of any educational institution  
53 described in subdivision (1) of this subsection before the effective date of this section  
54 that changes ownership on or after the effective date of this section shall be permitted to  
55 operate in the same location.

195.2563. 1. There is hereby created in the state treasury the "Hemp Business  
2 Fund". All fees authorized to be charged by the division under section 195.2560 shall be  
3 collected by the director of the division and shall be transmitted to the department of  
4 revenue for deposit in the state treasury for credit to this fund. The state treasurer shall  
5 be custodian of the fund. In accordance with sections 30.170 and 30.180, the state  
6 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon  
7 appropriation, moneys in this fund shall be used solely for the administration of sections  
8 195.2550 to 195.2635.

9 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
10 remaining in the fund at the end of the biennium shall not revert to the credit of the  
11 general revenue fund.

12 3. The state treasurer shall invest moneys in the fund in the same manner as  
13 other funds are invested. Any interest and moneys earned on such investments shall be  
14 credited to the fund.

195.2565. 1. Before April 1, 2026, the division shall promulgate rules on the  
2 licensure of hemp-derived consumable product businesses to implement the provisions  
3 of sections 195.2550 to 195.2635. The rules shall, at a minimum:

4 (1) Set forth application forms and guidelines for obtaining a license as a hemp-  
5 derived consumable product business;

6 (2) Specify the date by which hemp-derived consumable product businesses  
7 operating before the effective date of the rules promulgated under this section shall  
8 obtain a license to continue operating; and

9 (3) Set forth requirements for business operations in accordance with sections  
10 195.2550 to 195.2635.

11 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
12 created under the authority delegated in this section shall become effective only if it  
13 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
14 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
15 vested with the general assembly pursuant to chapter 536 to review, to delay the



16 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
17 then the grant of rulemaking authority and any rule proposed or adopted after the  
18 effective date of this section shall be invalid and void.

195.2570. 1. Hemp-derived consumable products shall be tested in accordance  
2 with the requirements of this section. The department of health and senior services shall  
3 oversee all testing of hemp-derived consumable products.

4 2. (1) The department shall maintain and post on its website a registry of  
5 independent testing laboratories, located both in this state and outside this state, that  
6 are qualified to test intermediate manufactured material and finished products  
7 containing a hemp-derived cannabinoid.

8 (2) The department shall develop an application and process by which qualifying  
9 laboratories, located both in this state and outside this state, are listed on its website. An  
10 application submitted by a potentially qualifying laboratory shall include a sample  
11 certificate of analysis issued by the applying laboratory.

12 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection,  
13 independent testing laboratories wishing to test hemp-derived consumable products  
14 subject to the requirements of sections 195.2550 to 195.2635 shall register immediately  
15 with the department.

16 3. (1) A manufacturer shall ensure its hemp-derived consumable product is  
17 tested prior to distribution to a distributor or prior to distribution to a retailer.

18 (2) A distributor shall not be required to test the hemp-derived consumable  
19 product if the hemp-derived consumable product is packaged in a manner that may be  
20 sold to the ultimate consumer of the product when delivered to the distributor and the  
21 distributor does not open such package. A distributor shall be required to test the  
22 hemp-derived consumable product prior to distribution if the hemp-derived  
23 consumable product is not packaged in a manner that may be sold to the ultimate  
24 consumer of the product when delivered to the distributor or if the distributor opens  
25 any package.

26 (3) The testing required under this subsection shall determine the presence and  
27 amounts of any of the substances listed in subsection 4 of this section. No product that  
28 contains more than the maximum amount indicated for any substance in subsection 4 of  
29 this section shall be distributed or sold in this state.

30 4. (1) The department shall promulgate regulations specifying pass or fail action  
31 levels for safety and toxicity for hemp-derived consumable products with respect to the  
32 testing required by this section. All hemp-derived consumable products offered for sale  
33 or distribution in this state shall be tested for the presence of and amounts of the  
34 following substances:

- 35 (a) Heavy metals;
- 36 (b) Pesticides;
- 37 (c) Mycotoxins;
- 38 (d) Solvents; and
- 39 (e) Microbials.

40 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is  
41 created under the authority delegated in this section shall become effective only if it  
42 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
43 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
44 vested with the general assembly pursuant to chapter 536 to review, to delay the  
45 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
46 then the grant of rulemaking authority and any rule proposed or adopted after the  
47 effective date of this section shall be invalid and void.

