

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 103

103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE SASSMANN.

4027H.011

JOSEPH ENGLER, Chief Clerk

---

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 1 and 2 of Article XIV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the advertising and promotion of marijuana sales.

---

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2026, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article XIV of the Constitution of the state of Missouri:

Section A. Sections 1 and 2, Article XIV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as Sections 1 and 2, to read as follows:

Section 1. 1. Purposes.

This section is intended to permit state-licensed physicians and nurse practitioners to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The section allows patients with qualifying medical conditions the right to discuss freely with their physicians and nurse practitioners the possible benefits of medical marijuana use, the right of their physicians and nurse practitioners to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician or nurse practitioner.

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.

9 This section is intended to make only those changes to Missouri laws that are  
10 necessary to protect patients, their primary caregivers, and their physicians and nurse  
11 practitioners from civil and criminal penalties, and to allow for the limited legal production,  
12 distribution, sale and purchase of marijuana for medical use. This section is not intended to  
13 change current civil and criminal laws governing the use of marijuana for nonmedical  
14 purposes. The section does not allow for the public use of marijuana and driving under the  
15 influence of marijuana.

16 2. Definitions.

17 (1) "Administer" means the direct application of marijuana to a qualifying patient by  
18 way of any of the following methods:

19 (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;

20 (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, oils, and  
21 other marijuana-infused products;

22 (c) Application of ointments or balms;

23 (d) Transdermal patches and suppositories;

24 (e) Consuming marijuana-infused food products; or

25 (f) Any other method recommended by a qualifying patient's physician or nurse  
26 practitioner.

27 (2) "Church" means a permanent building primarily and regularly used as a place of  
28 religious worship.

29 (3) "Daycare" means a child-care facility, as defined by section 210.201, RSMo, or  
30 successor provisions, that is licensed by the state of Missouri.

31 (4) "Department" means the department of health and senior services, or its successor  
32 agency.

33 (5) "Entity" means a natural person, corporation, professional corporation, nonprofit  
34 corporation, cooperative corporation, unincorporated association, business trust, limited  
35 liability company, general or limited partnership, limited liability partnership, joint venture, or  
36 any other legal entity.

37 (6) "Flowering plant" means a marijuana plant from the time it exhibits the first signs  
38 of sexual maturity through harvest.

39 (7) "Infused preroll" means a consumable or smokable marijuana product, generally  
40 consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a  
41 concentrate, oil or other type of marijuana extract, either within or on the surface of the  
42 product. Infused prerolls may or may not include a filter or crutch at the base of the product.

43 (8) "Marijuana" or "marihuana" means Cannabis indica, Cannabis sativa, and  
44 Cannabis ruderalis, hybrids of such species, and any other strains commonly understood  
45 within the scientific community to constitute marijuana, as well as resin extracted from the

46 marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include  
47 industrial hemp, as defined by Missouri statute, or commodities or products manufactured  
48 from industrial hemp.

49 (9) "Marijuana-infused products" means products that are infused, dipped, coated,  
50 sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products  
51 that are able to be vaporized or smoked, edible products, ingestible products, topical products,  
52 suppositories, and infused prerolls.

53 (10) "Medical facility" means any medical marijuana cultivation facility, medical  
54 marijuana dispensary facility, or medical marijuana-infused products manufacturing facility,  
55 as defined in this section.

56 (11) "Medical marijuana cultivation facility" means a facility licensed by the  
57 department to acquire, cultivate, process, package, store on site or off site, transport to or  
58 from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as  
59 clones) to a medical marijuana dispensary facility, medical marijuana testing facility, medical  
60 marijuana cultivation facility, or to a medical marijuana-infused products manufacturing  
61 facility. A medical marijuana cultivation facility's authority to process marijuana shall  
62 include the production and sale of prerolls, but shall not include the manufacture of  
63 marijuana-infused products.

64 (12) "Medical marijuana dispensary facility" means a facility licensed by the  
65 department to acquire, process, package, store on site or off site, sell, transport to or from, and  
66 deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones),  
67 marijuana-infused products, and drug paraphernalia used to administer marijuana as provided  
68 for in this section to a qualifying patient, a primary caregiver, anywhere on the licensed  
69 property or to any address as directed by the patient or primary caregiver, so long as the  
70 address is a location allowing for the legal possession of marijuana, another medical  
71 marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation  
72 facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities  
73 may receive transaction orders at the dispensary in person, by phone, or via the internet,  
74 including from a third party. A medical marijuana dispensary facility's authority to process  
75 marijuana shall include the production and sale of prerolls, but shall not include the  
76 manufacture of marijuana-infused products.

77 (13) "Medical marijuana-infused products manufacturing facility" means a facility  
78 licensed by the department to acquire, process, package, store on site or off site, manufacture,  
79 transport to or from, and sell marijuana-infused products to a medical marijuana dispensary  
80 facility, a marijuana testing facility, a medical marijuana cultivation facility, or to another  
81 medical marijuana-infused products manufacturing facility.

82 (14) "Marijuana testing facility" means a facility certified by the department to  
83 acquire, test, certify, and transport marijuana, including those originally licensed as a medical  
84 marijuana testing facility.

85 (15) "Medical use" means the production, possession, delivery, distribution,  
86 transportation, or administration of marijuana or a marijuana-infused product, or drug  
87 paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of  
88 a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical  
89 condition.

90 (16) "Nurse practitioner" means an individual who is licensed and in good standing as  
91 an advanced practice registered nurse, or successor designation, under Missouri law.

92 (17) "Owner" means an individual who has a financial (other than security interest,  
93 lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

94 (18) "Physician" means an individual who is licensed and in good standing to practice  
95 medicine or osteopathy under Missouri law.

