

FIRST REGULAR SESSION

HOUSE BILL NO. 696

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

1319H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 195, RSMo, by adding thereto eighteen new sections relating to hemp-derived consumable products, with penalty provisions.

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

Section A. Chapter 195, RSMo, is amended by adding thereto eighteen new sections, to be known as sections 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, 195.2630, and 195.2635, to read as follows:

195.2550. 1. Sections 195.2550 to 195.2635 shall be known and may be cited as the "Missouri Hemp Consumer Protection Act".

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

(1) "Batch":

(a) A specific quantity of hemp plants that are cultivated from the same seed or plant stock, that are cultivated together, that are intended to be harvested together, and that receive identical propagation and cultivation treatment; or

(b) A specific quantity of hemp-derived consumable product, as defined by the manufacturer, that is manufactured at the same time and using the same methods, equipment, and ingredients; that is uniform and intended to meet specifications for identity, strength, purity, and composition; and that is manufactured, packaged, and labeled according to a single batch production record executed and documented;

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

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 (a) A hemp-derived consumable product distributor;
- 17 (b) A hemp-derived consumable product retailer; or
- 18 (c) A hemp-derived consumable product manufacturer;
- 19 (3) "Certificate of analysis", a document from an independent testing laboratory
- 20 that provides detailed results of hemp and hemp product testing, including batch
- 21 number, date received, and method of analysis, ensuring that the product and the hemp
- 22 used to manufacture the product comply with the state's safety and potency standards;
- 23 (4) "Counter", the point of purchase at a retail establishment;
- 24 (5) "Department", the department of health and senior services;
- 25 (6) "Distributor", a person or entity that purchases hemp-derived consumable
- 26 products from manufacturers and sells them to retailers;
- 27 (7) "Division", the division of alcohol and tobacco control of the department of
- 28 public safety;
- 29 (8) "Food service establishment", an establishment where food is prepared and
- 30 served on the premises;
- 31 (9) "Hemp", the plant *Cannabis sativa* L. and any part of that plant, including
- 32 the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and
- 33 salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol
- 34 concentration of not more than three-tenths of one percent on a dry-weight basis;
- 35 (10) "Hemp-derived cannabinoid", any naturally occurring cannabinoid
- 36 derived from a compound found in hemp including, but not limited to, delta-9
- 37 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol
- 38 (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG),
- 39 cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV),
- 40 tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT),
- 41 delta-7 tetrahydrocannabinol (delta-7 THC), delta-8 tetrahydrocannabinol (delta-8
- 42 THC), delta-10 tetrahydrocannabinol (delta-10 THC), or hexahydrocannabinol (HHC);
- 43 (11) "Hemp-derived consumable beverage product", a hemp-derived
- 44 consumable product that is a liquid intended for ingestion and that is not a tincture;
- 45 (12) "Hemp-derived consumable product", a finished good that is intended for
- 46 human ingestion or inhalation, that contains at least one hemp-derived cannabinoid,
- 47 and that does not contain a delta-9 THC concentration of more than three-tenths of one
- 48 percent on a dry-weight basis but may contain concentrations of other hemp-derived
- 49 cannabinoids in excess of such amount. The term "hemp-derived consumable product"
- 50 shall not include any hemp product intended for topical application or any hemp seeds
- 51 or hemp-seed-derived ingredients that are generally recognized as safe by the United
- 52 States Food and Drug Administration;

53 (13) "Independent testing laboratory", a laboratory that meets all of the
54 following conditions:

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

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

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

63 (d) Performs tetrahydrocannabinol concentration sampling and testing using the
64 high-performance liquid chromatography (HPLC) method or the gas chromatography-
65 mass spectrometry (GC-MS) method, as appropriate for the material being tested, in a
66 manner that ensures that the testing does not alter the chemical composition of the
67 cannabinoids;

68 (14) "Ingestion", the process of consuming a hemp-derived consumable product
69 through the mouth by swallowing into the gastrointestinal system;

70 (15) "Inhalation", the process of consuming a hemp-derived consumable
71 product through the respiratory system via the mouth or nasal passageway;

72 (16) "License", a license issued in accordance with sections 195.2550 to
73 195.2635;

74 (17) "Manufacture", to compound, blend, extract, infuse, cook, or otherwise
75 make or prepare products containing a hemp-derived cannabinoid, including the
76 processes of extraction, infusion, packaging, repackaging, labeling, and relabeling of
77 products containing a hemp-derived cannabinoid;