48 5. A manufacturer or distributor shall contract with an independent testing  
49 laboratory to provide the testing required under subsection 3 of this section.

50 6. An independent testing laboratory providing testing required under  
51 subsection 3 of this section shall use high-performance liquid chromatography  
52 (HPLC) for potency testing.

53 7. Each hemp-derived consumable product tested in accordance with this section  
54 shall be accompanied by a validly issued certificate of analysis from an independent  
55 testing laboratory that demonstrates:

- 56 (1) The batch number;
- 57 (2) The date received;
- 58 (3) The date of completion;
- 59 (4) The method of analysis for each test conducted; and
- 60 (5) Proof that the certificate of analysis is connected to the product.

61 8. Each batch manufactured shall undergo testing and obtain a certificate of  
62 analysis by an independent testing laboratory.

63 9. A hemp-derived consumable product shall have a best-by date on the label  
64 that conforms with any applicable federal law and that shall be no more than two years  
65 from the date of publication of the product's laboratory testing report required by  
66 subsection 3 of this section.

195.2575. 1. The label of a hemp-derived consumable product offered for  
2 distribution or sale in this state shall contain the following information, in not less than  
3 three-point font:

- 4 (1) Product name or common name, on the front of the label;
- 5 (2) Brand name, on the front of the label;

- 6           **(3) Size of the container or net count of individual items, on the front of the**  
7 **label;**
- 8           **(4) Net weight or volume;**
- 9           **(5) Suggested product use, including serving sizes if the product is intended for**  
10 **ingestion or inhalation;**
- 11           **(6) List of ingredients, including:**
- 12           **(a) The amount of any advertised cannabinoid, in milligrams; and**
- 13           **(b) The amount of any primary cannabinoid, in milligrams;**
- 14           **(7) List of potential allergens;**
- 15           **(8) The name and address of the manufacturer or distributor;**
- 16           **(9) Batch number;**
- 17           **(10) A statement that use while pregnant or breast-feeding may be harmful;**
- 18           **(11) A statement that the product contains hemp-derived cannabinoids and that**  
19 **consumption of certain cannabinoids may impair the consumer's ability to drive or**  
20 **operate heavy machinery;**
- 21           **(12) A statement to keep out of the reach of children;**
- 22           **(13) A statement that the product is only for persons twenty-one years of age or**  
23 **older;**
- 24           **(14) A statement to consult a physician before use;**
- 25           **(15) A statement that consuming hemp-derived consumable products may result**  
26 **in a failed drug test; and**
- 27           **(16) A best-by date in accordance with section 195.2570.**
- 28           **2. The label of each hemp-derived consumable product shall include:**
- 29           **(1) The following text: "This product has not been evaluated by the Food and**  
30 **Drug Administration. This product is not intended to diagnose, treat, cure, mitigate, or**  
31 **prevent any disease."; and**
- 32           **(2) The following text: "Warning – The safety of this product has not been**  
33 **determined.".**
- 34           **3. Hemp-derived consumable product labels shall not:**
- 35           **(1) Have any likeness or bear any reasonable resemblance to a human, animal,**  
36 **cartoon character, or fictional character;**
- 37           **(2) Appear to imitate a food, candy, or other commonly available snack product**  
38 **that is typically marketed toward or appealing to children; or**
- 39           **(3) Infringe upon any trademarks protected by the United States Patent and**  
40 **Trademark Office or the Missouri office of the secretary of state.**

195.2580. 1. A hemp-derived consumable product that is sold in this state shall  
2 be labeled in accordance with section 195.2575 and include a quick response code that

3 directs consumers to all label information required by section 195.2575 and all  
4 information required by section 195.2570.

5       2. All hemp-derived consumable products offered for sale in this state other than  
6 hemp-derived consumable beverage products shall satisfy the child-resistant  
7 effectiveness standards under 16 CFR 1700.15(b)(1) when tested in accordance with  
8 the requirements set forth in 16 CFR 1700.20.

9       3. (1) A hemp-derived consumable product that is sold in this state shall be  
10 manufactured in the United States under all applicable laws governing the manufacture  
11 of hemp-derived products in its jurisdiction of origin including, but not limited to,  
12 abiding by Current Good Manufacturing Practices (CGMP) and Generally Recognized  
13 as Safe (GRAS) standards.