96 (19) "Physician or nurse practitioner certification" means a document, whether  
97 handwritten, electronic or in another commonly used format, signed by a physician or a nurse  
98 practitioner and stating that, in the physician's or nurse practitioner's professional opinion, the  
99 patient suffers from a qualifying medical condition.

100 (20) "Preroll" means a consumable or smokable marijuana product, generally  
101 consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls  
102 may or may not include a filter or crutch at the base of the product.

103 (21) "Primary caregiver" means an individual twenty-one years of age or older who  
104 has significant responsibility for managing the well-being of a qualifying patient and who is  
105 designated as such on the primary caregiver's application for an identification card under this  
106 section or in other written notification to the department.

107 (22) "Qualifying medical condition" means the condition of, symptoms related to, or  
108 side-effects from the treatment of:

109 (a) Cancer;

110 (b) Epilepsy;

111 (c) Glaucoma;

112 (d) Intractable migraines unresponsive to other treatment;

113 (e) A chronic medical condition that causes severe, persistent pain or persistent  
114 muscle spasms, including but not limited to those associated with multiple sclerosis, seizures,  
115 Parkinson's disease, and Tourette's syndrome;

116 (f) Debilitating psychiatric disorders, including, but not limited to, posttraumatic  
117 stress disorder, if diagnosed by a state licensed psychiatrist;

118 (g) Human immunodeficiency virus or acquired immune deficiency syndrome;

119 (h) A chronic medical condition that is normally treated with a prescription  
120 medication that could lead to physical or psychological dependence, when a physician or  
121 nurse practitioner determines that medical use of marijuana could be effective in treating that  
122 condition and would serve as a safer alternative to the prescription medication;

123 (i) Any terminal illness; or

124 (j) In the professional judgment of a physician or nurse practitioner, any other  
125 chronic, debilitating or other medical condition, including, but not limited to, hepatitis C,  
126 amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's  
127 disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia,  
128 and wasting syndrome.

129 (23) "Qualifying patient" means an individual diagnosed with at least one qualifying  
130 medical condition.

131 (24) "Unduly burdensome" (when referring to a facility licensee or certificate holder)  
132 means the measures necessary to comply with the rules or ordinances adopted pursuant to this  
133 section subject the party to such a high investment or expense of money, time, or any other  
134 resource or asset that a reasonably prudent businessperson would not operate the facility; and  
135 (when referring to qualifying patients, primary caregivers, physicians, nurse practitioners, or  
136 other party) "unduly burdensome" means the measures necessary to comply with the rules or  
137 ordinances adopted pursuant to this section undermine the purpose of this section.

138 3. Creating Patient Access to Medical Marijuana.

139 (1) In carrying out the implementation of this section, the department shall have the  
140 authority to:

141 (a) Grant or refuse state licenses and certifications for the cultivation, manufacture,  
142 dispensing, sale, testing, tracking, and transportation of marijuana and marijuana-infused  
143 products for medical use, as provided by this section and general law; suspend, impose an  
144 authorized fine, restrict, or revoke such licenses and certifications upon a violation of this  
145 section, general law, or a rule promulgated pursuant to this section; and impose any  
146 administrative penalty authorized by this section or any general law enacted or rule  
147 promulgated pursuant to this section, so long as any procedure related to a suspension or  
148 revocation includes a reasonable cure period, not less than thirty days, prior to the suspension  
149 or revocation, except in instances where there is a credible and imminent threat to public  
150 health or public safety.

151 (b) Promulgate rules and emergency rules necessary for the proper regulation and  
152 control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and  
153 for the enforcement of this section so long as patient access is not restricted unreasonably and  
154 such rules are reasonably necessary for patient safety or to restrict access to only licensees  
155 and qualifying patients.

156 (c) Develop such forms, certificates, licenses, identification cards, and applications as  
157 are necessary for, or reasonably related to, the administration of this section or any of the  
158 rules promulgated under this section.

159 (d) Require a seed-to-sale tracking system that tracks medical marijuana from either  
160 the seed or immature plant stage until the medical marijuana or medical marijuana-infused  
161 product is sold to a qualifying patient or primary caregiver to ensure that no medical  
162 marijuana grown by a medical marijuana cultivation facility or manufactured by a medical  
163 marijuana-infused products manufacturing facility is sold or otherwise transferred except by a  
164 medical marijuana dispensary facility. The department shall certify, if possible, at least two  
165 commercially available systems to licensees as compliant with its tracking standards and  
166 issue standards for the creation or use of other systems by licensees.

167 (e) Issue standards for the secure transportation of marijuana and marijuana-infused  
168 products. The department shall certify entities which demonstrate compliance with its  
169 transportation standards to transport marijuana and marijuana-infused products to or from a  
170 medical marijuana cultivation facility, a medical marijuana-infused products manufacturing  
171 facility, a medical marijuana dispensary facility, a marijuana testing facility, or another entity  
172 with a transportation certification. The department shall develop or adopt from any other  
173 governmental agency such safety and security standards as are reasonably necessary for the  
174 transportation of marijuana and marijuana-infused products. Any entity licensed or certified  
175 pursuant to this section shall be allowed to transport and store marijuana, marijuana seeds,  
176 marijuana vegetative cuttings (also known as clones) and marijuana-infused products for  
177 purposes related to transportation in compliance with department regulations on storage of  
178 marijuana and marijuana-infused products.

179 (f) The department may charge a fee not to exceed \$5,000 for any certification issued  
180 pursuant to this section.