78 (18) "Manufacturer", any person who engages in the process of manufacturing,
79 preparing, or packaging hemp-derived consumable products;

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

83 (20) "Retail establishment", a place of business open to the general public for
84 the sale of goods or services;

85 (21) "Retailer", a person or entity that sells hemp-derived consumable products
86 for consumption and not for resale;

87 (22) "Safe harbor hemp product", a hemp-derived compound or hemp-derived
88 cannabinoid, whether a finished product or in the process of being produced, that is
89 manufactured for distribution, produced for distribution, packaged for distribution,

90 processed for distribution, treated for distribution, transported for distribution, or held
91 for distribution in this state for export from this state but that is not sold at retail in this
92 state;

93 (23) "Safe harbor manufacturer or storage facility", a facility that manufactures
94 for distribution, produces for distribution, packages for distribution, processes for
95 distribution, prepares for distribution, treats for distribution, transports for
96 distribution, or holds for distribution a safe harbor hemp product;

97 (24) "Serving", a quantity of a hemp-derived consumable product
98 recommended for consumption at a single time as indicated on the packaging as a
99 single piece, that is easily identified as breakable by indent, or that is measurable by
100 fluid ounce;

101 (25) "Tincture", a hemp-derived consumable product that is in the form of
102 liquid, that is not a beverage or intended for drinking but that is intended for human
103 consumption, and that contains hemp suspended in a consumable base liquid.

195.2555. 1. A person shall not knowingly:

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

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

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

9 (4) Distribute hemp-derived consumable products in or on a public street,
10 sidewalk, or park without obtaining a temporary event permit from the division; or

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

15 2. (1) A person under twenty-one years of age shall not knowingly:

16 (a) Purchase or accept receipt of a hemp-derived consumable product; or

17 (b) Present purported proof of age that is false or fraudulent or that does not
18 actually identify the person for the purpose of purchasing or receiving a hemp-derived
19 consumable product.

20 (2) Notwithstanding the provisions of subdivision (1) of this subsection to the
21 contrary, it shall be lawful, and shall not constitute a violation of sections 195.2550 to
22 195.2635, for a person under twenty-one years of age to:

23 (a) Consume hemp-derived consumable products under the supervision of the
24 person's parent or legal guardian or in accordance with the provisions of section
25 195.2635; or

26 (b) Purchase, accept receipt of, possess, consume, or use a hemp-derived
27 consumable product if the person is eighteen years of age or older and a veteran, as
28 defined in section 42.002. Any activity prohibited under sections 195.2550 to 195.2635
29 based on age shall be lawful if the person under twenty-one years of age meets the
30 criteria set forth in this paragraph and the seller or distributor of the hemp-derived
31 consumable product obtains proof of the person's veteran status.

32 3. With the exception of any hemp-derived consumable beverage product that
33 does not contain more than ten milligrams per single serving of delta-8 THC, delta-9
34 THC, or delta-10 THC, or any combination thereof, a retailer or retail establishment
35 shall maintain any hemp-derived consumable product on or behind the counter, in a
36 locked cabinet, or in an area or retail establishment restricted to adults twenty-one
37 years of age or older. Any hemp-derived consumable beverage product, including those
38 in cases or boxes, offered for retail sale shall be merchandised in a manner that clearly
39 indicates to consumers, by way of signage, shelf-talkers, stickers, or other comparable
40 means, that the product contains hemp-derived cannabinoids and is for sale only to
41 persons twenty-one years of age or older.

42 4. Any person who violates any provision of this section shall be subject to a fine
43 not to exceed two hundred fifty dollars for a first violation, to be paid into the state
44 school moneys fund established under section 166.051 as provided by law for other fines
45 and penalties. The penalty for any second or subsequent violation shall be a class D
46 misdemeanor.

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

52 6. Notwithstanding the provisions of this chapter or chapter 579 or any other
53 provision of law to the contrary, any purchase, possession, consumption, use,
54 manufacture, transportation, or distribution of any hemp-derived consumable
55 product that complies with the provisions of sections 195.2550 to 195.2635 shall be
56 lawful.

195.2560. 1. The division shall issue licenses for the manufacture and sale of
2 hemp-derived consumable products in this state.