14       (2) Notwithstanding the provisions of subdivision (1) of this subsection,  
15 cannabinoids are allowed in a hemp-derived consumable product despite not having  
16 GRAS status. All ingredients other than cannabinoids in the final hemp-derived  
17 consumable product shall have GRAS status.

18       4. Any hemp-derived consumable product that is sold in this state shall not be  
19 sold without a validly issued certificate of analysis issued by an independent testing  
20 laboratory within the previous twenty-four months.

21       5. Any hemp-derived consumable product that is sold in this state and that is  
22 intended for ingestion and that is not intended for inhalation, other than a hemp-  
23 derived consumable beverage product, shall not:

24       (1) Be sold in a serving that contains more than five milligrams, in the aggregate,  
25 of delta-8 THC and delta-9 THC;

26       (2) Be formed in the shape of an animal or cartoon character;

27       (3) Be sold in such a manner that a single serving is less than one piece unless  
28 serving sizes are clearly marked and easily divided without the use of a knife or tool; or

29       (4) Be sold in a container or package containing more than one hundred  
30 milligrams, in the aggregate, of delta-8 THC and delta-9 THC.

31       6. Any hemp-derived consumable beverage product intended for ingestion that  
32 is sold in this state shall not:

33       (1) Be sold in a serving that contains more than ten milligrams, in the aggregate,  
34 of delta-8 THC and delta-9 THC;

35       (2) Be sold in a single-use package with more than ten milligrams, in the  
36 aggregate, of delta-8 THC and delta-9 THC unless:

37       (a) The package is resealable;

38       (b) The package contains serving sizes of not more than ten milligrams, in the  
39 aggregate, of delta-8 THC and delta-9 THC and clearly indicates so on the package; and

40 (c) The volume of the final product for the package is a minimum of seven  
41 hundred fifty milliliters in total; or

42 (3) Be sold in a container or package containing more than one hundred  
43 milligrams, in the aggregate, of delta-8 THC and delta-9 THC.

44 7. (1) Any hemp-derived tincture containing delta-9 THC intended for ingestion  
45 that is sold in this state shall not:

46 (a) Be sold in a one-ounce package containing more than ninety milligrams of  
47 delta-9 THC; or

48 (b) Be sold in a two-ounce package containing more than one hundred eighty  
49 milligrams of delta-9 THC.

50 (2) Any hemp-derived tincture containing delta-8 THC or any other  
51 psychoactive cannabinoid intended for ingestion that is sold in this state shall not:

52 (a) Be sold in a one-ounce package containing more than one hundred fifty  
53 milligrams, in the aggregate, of delta-8 THC and any other psychoactive cannabinoid;  
54 or

55 (b) Be sold in a two-ounce package containing more than three hundred  
56 milligrams, in the aggregate, of delta-8 THC and any other psychoactive cannabinoid.

57 (3) Any hemp-derived tincture that is sold in this state shall not be sold in a  
58 package of more than two ounces.

59 8. Any hemp-derived consumable product intended for inhalation that is sold in  
60 this state shall not:

61 (1) Be sold in a container that contains more than two milliliters or two grams of  
62 hemp-derived cannabinoids, in the aggregate, of delta-8 THC and delta-9 THC; or

63 (2) Contain any amount of vitamin E acetate oil in any quantity.

64 9. A hemp-derived consumable product that is sold or offered for sale in  
65 violation of sections 195.2550 to 195.2635 shall be subject to seizure and forfeiture.

195.2585. 1. A retailer or manufacturer of a hemp-derived consumable product  
2 shall not advertise, market, or offer for sale a hemp-derived consumable product by  
3 using any trade dress, trademark, branding, or related imagery or scenery that is  
4 prohibited under this section in the labeling or design of the product or product  
5 packaging or in advertising or marketing materials for the product.

6 2. Any trade dress, trademark, branding, or related imagery or scenery shall be  
7 prohibited under this section if the trade dress, trademark, branding, or related  
8 imagery or scenery depicts or signifies characters or symbols known to appeal primarily  
9 to persons under twenty-one years of age or mimics commonly available candy or snack  
10 products.