181 (g) Prepare and transmit annually a publicly available report accounting to the  
182 governor for the efficient discharge of all responsibilities assigned to the department under  
183 this section.

184 (h) Establish a lottery selection process to select medical marijuana licensee and  
185 certificate applicants, only in cases where more applicants apply than the minimum number of  
186 licenses or certificates as calculated by this section. To be eligible for the medical marijuana  
187 license lottery process, an applicant cannot have an owner who has pleaded or been found  
188 guilty of a disqualifying felony. A "disqualifying felony offense" is a violation of, and  
189 conviction or guilty plea to, state or federal law that is, or would have been, a felony under  
190 Missouri law, regardless of the sentence imposed, unless the department determines that:

191 a. The person's conviction was for a marijuana offense, other than provision of  
192 marijuana to a minor; or

193           b. The person's conviction was for a non-violent crime for which he or she was not  
194 incarcerated and that is more than five years old; or

195           c. More than five years have passed since the person was released from parole or  
196 probation, and he or she has not been convicted of any subsequent felony criminal offenses.

197           The department may consult with and rely on the records, advice, and  
198 recommendations of the attorney general and the department of public safety, or their  
199 successor entities, in carrying out the provisions of this subdivision.

200           In establishing a lottery selection process to select medical marijuana licensee and  
201 certificate applicants and awarding licenses and certificates, the department may consult or  
202 contract with other public agencies with relevant expertise. The department shall lift or ease  
203 any limit on the number of licensees or certificate holders in order to meet the demand for  
204 marijuana for medical use by qualifying patients.

205           (2) The department shall issue any rules or emergency rules necessary for the  
206 implementation and enforcement of this section and to ensure the right to, availability, and  
207 safe use of marijuana for medical use by qualifying patients. In developing such rules or  
208 emergency rules, the department may consult with other public agencies. In addition to any  
209 other rules or emergency rules necessary to carry out the mandates of this section, the  
210 department may issue rules or emergency rules relating to the following subjects:

211           (a) Compliance with, enforcement of, or violation of any provision of this section or  
212 any rule issued pursuant to this section, including procedures and grounds for denying,  
213 suspending, imposing an authorized fine, and restricting, or revoking a state license or  
214 certification issued pursuant to this section, so long as any procedure related to a suspension  
215 or revocation includes a reasonable cure period, not less than thirty days, prior to the  
216 suspension or revocation, except in instances where there is a credible and imminent threat to  
217 public health or public safety;

218           (b) Specifications of duties of officers and employees of the department;

219           (c) Instructions or guidance for local authorities and law enforcement officers;

220           (d) Requirements for inspections, investigations, searches, seizures, and such  
221 additional enforcement activities as may become necessary from time to time;

222           (e) As otherwise authorized by this section or general law, administrative penalties  
223 and policies for use by the department;

224           (f) Prohibition of misrepresentation and unfair practices;

225           (g) Control of informational and product displays on licensed premises provided that  
226 the rules may not prevent or unreasonably restrict appropriate signs on the property of the  
227 medical marijuana dispensary facility, product display and examination by the qualifying  
228 patient and/or primary caregiver, listings in business directories including phone books,  
229 listings in marijuana-related or medical publications, or the sponsorship of health or not for

230 profit charity or advocacy events. ~~[While]~~ The department shall have the general power to  
231 regulate the advertising and promotion of marijuana sales~~[-under all circumstances, any such~~  
232 ~~regulation shall be no more stringent than comparable state regulations on the advertising and~~  
233 ~~promotion of alcohol sales]~~. **The department shall adopt rules with restrictions on the**  
234 **advertising and promotion of marijuana sales that are at least as stringent as the**  
235 **restrictions on the advertising and promotion of cigarettes imposed by federal laws and**  
236 **regulations;**

237 (h) Development of individual identification cards for owners, officers, managers,  
238 contractors, employees, and other support staff of entities licensed or certified pursuant to this  
239 section, including a fingerprint-based federal and state criminal record check in accordance  
240 with U.S. Public Law 92-544, or its successor provisions, as may be required by the  
241 department prior to issuing a card and procedures to ensure that cards for new applicants are  
242 issued within fourteen days. Applicants licensed pursuant to this section shall submit  
243 fingerprints to the Missouri state highway patrol for the purpose of conducting a state and  
244 federal fingerprint-based criminal background check. The Missouri state highway patrol, if  
245 necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the  
246 purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be  
247 submitted pursuant to section 43.543, RSMo, or its successor provisions, and fees shall be  
248 paid pursuant to section 43.530, RSMo, or its successor provisions. Unless otherwise  
249 required by law, no individual shall be required to submit fingerprints more than once;

250 (i) Security requirements for any premises licensed or certified pursuant to this  
251 section, including, at a minimum, lighting, physical security, video, alarm requirements, and  
252 other minimum procedures for internal control as deemed necessary by the department to  
253 properly administer and enforce the provisions of this section, including reporting  
254 requirements for changes, alterations, or modifications to the premises;

255 (j) Regulation of the storage of, warehouses for, and transportation of marijuana for  
256 medical use;

257 (k) Sanitary requirements for, including, but not limited to, the preparation of medical  
258 marijuana-infused products;

259 (l) The specification of acceptable forms of picture identification that a medical  
260 marijuana dispensary facility may accept when verifying a sale;

261 (m) Labeling and packaging standards;

262 (n) Records to be kept by licensees and the required availability of the records;

263 (o) State licensing procedures, including procedures for renewals, reinstatements,  
264 initial licenses, and the payment of licensing fees;

265 (p) The reporting and transmittal of tax payments;



266 (q) Authorization for the department of revenue to have access to licensing  
267 information to ensure tax payment and the effective administration of this section; and

268 (r) Such other matters as are necessary for the fair, impartial, stringent, and  
269 comprehensive administration of this section.