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

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

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

15 **(1) Submit to the division an application that includes:**

16 **(a) The name and address of the applicant; and**

17 **(b) If the applicant is a retailer, the legal description of the location to be used for**
18 **sales;**

19 **(2) Pay to the division a fee determined by the division but not to exceed:**

20 **(a) For manufacturers and distributors, two hundred fifty dollars; and**

21 **(b) For retailers, one hundred dollars; and**

22 **(3) Consent to reasonable inspection and sampling by the division of the**
23 **applicant's inventory of hemp-derived consumable products.**

24 **5. A license issued under this section shall be valid for a period of one year and**
25 **may be renewed annually. The division shall charge an annual renewal fee equal to the**
26 **initial licensing fee.**

27 **6. The division shall establish guidelines for small-scale producers to promote**
28 **the development of local hemp manufacturers focused on the production of edibles,**
29 **inhalables, and beverages.**

30 **7. Notwithstanding any other provision of this section, any applicant that meets**
31 **the requirements set forth in sections 195.2550 to 195.2635 shall be issued a license by**
32 **the division. A license application shall be automatically deemed approved, and a**
33 **license shall be issued, if the division fails to approve or deny the application within**
34 **ninety days of the date of the submission of the application.**

35 **8. All fees payable under this section shall be collected by the division and**
36 **transmitted to the department of revenue for deposit in the state treasury to the credit of**
37 **the hemp business fund established under section 195.2563.**

38 **9. (1) Beginning on the effective date of this section and continuing thereafter,**
39 **no new retail establishments offering hemp-derived consumable products shall be**

40 located within one hundred feet of any educational institution, public or private,
41 providing elementary or secondary education to children at any level from kindergarten
42 through grade twelve or at any equivalent level if the institution does not use grade
43 divisions.

44 (2) Notwithstanding the provisions of subdivision (1) of this subsection, a retail
45 establishment that was operating within one hundred feet of any educational institution
46 described in subdivision (1) of this subsection before the effective date of this section
47 that changes ownership on or after the effective date of this section shall be permitted to
48 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;

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

11 (4) Specify the procedures for the denial or revocation of licenses based on
12 violations of sections 195.2550 to 195.2635, including administrative appeals of such
13 decisions.

14 **2. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
15 **created under the authority delegated in this section shall become effective only if it**
16 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
17 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
18 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
19 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
20 **then the grant of rulemaking authority and any rule proposed or adopted after the**
21 **effective date of this section shall be invalid and void.**

195.2570. 1. Hemp-derived consumable products and any hemp used to
2 **manufacture hemp-derived consumable products shall be tested in accordance with the**
3 **requirements of this section. The department of health and senior services shall oversee**
4 **all testing required under this section.**

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

9 **(2) The department shall develop an application and process by which qualifying**
10 **laboratories, located both in this state and outside this state, are listed on its website. An**
11 **application submitted by a potentially qualifying laboratory shall include a sample**
12 **certificate of analysis issued by the applying laboratory and provide proof of the**
13 **laboratory's International Organization for Standardization (ISO) 17025 accreditation**
14 **or registration with the Drug Enforcement Administration in accordance with 21 CFR**
15 **1301.13.**

16 **(3) An application submitted under subdivision (2) of this subsection shall be**
17 **automatically deemed approved if the department fails to take any action on the**
18 **application within ninety days of the date of the submission of the application.**

19 **(4) Notwithstanding the provisions of subdivisions (1) to (3) of this subsection,**
20 **independent testing laboratories wishing to test hemp and hemp-derived consumable**
21 **products subject to the requirements of sections 195.2550 to 195.2635 shall register**
22 **immediately with the department.**

23 **3. A manufacturer shall ensure that the hemp used in the manufacturing of**
24 **hemp-derived consumable products undergoes full-panel testing under subsection 5 of**
25 **this section. If the hemp used in the manufacturing of a hemp-derived consumable**
26 **product has valid full-panel test results, the hemp-derived consumable product shall be**
27 **required to undergo only potency testing. Any hemp that contains more than the**
28 **maximum amount indicated for any substance in subsection 5 of this section shall not be**

29 used to manufacture hemp-derived consumable products to be offered for sale or
30 distribution in this state.

31 4. A distributor shall ensure its hemp-derived consumable product is tested for
32 potency prior to distribution to a retailer. The test results for potency shall be
33 documented and maintained by the distributor.

34 5. (1) The department shall promulgate regulations specifying pass or fail action
35 levels for safety and toxicity for hemp used to manufacture hemp-derived consumable
36 products. Any hemp to be used in the manufacture of hemp-derived consumable
37 products offered for sale or distribution in this state shall be tested for the presence of
38 and amounts of the following substances:

39 (a) Heavy metals;

40 (b) Pesticides;

41 (c) Mycotoxins;

42 (d) Solvents; and

43 (e) Microbials.