11           **3. Nothing in this section prohibits the use of drawings, illustrations, or artwork**  
12 **depicting nonmythical creatures, inanimate objects, scenery, humanoid characters,**  
13 **fruit- or flavor-focused images, or any other items not known to appeal primarily to**  
14 **persons under twenty-one years of age.**

**195.2590. 1. Sections 195.2550 to 195.2635 shall not be construed to permit a**  
2 **person to undertake any task while impaired by the use of a hemp-derived consumable**  
3 **product if doing so would constitute negligence or professional malpractice.**

4           **2. (1) A person shall not operate, navigate, or be in actual physical control of a**  
5 **motor vehicle, aircraft, motorized watercraft, or any other vehicle while impaired by the**  
6 **use of a hemp-derived consumable product.**

7           **(2) Conduct while intoxicated from the use of a hemp-derived consumable**  
8 **product shall be subject to the penalties for driving while intoxicated under section**  
9 **577.010 in the same manner that conduct while intoxicated from the use of any other**  
10 **drug is subject to such penalties.**

11           **3. (1) A person shall not drive a motor vehicle on a public road while consuming**  
12 **a hemp-derived consumable beverage product.**

13           **(2) A person shall not possess an open container of a hemp-derived consumable**  
14 **beverage product while driving a motor vehicle on a public road.**

15           **(3) A violation of subdivision (1) or (2) of this subsection is an infraction for**  
16 **which four points shall be assessed to the person's driving record.**

17           **4. Sections 195.2550 to 195.2635 shall not require an employer to accommodate**  
18 **the use of a hemp-derived consumable product in the workplace or an employee**  
19 **working while impaired by the use of a hemp-derived consumable product.**

20           **5. Sections 195.2550 to 195.2635 shall not exempt a person from prosecution for**  
21 **a criminal offense related to impairment or intoxication resulting from the use of a**  
22 **hemp-derived consumable product or relieve a person from any requirement under the**  
23 **law to submit to a breath, blood, urine, or other test to detect the presence of a**  
24 **controlled substance.**

**195.2595. 1. Nothing in sections 195.2550 to 195.2635 shall prohibit hemp-**  
2 **derived consumable beverage product manufacturers from assigning exclusive**  
3 **territories for distribution of hemp-derived consumable beverage products.**

4           **2. (1) Any person, cooperative, or business holding any one of the three types of**  
5 **hemp-derived consumable product licenses who is engaged in the production,**  
6 **manufacturing, distribution, or sale of hemp-derived consumable beverage products**  
7 **shall not hold either of the other two types of hemp-derived consumable product licenses**  
8 **and shall not have a financial interest, either direct or indirect, in a person, cooperative,**

9 or business holding any of the other two types of hemp-derived consumable product  
10 licenses.

11 (2) A hemp-derived consumable beverage product manufacturer shall not  
12 directly solicit, sell, or otherwise convey hemp-derived consumable beverage products to  
13 retailers. Hemp-derived consumable beverage product manufacturers are authorized to  
14 solicit and sell hemp-derived consumable beverage products to hemp-derived  
15 consumable beverage product distributors. Hemp-derived consumable beverage  
16 product distributors are authorized to solicit and sell hemp-derived consumable  
17 beverage products to hemp-derived consumable beverage product retailers.

18 (3) The prohibitions of this subsection shall not apply to any hemp-derived  
19 consumable beverage product manufacturer who sells less than one thousand gallons of  
20 the product each year.

21 3. No person or entity shall deliver, ship, or cause to be delivered or shipped any  
22 hemp-derived consumable beverage product directly to any resident of this state.

195.2600. 1. Each hemp-derived consumable product distributed or available  
2 for distribution in this state shall be officially registered with the division and shall  
3 comply with the requirements of this section.

4 2. Application for registration shall be made to the division on a form provided  
5 by the division and shall include the following information:

6 (1) The name and address of the applicant;

7 (2) The name and address of the person whose name will appear on the label if  
8 such person is not the applicant;

9 (3) The name of the product;

10 (4) The type and use of the product;

11 (5) A complete copy of the label as it will appear on the product in a legible  
12 format;

13 (6) If the product has been assigned a National Drug Code in accordance with 21  
14 CFR 207.33, the National Drug Code number; and

15 (7) The applicant's proof of using Current Good Manufacturing Practices  
16 (CGMP) and Generally Recognized as Safe (GRAS) standards as required under  
17 sections 195.2550 to 195.2635.

18 3. The application for registration shall include a certificate of analysis for the  
19 hemp-derived consumable product that is from an independent testing laboratory and  
20 that meets the requirements of section 195.2570.

21 4. The division may deny registration for an incomplete application.