270 (3) The department shall issue rules or emergency rules for a medical marijuana and  
271 medical marijuana-infused products independent testing and certification program for  
272 medical marijuana licensees and requiring licensees to test medical marijuana using one or  
273 more impartial, independent laboratories to ensure, at a minimum, that products sold for  
274 human consumption do not contain contaminants that are injurious to health, to ensure correct  
275 labeling and measure potency. The department shall not require any medical marijuana or  
276 medical marijuana-infused products to be tested more than once prior to sale.

277 (4) The department shall issue rules or emergency rules to provide for the  
278 certification of and standards for marijuana testing facilities, including the requirements for  
279 equipment and qualifications for personnel, but shall not require certificate holders to have  
280 any federal agency licensing or have any relationship with a federally licensed testing facility.  
281 The department shall certify, if possible, at least two entities as marijuana testing facilities.  
282 No marijuana testing facility shall be owned by an entity or entities under substantially  
283 common control, ownership, or management as a medical marijuana cultivation facility,  
284 medical marijuana-infused product manufacturing facility, or medical marijuana dispensary  
285 facility.

286 (5) Any information released by the department related to patients may only be for a  
287 purpose authorized by federal law and this section, including verifying that a person who  
288 presented a patient identification card to a state or local law enforcement official is lawfully in  
289 possession of such card. Beginning December 8, 2022, all public records produced or  
290 retained pursuant to this section are subject to the general provisions of the Missouri Sunshine  
291 Law, chapter 610, RSMo, or its successor provisions. Notwithstanding the foregoing, records  
292 containing proprietary business information obtained from an applicant or licensee shall be  
293 closed. For documents submitted on or after December 8, 2022, the applicant or licensee  
294 shall label business information it believes to be proprietary prior to submitting it to the  
295 department. For documents submitted prior to December 8, 2022, the applicant or licensee  
296 may advise the department, through a department approved process, of any records  
297 previously submitted by the applicant or licensee it believes contain proprietary business  
298 information. Proprietary business information shall include sales information, financial  
299 records, tax returns, credit reports, license applications, cultivation information unrelated to  
300 product safety, testing results unrelated to product safety, site security information and plans,  
301 and individualized consumer information. The presence of proprietary business information  
302 shall not justify the closure of public records:

- 303 (a) Identifying the applicant or licensee;
- 304 (b) Relating to any citation, notice of violation, tax delinquency, or other enforcement  
305 action;
- 306 (c) Relating to any public official's support or opposition relative to any applicant,  
307 licensee, or their proposed or actual operations;
- 308 (d) Where disclosure is reasonably necessary for the protection of public health or  
309 safety; or
- 310 (e) That are otherwise subject to public inspection under other applicable law.
- 311 (6) Within one hundred eighty days of December 6, 2018, the department shall make  
312 available to the public license application forms and application instructions for medical  
313 marijuana cultivation facilities, marijuana testing facilities, medical marijuana dispensary  
314 facilities, and medical marijuana-infused products manufacturing facilities.
- 315 (7) Within one hundred eighty days of December 6, 2018, the department shall make  
316 available to the public application forms and application instructions for qualifying patient,  
317 qualifying patient cultivation, and primary caregiver identification cards. Within two hundred  
318 ten days of December 6, 2018, the department shall begin accepting applications for such  
319 identification cards.
- 320 (8) An entity may apply to the department for and obtain one or more licenses to  
321 grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall  
322 require a separate license, but multiple licenses may be utilized in a single facility. Each  
323 indoor facility utilizing artificial lighting may be limited by the department to thirty thousand  
324 square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting  
325 may be limited by the department to two thousand eight hundred flowering plants. Each  
326 greenhouse facility using a combination of natural and artificial lighting may be limited by  
327 the department, at the election of the licensee, to two thousand eight hundred flowering plants  
328 or thirty thousand square feet of flowering plant canopy. The license shall be valid for three  
329 years from its date of issuance and shall be renewable, except for good cause. The  
330 department shall charge each applicant a nonrefundable fee of ten thousand dollars per license  
331 application or renewal for all applicants filing an application within three years of December  
332 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per  
333 license application or renewal thereafter. Once granted, the department shall charge each  
334 licensee an annual fee of twenty-five thousand dollars per facility license. Application and  
335 license fees shall be increased or decreased each year by the percentage of increase or  
336 decrease from the end of the previous calendar year of the Consumer Price Index, or  
337 successor index as published by the U.S. Department of Labor, or its successor agency. An  
338 entity or entities under substantially common control, ownership, or management may not be  
339 an owner of more than ten percent of the total marijuana cultivation facility licenses

340 outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the  
341 nearest whole number.

342 (9) An entity may apply to the department for and obtain one or more licenses to  
343 operate a medical marijuana dispensary facility. Each facility in operation shall require a  
344 separate license. A license shall be valid for three years from its date of issuance and shall be  
345 renewable, except for good cause. The department shall charge each applicant a  
346 nonrefundable fee of six thousand dollars per license application or renewal for each  
347 applicant filing an application within three years of December 6, 2018, and shall charge each  
348 applicant a nonrefundable fee of three thousand dollars per license application or renewal  
349 thereafter. Once granted, the department shall charge each licensee an annual fee of ten  
350 thousand dollars per facility license. Application and license fees shall be increased or  
351 decreased each year by the percentage of increase or decrease from the end of the previous  
352 calendar year of the Consumer Price Index, or successor index as published by the U.S.  
353 Department of Labor, or its successor agency. An entity or entities under substantially  
354 common control, ownership, or management may not be an owner of more than ten percent of  
355 the total marijuana dispensary facility licenses outstanding under both sections 1 and 2 of this  
356 Article at any given time, rounded down to the nearest whole number.