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

52 6. Manufacturers and distributors shall contract with an independent testing
53 laboratory to provide the testing required under this section.

54 7. An independent testing laboratory providing full-panel or potency testing
55 required under this section shall use the high-performance liquid chromatography
56 (HPLC) method or gas chromatography-mass spectrometry (GC-MS) method, as
57 appropriate for the material being tested, in a manner that ensures that the testing does
58 not alter the chemical composition of the cannabinoids.

59 8. Each batch of hemp used to manufacture hemp-derived consumable products
60 shall be accompanied by a validly issued certificate of analysis from an independent
61 testing laboratory that demonstrates:

62 (1) The batch number;

63 (2) The date received;

64 (3) The date of completion;

65 **(4) The method of analysis for each test conducted on the hemp under subsection**
66 **5 of this section; and**

67 **(5) Proof that the certificate of analysis is connected to the batch of hemp.**

68 **9. Each hemp-derived consumable product shall be accompanied by the**
69 **certificate of analysis for the hemp used to manufacture the hemp-derived consumable**
70 **product as well as a validly issued certificate of analysis from an independent testing**
71 **laboratory on the hemp-derived consumable product that demonstrates:**

72 **(1) The batch number for the product;**

73 **(2) The date received;**

74 **(3) The date of completion;**

75 **(4) The method of analysis for the potency test conducted on the product; and**

76 **(5) Proof that the certificate of analysis is connected to the product.**

77 **10. A manufacturer shall provide certificates of analysis to inspectors upon**
78 **request. A retailer shall maintain certificates of analysis for each batch of hemp-derived**
79 **consumable product that the retailer sells and provide the certificates of analysis to**
80 **inspectors, upon request, at any time during the three-year period following the date on**
81 **which the hemp-derived consumable product was manufactured.**

82 **11. If a hemp-derived consumable product does not have a certificate of analysis**
83 **demonstrating that full-panel testing was conducted under subsection 5 of this section**
84 **on the hemp used to manufacture the hemp-derived consumable product, a certificate of**
85 **analysis demonstrating that full-panel testing was conducted under subsection 5 of this**
86 **section on the hemp-derived consumable product shall be sufficient.**

87 **12. A hemp flower or any product containing only the flower of hemp shall be**
88 **required under this section to be accompanied only by a certificate of analysis issued**
89 **within the previous twelve-month period demonstrating that the hemp flower or the**
90 **product containing hemp flower does not contain a delta-9 THC concentration of more**
91 **than three-tenths of one percent on a dry-weight basis.**

92 **13. A hemp-derived consumable product shall have a best-by date on the label**
93 **that conforms with any applicable federal law and that shall be not more than two years**
94 **from the date of publication of the product's laboratory testing report for potency**
95 **required by subsection 4 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) A clear indication on the front of the label that the package contains hemp-**
7 **derived cannabinoids;**
- 8 **(4) Net weight or volume or net count of individual items, on the front of the**
9 **label;**
- 10 **(5) Suggested product use, including serving sizes;**
- 11 **(6) List of ingredients, including:**
- 12 **(a) Milligrams of any cannabinoid over one milligram per serving; and**
- 13 **(b) Milligrams of any measurable amount of THC per serving;**
- 14 **(7) List of allergens if any of the major allergens identified by the United States**
15 **Food and Drug Administration (FDA) could be present or if the product is**
16 **manufactured in a lab that uses any of those major allergens identified by the FDA**
17 **in the Food Allergen Labeling and Consumer Protection Act of 2004;**
- 18 **(8) The name and physical address or website address of the manufacturer or**
19 **distributor;**
- 20 **(9) Batch numbers for both the hemp-derived consumable product and the**
21 **hemp used to manufacture the hemp-derived consumable product;**
- 22 **(10) A best-by date that conforms with any applicable federal law and that shall**
23 **be not more than two years from the date of publication of the product's certificate of**
24 **analysis testing report required under section 195.2570;**
- 25 **(11) A statement that use while pregnant or breast-feeding may be harmful;**
- 26 **(12) A statement that the product contains hemp-derived cannabinoids and that**
27 **consumption of certain cannabinoids may impair the consumer's ability to drive or**
28 **operate heavy machinery;**
- 29 **(13) A statement to keep out of the reach of children;**
- 30 **(14) A statement that the product is only for persons twenty-one years of age or**
31 **older; and**
- 32 **(15) A statement to consult a physician before use.**
- 33 **2. The label of each hemp-derived consumable product shall include the**
34 **following text: "This product has not been evaluated by the Food and Drug**
35 **Administration. This product is not intended to diagnose, treat, cure, mitigate, or**
36 **prevent any disease."**
- 37 **3. Hemp-derived consumable product labels shall not:**
- 38 **(1) Have any likeness or bear any reasonable resemblance to a human, animal,**
39 **cartoon character, or fictional character; or**
- 40 **(2) Infringe upon any trademarks protected by the United States Patent and**
41 **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 be labeled in accordance with section 195.2575 and include a quick response code that directs consumers to all label information required by section 195.2575 and all information required by section 195.2570.