22 5. A new registration is required for any of the following:

23 (1) Any change in a hemp-derived consumable product's ingredients;

24           **(2) Any change to the directions for use; and**

25           **(3) Any change of name for the product.**

26           **6. Any change not described in subsection 5 of this section shall not require a**  
27 **new registration, but the registrant shall submit copies of each label change to the**  
28 **division as soon as the change is effective.**

29           **7. The registrant is responsible for the accuracy and completeness of the**  
30 **information submitted.**

31           **8. A hemp-derived consumable product that has been discontinued shall**  
32 **continue to be registered in the state until the product is no longer available for**  
33 **distribution.**

**195.2605. 1. Testing of any hemp-derived consumable product for purposes of**  
2 **sections 195.2550 to 195.2635 shall be conducted on the hemp-derived consumable**  
3 **product in its final form in accordance with the requirements set forth in section**  
4 **195.2570.**

5           **2. The certificate of analysis for a hemp-derived consumable product shall**  
6 **report the test results required in section 195.2570 in specified units of measure and in**  
7 **accordance with the requirements for a hemp-derived consumable product in section**  
8 **195.2580.**

**195.2607. 1. The division shall conduct randomized inspections of hemp-derived**  
2 **consumable products distributed or available for distribution in this state for**  
3 **compliance with the requirements of sections 195.2550 to 195.2635.**

4           **2. The division shall periodically sample, analyze, and test hemp-derived**  
5 **consumable products distributed within this state for compliance with registration and**  
6 **labeling requirements and the certificate of analysis.**

7           **3. The division may conduct inspections of hemp-derived consumable products**  
8 **distributed or available for distribution for any reason the division deems necessary.**

**195.2610. 1. All retail establishments and food service establishments offering**  
2 **hemp-derived consumable beverage products shall be licensed by the division in**  
3 **accordance with sections 195.2550 to 195.2635.**

4           **2. A hemp-derived consumable beverage product may be sold by on-premises**  
5 **retailers or in food service establishments if the hemp-derived consumable beverage**  
6 **product has been registered in accordance with section 195.2600. Any other hemp-**  
7 **derived consumable product or class of products shall not be sold by on-premises**  
8 **retailers or in food service establishments.**

9           **3. A retail establishment, on-premises retailer, or food service establishment**  
10 **shall not offer hemp-derived consumable products at a temporary event or festival**  
11 **unless the retail establishment, on-premises retailer, or food service establishment is**



12 licensed by the division in accordance with sections 195.2550 to 195.2635 and obtains a  
13 temporary event permit from the division.

14 4. A business that distributes, sells, or serves hemp-derived consumable  
15 beverage products shall not permit any person who is under twenty-one years of age to  
16 serve hemp-derived consumable beverage products unless the person is an employee of  
17 the business who is eighteen years of age or older and under the direct supervision of a  
18 person twenty-one years of age or older.

19 5. A hemp-derived consumable beverage product shall not be sold for on-site  
20 consumption unless the prospective purchaser or recipient has presented proof of age or  
21 an ordinary person would conclude on the basis of appearance that the prospective  
22 purchaser or recipient is not under twenty-one years of age.

23 6. Except as set forth in this section, only prepackaged registered hemp-derived  
24 consumable beverage products shall be offered for direct consumption at on-premises  
25 retailers or food service establishments.

26 7. Hemp-derived consumable beverage products shall not be added to an  
27 ingestible food product at a food service establishment.

28 8. Hemp-derived consumable beverage products may be combined with  
29 nonalcoholic ingestible beverage products at an on-premises retailer or food service  
30 establishment.

31 9. On-premises retailers and food service establishments serving hemp-derived  
32 consumable beverage products shall not provide hemp-derived consumable beverage  
33 products to individuals who are believed to be intoxicated.

34 10. An on-premises retailer or food service establishment offering any hemp-  
35 derived consumable beverage product shall provide to consumers upon request:

36 (1) The common name of the product; and

37 (2) The distributor or manufacturer of the product.

38 11. On-site sampling of hemp-derived consumable beverage products provided  
39 by a manufacturer at the manufacturer's place of business is permitted provided that  
40 the persons sampling are twenty-one years of age or older and the sampling is conducted  
41 in a manner that reflects responsible serving practices.

195.2615. The division may regulate the advertising and promotion of hemp-  
2 derived consumable product sales, but any such regulation shall be no more stringent  
3 than comparable state regulations on the advertising and promotion of alcohol sales.