357 (10) An entity may apply to the department for and obtain one or more licenses to  
358 operate a medical marijuana-infused products manufacturing facility. Each facility in  
359 operation shall require a separate license. A license shall be valid for three years from its date  
360 of issuance and shall be renewable, except for good cause. The department shall charge each  
361 applicant a nonrefundable fee of six thousand dollars per license application or renewal for  
362 each applicant filing an application within three years of December 6, 2018, and shall charge  
363 each applicant a nonrefundable fee of three thousand dollars per license application or  
364 renewal thereafter. Once granted, the department shall charge each licensee an annual fee of  
365 ten thousand dollars per facility license. Application and license fees shall be increased or  
366 decreased each year by the percentage of increase or decrease from the end of the previous  
367 calendar year of the Consumer Price Index, or successor index as published by the U.S.  
368 Department of Labor, or its successor agency. An entity or entities under substantially  
369 common control, ownership, or management may not be an owner of more than ten percent of  
370 the total marijuana-infused products manufacturing facility licenses outstanding under both  
371 sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

372 (11) Any applicant for a license authorized by this section may prefile their  
373 application fee with the department beginning 30 days after December 6, 2018.

374 (12) Except for good cause, a qualifying patient or his or her primary caregiver may  
375 obtain an identification card from the department to cultivate up to six flowering marijuana  
376 plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants

377 under fourteen inches tall) for the exclusive use of that qualifying patient. The card shall be  
378 valid for three years from its date of issuance and shall be renewable with the submittal of a  
379 new or updated physician or nurse practitioner certification. The department shall charge a  
380 fee for the card of fifty dollars, with such rate to be increased or decreased each year by the  
381 percentage of increase or decrease from the end of the previous calendar year of the  
382 Consumer Price Index, or successor index as published by the U.S. Department of Labor, or  
383 its successor agency.

384 (13) The department may set a limit on the amount of marijuana that may be  
385 purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that  
386 limit is not less than six ounces of dried, unprocessed marijuana, or its equivalent. Any such  
387 limit shall not apply to a qualifying patient with written certification from a physician or nurse  
388 practitioner that there are compelling reasons why the qualifying patient needs a greater  
389 amount than the limit established by the department.

390 (14) The department may set a limit on the amount of marijuana that may be  
391 possessed by or on behalf of each qualifying patient, provided that limit is not less than a  
392 sixty-day supply of dried, unprocessed marijuana, or its equivalent. A primary caregiver may  
393 possess a separate legal limit for each qualifying patient under their care and a separate legal  
394 limit for themselves if they are a qualifying patient. Qualifying patients cultivating marijuana  
395 for medical use may possess up to a ninety-day supply, so long as the supply remains on  
396 property under their control. Any such limit shall not apply to a qualifying patient with  
397 written certification from an independent physician or nurse practitioner that there are  
398 compelling reasons for additional amounts. Possession of between the legal limit and up to  
399 twice the legal limit shall subject the possessor to department sanctions, including an  
400 administrative penalty of up to two hundred dollars and loss of their patient identification card  
401 for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be  
402 punishable as an infraction under applicable law.

403 (15) The department may restrict the aggregate number of licenses granted for  
404 medical marijuana cultivation facilities and comprehensive marijuana cultivation facilities  
405 authorized by section 2 combined, provided, however, that the number may not be limited to  
406 fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of  
407 the state of Missouri, according to the most recent census of the United States. A decrease in  
408 the number of inhabitants in the state of Missouri shall have no impact.

409 (16) The department may restrict the aggregate number of licenses granted for  
410 medical marijuana-infused products manufacturing facilities and comprehensive marijuana-  
411 infused products manufacturing facilities authorized by section 2 combined, provided,  
412 however, that the number may not be limited to fewer than one license per every seventy  
413 thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most

414 recent census of the United States. A decrease in the number of inhabitants in the state of  
415 Missouri shall have no impact.

416 (17) The department may restrict the aggregate number of licenses granted for  
417 medical marijuana dispensary facilities and comprehensive marijuana dispensary facilities  
418 authorized by section 2 combined, provided, however, that the number may not be limited to  
419 fewer than twenty-four licenses in each United States congressional district in the state of  
420 Missouri pursuant to the map of each of the eight congressional districts as drawn and  
421 effective on December 6, 2018. Future changes to the boundaries of or the number of  
422 congressional districts shall have no impact.

423 (18) The department shall begin accepting license and certification applications for  
424 medical marijuana dispensary facilities, marijuana testing facilities, medical marijuana  
425 cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-  
426 sale tracking systems, and for transportation of marijuana no later than two hundred forty  
427 days after December 6, 2018. Applications for licenses and certifications under this section  
428 shall be approved or denied by the department no later than one hundred fifty days after their  
429 submission. If the department fails to carry out its nondiscretionary duty to approve or deny  
430 an application within one hundred fifty days of submission, an applicant may immediately  
431 seek a court order compelling the department to approve or deny the application.