2. A hemp-derived consumable product that is sold in this state shall be manufactured in the United States under all applicable laws governing the manufacture of hemp-derived consumable products in its jurisdiction of origin.

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

(1) Be sold in a container in which a single serving contains more than one hundred milligrams of one or more of the following hemp-derived cannabinoids:

- (a) Delta-8 THC;
- (b) Delta-9 THC; or
- (c) Delta-10 THC;

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

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

(4) Be sold in packaging that is not child-resistant in accordance with accepted federal standards.

4. Any hemp-derived consumable beverage product or tincture intended for ingestion that is sold in this state shall not be sold in a container in which a single serving contains more than one hundred milligrams of one or more of the following hemp-derived cannabinoids:

- (1) Delta-8 THC;
- (2) Delta-9 THC; or
- (3) Delta-10 THC.

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

(1) Be sold in a container that contains more than six milliliters or six grams, in the aggregate, of one or more of the following hemp-derived cannabinoids:

- (a) Delta-8 THC;
- (b) Delta-9 THC; or
- (c) Delta-10 THC;

(2) Be sold without a validly issued certificate of analysis issued by an independent testing laboratory within the previous twenty-four months; or

(3) Contain any amount of vitamin E oil or vitamin E acetate oil in any quantity.

38 **6. A hemp-derived consumable product that is sold or offered for sale in**
39 **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 used for**
7 **any activity described in this section shall not:**

8 **(1) Depict or signify characters or symbols known to appeal primarily to minors;**
9 **or**

10 **(2) Infringe upon any trademarks protected by the United States Patent and**
11 **Trademark Office or the Missouri office of the secretary of state.**

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

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

4 **2. 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 **3. An employer shall not be required to accommodate the use of a hemp-derived**
8 **consumable product in the workplace or an employee working while under the influence**
9 **of a hemp-derived consumable product.**

10 **4. Sections 195.2550 to 195.2635 shall not exempt a person from prosecution for**
11 **a criminal offense related to impairment or intoxication resulting from the use of a**
12 **hemp-derived consumable product or relieve a person from any requirement under the**
13 **law to submit to a breath, blood, urine, or other test to detect the presence of a**
14 **controlled substance.**

15 **5. Any state agency that regulates activities described in this section may**
16 **promulgate rules to implement the provisions of this section relevant to its regulatory**
17 **jurisdiction. Any rule or portion of a rule, as that term is defined in section 536.010,**
18 **that is created under the authority delegated in this section shall become effective only if**
19 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
20 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**

21 vested with the general assembly pursuant to chapter 536 to review, to delay the
22 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
23 then the grant of rulemaking authority and any rule proposed or adopted after the
24 effective date of this section shall be invalid and void.

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

195.2600. 1. Each manufacturer shall officially register its hemp-derived
2 consumable products distributed or available for distribution in this state with the
3 division and shall 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 product
8 labels if such person is not the applicant;

9 (3) The ingredients used in the products to be distributed; and

10 (4) The types and uses of the products to be distributed.

11 3. The division may conduct random audits to ensure that the registrant is
12 complying with the division's registration requirements.

13 4. A new or updated product registration is required for any of the following:

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

15 (2) Any change of name for the product; and

16 (3) Any change to the directions for use.

17 5. For any change that does not require a new registration, the registrant shall
18 submit copies of each label change to the division as soon as the change is effective.

19 6. The registrant is responsible for the accuracy and completeness of the
20 information submitted.

21 7. A hemp-derived consumable product that has been discontinued shall
22 continue to be registered in the state until the product is no longer available for
23 distribution.

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

5 2. The certificates 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. Testing under this section shall be limited to hemp-derived
2 consumable products distributed or available for distribution in the state to ensure
3 compliance with 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 certificates of analysis.