195.2617. For all tax years beginning on or after January 1, 2026, an excise tax is  
2 levied and imposed upon the retail sale of hemp-derived consumable products to  
3 consumers within this state at the rate and in the manner set forth in section 144.028.

195.2620. 1. As used in this section, the following terms mean:

2           **(1) "Good cause":**

3           **(a) Failure by the hemp-derived consumable beverage product distributor to**  
4 **comply substantially with the provisions of an agreement or understanding with the**  
5 **hemp-derived consumable beverage product manufacturer if the provisions are both**  
6 **essential and reasonable;**

7           **(b) Use of bad faith or failure to observe reasonable commercial standards of**  
8 **fair dealing in the trade; or**

9           **(c) Revocation or suspension for more than thirty days of the hemp-derived**  
10 **consumable beverage product distributor's state or local license required for the normal**  
11 **operations of its business;**

12           **(2) "Good faith", the duty of each party to any franchise and all officers,**  
13 **employees, or agents thereof to act in a fair and equitable manner toward each other.**

14           **2. If more than one franchise for the same brand or brands of hemp-derived**  
15 **consumable beverage products is granted to different hemp-derived consumable**  
16 **beverage product distributors in this state, it shall be unlawful for any hemp-derived**  
17 **consumable beverage product manufacturer to discriminate between the distributors**  
18 **with respect to any of the terms, provisions, and conditions of these franchises.**

19           **3. Notwithstanding the terms, provisions, and conditions of any franchise, no**  
20 **hemp-derived consumable beverage product manufacturer shall unilaterally terminate**  
21 **or refuse to continue or change substantially the condition of any franchise with the**  
22 **hemp-derived consumable beverage product distributor unless the manufacturer has**  
23 **first established good cause for such termination, noncontinuance, or change.**

24           **4. Any hemp-derived consumable beverage product distributor may bring an**  
25 **action in a court of competent jurisdiction against a hemp-derived consumable beverage**  
26 **product manufacturer for violation of any of the provisions of this section and may**  
27 **recover damages sustained by such distributor together with the costs of the action and**  
28 **reasonable attorney's fees.**

29           **5. In any action brought by a hemp-derived consumable beverage product**  
30 **distributor against a hemp-derived consumable beverage product manufacturer for**  
31 **termination, noncontinuance, or substantial change in violation of the provisions of this**  
32 **section, it is a complete defense for the hemp-derived consumable beverage product**  
33 **manufacturer to prove that the termination, noncontinuance, or substantial change was**  
34 **done in good faith and for good cause.**

**195.2625. 1. Any manufacturer licensed under sections 195.2550 to 195.2635,**  
2 **including its affiliates, officers, directors, employees, and agents, shall be indemnified**  
3 **from any and all claims, losses, liabilities, damages, costs, and expenses, including**  
4 **reasonable attorney's fees and litigation costs, arising out of any:**

5           **(1) Untrue representation, breach of warranty, or nonfulfillment by any retailer**  
6 **or distributor of any obligation under sections 195.2550 to 195.2635;**

7           **(2) Negligent act or omission, or willful misconduct, of a retailer or distributor**  
8 **licensed under sections 195.2550 to 195.2635, including its employees, agents, or**  
9 **representatives, in connection with hemp-derived consumable products; or**

10           **(3) Bodily injury or property damage to third parties arising from:**

11           **(a) Any retailer or distributor licensed under sections 195.2550 to 195.2635;**

12           **(b) Any marketing, distribution, or sale of hemp-derived consumable products**  
13 **under sections 195.2550 to 195.2635, including the storage, transportation, and delivery**  
14 **of the products; or**

15           **(c) Any actual or alleged defect in a hemp-derived consumable product or in the**  
16 **labeling or packaging of the product.**

17           **2. Any distributor licensed under sections 195.2550 to 195.2635, including its**  
18 **affiliates, officers, directors, employees, and agents, shall be indemnified from any and**  
19 **all claims, losses, liabilities, damages, costs, and expenses, including reasonable**  
20 **attorney's fees and litigation costs, arising out of any:**

21           **(1) Untrue representation, breach of warranty, or nonfulfillment by any**  
22 **manufacturer or retailer of any obligation under sections 195.2550 to 195.2635;**

23           **(2) Negligent act or omission, or willful misconduct, of a manufacturer or**  
24 **retailer licensed under sections 195.2550 to 195.2635, including its employees, agents, or**  
25 **representatives, in connection with hemp-derived consumable products; or**