432 (19) Qualifying patients under this section shall obtain an identification card or cards  
433 from the department. The department shall charge a fee of twenty-five dollars per card. Such  
434 fee may be increased or decreased each year by the percentage of increase or decrease from  
435 the end of the previous calendar year of the Consumer Price Index, or successor index as  
436 published by the U.S. Department of Labor or its successor agency. Cards shall be valid for  
437 three years and may be renewed with a new physician or nurse practitioner certification.  
438 Upon receiving an application for a qualifying patient identification card or qualifying patient  
439 cultivation identification card, the department shall, within thirty days, either issue the card or  
440 provide a written explanation for its denial. If the department fails to deny and fails to issue a  
441 card to an eligible qualifying patient within thirty days, then their physician or nurse  
442 practitioner certification shall serve as their qualifying patient identification card or qualifying  
443 patient cultivation identification card for up to one year from the date of physician or nurse  
444 practitioner certification. All initial applications for or renewals of a qualifying patient  
445 identification card or qualifying patient cultivation identification card shall be accompanied  
446 by a physician or nurse practitioner certification that is less than thirty days old.

447 (20) Primary caregivers under this section shall obtain an identification card from the  
448 department. Cards shall be valid for three years. The department shall charge a fee of  
449 twenty-five dollars per card. Such fee may be increased or decreased each year by the  
450 percentage of increase or decrease from the end of the previous calendar year of the

451 Consumer Price Index, or successor index as published by the U.S. Department of Labor, or  
452 its successor agency. Upon receiving an application for a primary caregiver identification  
453 card, the department shall, within thirty days, either issue the card or provide a written  
454 explanation for its denial.

455 (21) Except as otherwise provided in this Article, all marijuana for medical use sold  
456 in Missouri shall be cultivated in a licensed medical marijuana cultivation facility located in  
457 Missouri.

458 (22) Except as otherwise provided in this Article, all marijuana-infused products for  
459 medical use sold in the state of Missouri shall be manufactured in a medical marijuana-  
460 infused products manufacturing facility.

461 (23) The denial of a license, license renewal, or identification card by the department  
462 shall be appealable to the administrative hearing commission, or its successor entity.  
463 Following the exhaustion of administrative review, denial of a license, license renewal, or  
464 identification card by the department shall be subject to judicial review as provided by law.

465 (24) No elected official shall interfere directly or indirectly with the department's  
466 obligations and activities under this section.

467 (25) The department shall not have the authority to apply or enforce any unduly  
468 burdensome rule or regulation or administrative penalty upon any one or more licensees or  
469 certificate holders, any qualifying patients, or their primary caregivers, or act to undermine  
470 the purposes of this section.

#### 471 4. Taxation and Reporting.

472 (1) A tax is levied upon the retail sale of marijuana for medical use sold at medical  
473 marijuana dispensary facilities within the state. The tax shall be at a rate of four percent of  
474 the retail price. The tax shall be collected by each licensed medical marijuana dispensary  
475 facility and paid to the department of revenue. After retaining no more than two percent for  
476 its actual collection costs, amounts generated by the medical marijuana tangible personal  
477 property retail sales tax levied in this section shall be deposited by the department of revenue  
478 into the Missouri veterans' health and care fund. Licensed entities making retail sales within  
479 the state shall be allowed approved credit for returns provided the tax was paid on the  
480 returned item and the purchaser was given the refund or credit.

481 (2) There is hereby created in the state treasury the "Missouri Veterans' Health and  
482 Care Fund", which shall consist of taxes and fees collected under this section. The state  
483 treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the  
484 same manner as other funds are invested. Any interest and monies earned on such  
485 investments shall be credited to the fund. Notwithstanding any other provision of law, any  
486 monies remaining in the fund at the end of a biennium shall not revert to the credit of the  
487 general revenue fund. The commissioner of administration is authorized to make cash

488 operating transfers to the fund for purposes of meeting the cash requirements of the  
489 department in advance of it receiving annual application, licensing, and tax revenue, with any  
490 such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall  
491 stand appropriated without further legislative action as follows:

492 (a) First, to the department, an amount necessary for the department to carry out this  
493 section, including repayment of any cash operating transfers, payments made through contract  
494 or agreement with other state and public agencies necessary to carry out this section, and a  
495 reserve fund to maintain a reasonable working cash balance for the purpose of carrying out  
496 this section;

497 (b) Next, the remainder of such funds shall be transferred to the Missouri veterans  
498 commission for health and care services for military veterans, including the following  
499 purposes: operations, maintenance and capital improvements of the Missouri veterans homes,  
500 the Missouri service officer's program, and other services for veterans approved by the  
501 commission, including, but not limited to, health care services, mental health services, drug  
502 rehabilitation services, housing assistance, job training, tuition assistance, and housing  
503 assistance to prevent homelessness. The Missouri veterans commission shall contract with  
504 other public agencies for the delivery of services beyond its expertise.

505 (c) All monies from the taxes authorized under this subsection shall provide  
506 additional dedicated funding for the purposes enumerated above and shall not replace existing  
507 dedicated funding.

508 (3) For all retail sales of marijuana for medical use, a record shall be kept by the seller  
509 which identifies, by secure and encrypted patient number issued by the seller to the qualifying  
510 patient involved in the sale, all amounts and types of marijuana involved in the sale and the  
511 total amount of money involved in the sale, including itemizations, taxes collected and grand  
512 total sale amounts. All such records shall be kept on the premises in a readily available  
513 format and be made available for review by the department and the department of revenue  
514 upon request. Such records shall be retained for five years from the date of the sale.

515 (4) The tax levied pursuant to this subsection is separate from, and in addition to, any  
516 general state and local sales and use taxes that apply to retail sales, which shall continue to be  
517 collected and distributed as provided by general law.

518 (5) Except as authorized in this subsection, no additional taxes shall be imposed on  
519 the sale of marijuana for medical use.

520 (6) The fees and taxes provided for in this Article XIV, Section 1 shall be fully  
521 enforceable notwithstanding any other provision in this Constitution purportedly prohibiting  
522 or restricting the taxes and fees provided for herein.