7 3. The division shall conduct randomized full-panel and potency testing using
8 the high-performance liquid chromatography (HPLC) method or the gas
9 chromatography-mass spectrometry (GC-MS) method, as appropriate for the product
10 being tested, in a manner that ensures that the testing does not alter the chemical
11 composition of the cannabinoids.

12 4. The division or the department shall be responsible for procuring the hemp-
13 derived consumable products to be sampled. Licensees shall not be required to release
14 goods for testing without appropriate compensation.

15 5. The division may conduct HPLC testing of hemp-derived consumable
16 products distributed or available for distribution for any reason the division deems
17 necessary.

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

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

9 3. A retail establishment or food service establishment shall not offer hemp-
10 derived consumable products at a temporary event unless the retail establishment or
11 food service establishment is licensed by the division in accordance with sections
12 195.2550 to 195.2635 and obtains a temporary event permit from the division.
13 Temporary event permits may be obtained for street or neighborhood festivals,
14 concerts, markets, or other similar events.

15 4. A business that distributes, sells, or serves hemp-derived consumable products
16 shall not permit any person who is under twenty-one years of age to serve or handle
17 hemp-derived consumable products unless the person is an employee of the business

18 **who is eighteen years of age or older and under the direct supervision of a person**
19 **twenty-one years of age or older.**

20 **5. Persons under eighteen years of age may work in hemp fields or participate in**
21 **the processing of raw hemp flower as part of agricultural operations, provided that such**
22 **persons are supervised by a person twenty-one years of age or older.**

23 **6. A hemp-derived consumable product shall not be sold for on-site consumption**
24 **unless the prospective purchaser or recipient has presented proof of age or an ordinary**
25 **person would conclude on the basis of appearance that the prospective purchaser or**
26 **recipient is not under twenty-one years of age.**

27 **7. Except as set forth in this section, only prepackaged registered hemp-derived**
28 **consumable products may be offered as ready to consume or for direct consumption at**
29 **food service establishments.**

30 **8. Hemp-derived consumable products shall not be added to an ingestible food**
31 **product at a food service establishment.**

32 **9. Hemp-derived consumable beverage products may be added to a nonalcoholic**
33 **ingestible beverage product at a food service establishment, provided that the food**
34 **service establishment is able to provide the consumer, upon request, with a copy of the**
35 **hemp-derived consumable beverage product's registration issued by the division at the**
36 **time the food service establishment incorporates the hemp-derived consumable**
37 **beverage product into the nonalcoholic ingestible beverage product.**

38 **10. A food service establishment offering hemp-derived consumable products**
39 **shall obtain a copy of the division's registration for each hemp-derived consumable**
40 **product and provide a copy upon inspection.**

41 **11. A food service establishment offering any hemp-derived consumable product**
42 **shall provide to consumers upon request:**

43 **(1) The common name of the product;**

44 **(2) The distributor or manufacturer of the product; and**

45 **(3) A copy of the division's registration for the hemp-derived consumable**
46 **product.**

47 **12. A food service establishment shall notify the division within twenty-four**
48 **hours of becoming aware, or within twenty-four hours of when the food service**
49 **establishment should have been aware, of any serious adverse event associated with a**
50 **hemp-derived consumable product sold by the food service establishment.**

51 **13. On-site sampling of hemp-derived consumable products provided by a**
52 **manufacturer at the manufacturer's place of business is permitted provided that the**
53 **persons sampling are twenty-one years of age or older.**

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

195.2630. 1. Sections 195.2550 to 195.2635 shall not apply to any:

(1) Safe harbor hemp product; or

(2) Safe harbor manufacturer or storage facility.

2. Hemp-derived consumable products intended for distribution or resale outside this state are exempt from any registration requirements or other requirements of the department of health and senior services. Such products are subject only to the regulations of the destination state or country.

195.2635. 1. Notwithstanding the provisions of this chapter or chapter 579 or any other provision of law to the contrary, a registered nurse, as defined in section 335.016, may administer a hemp-derived consumable product to a student at a school under the following conditions:

(1) The parent or legal guardian of the student has submitted a written letter specifying the reason for the administration and the amount to be administered to the student;

(2) For each hemp-derived consumable product to be administered, no more than a three months' supply of the product is provided to the school at any given time; and

(3) Any hemp-derived consumable product provided to a school under this subsection is kept in an area that is inaccessible to other students, teachers, staff, and administrators.

2. Hemp-derived consumable products may be sold or consumed at any festival or event held on school grounds where alcohol is otherwise permitted as long as the festival or event complies with the requirements for festivals or events that apply generally regardless of whether the festival or event is held on school grounds.

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