26           **(3) Bodily injury or property damage to third parties arising from:**

27           **(a) Any manufacturer or retailer licensed under sections 195.2550 to 195.2635;**

28           **(b) Any marketing, distribution, or sale of hemp-derived consumable products**  
29 **under sections 195.2550 to 195.2635, including the storage, transportation, and delivery**  
30 **of the products; or**

31           **(c) Any actual or alleged defect in a hemp-derived consumable product or in the**  
32 **labeling or packaging of the product.**

33           **3. Any retailer licensed under sections 195.2550 to 195.2635, including its**  
34 **affiliates, officers, directors, employees, and agents, shall be indemnified from any and**  
35 **all claims, losses, liabilities, damages, costs, and expenses, including reasonable**  
36 **attorney's fees and litigation costs, arising out of any:**

37           **(1) Untrue representation, breach of warranty, or nonfulfillment by any**  
38 **manufacturer or distributor of any obligation under sections 195.2550 to 195.2635;**

39           **(2) Negligent act or omission, or willful misconduct, of a manufacturer or**  
40 **distributor licensed under sections 195.2550 to 195.2635, including its employees, agents,**  
41 **or representatives, in connection with hemp-derived consumable products; or**

42 (3) Bodily injury or property damage to third parties arising from:

43 (a) Any manufacturer or distributor licensed under sections 195.2550 to  
44 195.2635;

45 (b) Any marketing, distribution, or sale of hemp-derived consumable products  
46 under sections 195.2550 to 195.2635, including the storage, transportation, and delivery  
47 of the products; or

48 (c) Any actual or alleged defect in a hemp-derived consumable product or in the  
49 labeling or packaging of the product.

195.2630. 1. As used in this section, the following terms mean:

2 (1) "Safe harbor hemp product", a hemp-derived compound or hemp-derived  
3 cannabinoid, whether a finished product or in the process of being produced, that is  
4 manufactured for distribution, produced for distribution, packaged for distribution,  
5 processed for distribution, prepared for distribution, treated for distribution,  
6 transported for distribution, or held for distribution in this state for export from this  
7 state but that is not sold or distributed in this state;

8 (2) "Safe harbor manufacturer or storage facility", a facility that manufactures  
9 for distribution, produces for distribution, packages for distribution, processes for  
10 distribution, prepares for distribution, treats for distribution, transports for  
11 distribution, or holds for distribution a safe harbor hemp product.

12 2. Sections 195.2550 to 195.2635 shall not apply to any:

13 (1) Safe harbor hemp product; or

14 (2) Safe harbor manufacturer or storage facility.

195.2635. 1. Before July 1, 2026, each school district in this state shall adopt and  
2 enforce a written policy prohibiting at all times the use of any hemp-derived consumable  
3 product by any person in school buildings, in school facilities, on school campuses, and  
4 in or on any other school property owned or operated by the school district. The policy  
5 shall also prohibit the use of any hemp-derived consumable product by persons  
6 attending a school-sponsored event at a location not listed in this subsection if in the  
7 presence of students or school personnel or in an area where smoking or other use of a  
8 hemp-derived consumable product is otherwise prohibited by law.

9 2. Notwithstanding the provisions of subsection 1 of this section or any other  
10 provision of sections 195.2550 to 195.2635 to the contrary, a licensed health care  
11 professional may administer a hemp-derived consumable product to a student at a  
12 school under the following conditions:

13 (1) The student has a recommendation from a licensed health care professional  
14 specifying the reason for the administration, the suggested product, and the suggested  
15 dosage;

16           **(2) The parent or legal guardian of the student has provided a letter giving**  
17 **express permission to administer the product to the student in accordance with the**  
18 **recommendation of the licensed health care professional;**

19           **(3) For each hemp-derived consumable product to be administered, the student's**  
20 **parent or legal guardian has submitted a validly issued certificate of analysis from an**  
21 **independent testing laboratory with testing results that meet the requirements of section**  
22 **195.2570; and**

23           **(4) For each hemp-derived consumable product to be administered, no more**  
24 **than a three months' supply of the product is provided to the school at any given time.**

25           **3. Any hemp-derived consumable product provided to a school under this**  
26 **section shall be kept in an area that is inaccessible to other students, teachers, staff, and**  
27 **administrators.**

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