523 (7) The unexpended balance existing in the fund shall be exempt from the provisions  
524 of section 33.080, RSMo, or its successor provisions, relating to the transfer of unexpended  
525 balances to the general revenue fund.

526 (8) For taxpayers authorized to do business pursuant to this Article, the amount that  
527 would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C.  
528 Section 280E of the Internal Revenue Code as in effect on January 1, 2021, or successor  
529 provisions, but is disallowed because cannabis is a controlled substance under federal law,  
530 shall be subtracted from the taxpayer's federal adjusted gross income, in determining the  
531 taxpayer's Missouri adjusted gross income.

532 5. Additional Patient, Physician, Nurse Practitioner, Caregiver and Provider  
533 Protections.

534 (1) Except as provided in this section, the possession of marijuana in quantities less  
535 than the limits of this section, or established by the department, and transportation of  
536 marijuana by the qualifying patient or primary caregiver shall not subject the possessor to  
537 arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor  
538 produces on demand to the appropriate authority a valid qualifying patient identification card;  
539 a valid qualifying patient cultivation identification card; a valid physician or nurse  
540 practitioner certification while making application for an identification card; or a valid  
541 primary caregiver identification card. Production of the respective substantially equivalent  
542 identification card or authorization issued by another state or political subdivision of another  
543 state shall also meet the requirements of this subdivision and shall allow for the purchase of  
544 medical marijuana for use by a non-resident patient from a medical marijuana dispensary  
545 facility as permitted by this section and in compliance with department regulations.

546 (2) No patient shall be denied access to or priority for an organ transplant or other  
547 medical care because they hold a qualifying patient identification card or use marijuana for  
548 medical use.

549 (3) A physician or nurse practitioner shall not be subject to criminal or civil liability  
550 or sanctions under Missouri law or discipline by the Missouri state board of registration for  
551 the healing arts, the Missouri state board of nursing, or their respective successor agencies,  
552 for owning, operating, investing in, being employed by, or contracting with any entity  
553 licensed or certified pursuant to this section or issuing a physician or nurse practitioner  
554 certification to a patient diagnosed with a qualifying medical condition in a manner consistent  
555 with this section and legal standards of professional conduct.

556 (4) A health care provider shall not be subject to civil or criminal prosecution under  
557 Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or  
558 disciplinary action by any accreditation or licensing board or commission for owning,  
559 operating, investing in, being employed by, or contracting with any entity licensed or certified



560 pursuant to this section or providing health care services that involve the medical use of  
561 marijuana consistent with this section and legal standards of professional conduct.

562 (5) A marijuana testing facility shall not be subject to civil or criminal prosecution  
563 under Missouri law, denial of any right or privilege, civil or administrative penalty or  
564 sanction, or disciplinary action by any accreditation or licensing board or commission for  
565 providing laboratory testing services that relate to the medical use of marijuana consistent  
566 with this section and otherwise meeting legal standards of professional conduct.

567 (6) A health care provider shall not be subject to mandatory reporting requirements  
568 for the medical use of marijuana by nonemancipated qualifying patients under eighteen years  
569 of age in a manner consistent with this section and with consent of a parent or guardian.

570 (7) A primary caregiver shall not be subject to criminal or civil liability or sanctions  
571 under Missouri law for purchasing, transporting, or administering marijuana for medical use  
572 to a qualifying patient or participating in the patient cultivation of up to six flowering  
573 marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones  
574 (plants under fourteen inches tall) per patient and no more than twenty-four flowering plants  
575 for more than one qualifying patient in a manner consistent with this section and generally  
576 established legal standards of personal or professional conduct.

577 (8) Notwithstanding any provision of Article V to the contrary, an attorney shall not  
578 be subject to disciplinary action by the Supreme Court of Missouri, the office of chief  
579 disciplinary counsel, the state bar association, any state agency, or any professional licensing  
580 body for any of the following:

581 (a) Owning, operating, investing in, being employed by, or contracting with  
582 prospective or licensed marijuana testing facilities, medical marijuana cultivation facilities,  
583 medical marijuana dispensary facilities, medical marijuana-infused products manufacturing  
584 facilities, or transportation certificate holders;

585 (b) Counseling, advising, and/or assisting a client in conduct permitted by Missouri  
586 law that may violate or conflict with federal or other law, as long as the attorney advises the  
587 client about that federal or other law and its potential consequences;

588 (c) Counseling, advising, and/or assisting a client in connection with applying for,  
589 owning, operating, or otherwise having any legal, equitable, or beneficial interest in  
590 marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana  
591 dispensary facilities, medical marijuana-infused products manufacturing facilities, or  
592 transportation certificates; or

593 (d) Counseling, advising or assisting a qualifying patient, primary caregiver,  
594 physician, nurse practitioner, health care provider or other client related to activity that is no  
595 longer subject to criminal penalties under Missouri law pursuant to this Article.

596 (9) Actions and conduct by qualifying patients, primary caregivers, marijuana testing  
597 facilities, medical marijuana cultivation facilities, medical marijuana-infused products  
598 manufacturing facilities, or medical marijuana dispensary facilities licensed or registered  
599 with the department, or their employees or agents, as permitted by this section and in  
600 compliance with department regulations and other standards of legal conduct, shall not be  
601 subject to criminal or civil liability or sanctions under Missouri law, except as provided for by  
602 this section.

603 (10) Nothing in this section shall provide immunity for negligence, either common  
604 law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous  
605 device, or navigating a boat under the influence of marijuana.

606 (11) It is the public policy of the state of Missouri that contracts related to marijuana  
607 for medical use that are entered into by qualifying patients, primary caregivers, marijuana  
608 testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products  
609 manufacturing facilities, or medical marijuana dispensary facilities and those who allow  
610 property to be used by those entities, should be enforceable. It is the public policy of the state  
611 of Missouri that no contract entered into by qualifying patients, primary caregivers, marijuana  
612 testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products  
613 manufacturing facilities, or medical marijuana dispensary facilities, or by a person who  
614 allows property to be used for activities that are exempt from state criminal penalties by this  
615 section, shall be unenforceable on the basis that activities related to medical marijuana may  
616 be prohibited by federal law.

617 (12) In the process of requesting a search or arrest warrant relating to the production,  
618 possession, transportation or storage of marijuana, a state or local law enforcement official  
619 shall verify with the department whether the targeted person is a qualifying patient or primary  
620 caregiver holding an identification card allowing for cultivation of marijuana plants under  
621 subdivision (12) of subsection 3 of this section, and shall inform the issuing authority  
622 accordingly when making the warrant request. Evidence of marijuana alone, without specific  
623 evidence indicating that the marijuana is outside of what is lawful for medical or adult use,  
624 cannot be the basis for a search of a patient or non-patient, including their home, vehicle or  
625 other property. Lawful marijuana related activities cannot be the basis for a violation of  
626 parole, probation, or any type of supervised release. State and local law enforcement shall  
627 only have access to such department information as is necessary to confirm whether the  
628 targeted person holds registration card.

629 (13) Registered qualifying patients on bond for pre-trial release, on probation, or  
630 other form of supervised release shall not be prohibited from legally using a lawful marijuana  
631 product as a term or condition of release, probation, or parole. An alternative sentencing drug

632 court program may not prohibit individuals under its jurisdiction from using a lawful  
633 marijuana product as long as the individual is a registered qualifying patient.

634 (14) A family court participant or party who requires treatment for a qualified  
635 medical condition in accordance with this section shall not be required to refrain from using  
636 medical marijuana as a term or condition of successful completion of the family court  
637 program. The status and conduct of a qualified patient who acts in accordance with this  
638 section shall not, by itself, be used to restrict or abridge custodial or parental rights to minor  
639 children in any action or proceeding under the jurisdiction of a family court under chapter  
640 487, RSMo, including domestic matters under chapter 452, RSMo, or a juvenile court under  
641 chapter 211, RSMo, or successor provisions.

642 (15) A person shall not be denied adoption, custody, or visitation rights relative to a  
643 minor solely for conduct that is permitted by this section.

644 (16) No person shall be denied their rights under Article 1, Section 23 of the Missouri  
645 Constitution, or successor provisions, solely for conduct that is permitted by this section.

646 6. Legislation.

647 Nothing in this section shall limit the general assembly from enacting laws consistent  
648 with this section, or otherwise effectuating the patient rights of this section. The legislature  
649 shall not enact laws that hinder the right of qualifying patients to access marijuana for medical  
650 use as granted by this section.

651 7. Additional Provisions.

652 (1) Nothing in this section permits a person to:

653 (a) Consume marijuana for medical use in a jail or correctional facility;

654 (b) Undertake any task under the influence of marijuana when doing so would  
655 constitute negligence or professional malpractice; or

656 (c) Operate, navigate, or be in actual physical control of any dangerous device or  
657 motor vehicle, aircraft or motorboat while under the influence of marijuana. Notwithstanding  
658 the foregoing, an arrest or a conviction of a person who has a valid qualifying patient  
659 identification card for any applicable offenses shall require evidence that the person was in  
660 fact under the influence of marijuana at the time the person was in actual physical control of  
661 the dangerous device or motor vehicle, aircraft or motorboat and not solely on the presence of  
662 tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's  
663 system; or

664 (d) Bring a claim against any employer, former employer, or prospective employer  
665 for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the  
666 employer, former employer, or prospective employer prohibiting the employee, former  
667 employee, or prospective employee from being under the influence of marijuana while at

668 work or disciplining the employee or former employee, up to and including termination from  
669 employment, for working or attempting to work while under the influence of marijuana.

670 (2) No medical marijuana cultivation facility, marijuana testing facility, medical  
671 marijuana dispensary facility, or medical marijuana-infused products manufacturing facility,  
672 or entity with a transportation certification shall be owned, in whole or in part, or have as an  
673 officer, director, board member, manager, or employee, any individual with a disqualifying  
674 felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty  
675 plea to, state or federal law that is, or would have been, a felony under Missouri law,  
676 regardless of the sentence imposed, unless the department determines that:

677 (a) The person's conviction was for the medical use of marijuana or assisting in the  
678 medical use of marijuana; or

679 (b) The person's conviction was for a nonviolent crime for which he or she was not  
680 incarcerated and that is more than five years old; or

681 (c) More than five years have passed since the person was released from parole or  
682 probation, and he or she has not been convicted of any subsequent criminal offenses.

683 The department may consult with and rely on the records, advice and  
684 recommendations of the attorney general and the department of public safety, or their  
685 successor entities, in applying this subdivision.

686 (3) No medical marijuana cultivation facility, medical marijuana dispensary facility,  
687 or medical marijuana-infused products manufacturing facility shall manufacture, package or  
688 label marijuana or marijuana-infused products in a false or misleading manner. No person  
689 shall sell any product in a manner designed to cause confusion between a marijuana or  
690 marijuana-infused product and any product not containing marijuana. A violation of this  
691 subdivision shall be punishable by an appropriate and proportional department sanction, up to  
692 and including an administrative penalty of five thousand dollars and loss of license.

693 (4) All edible marijuana-infused products shall be sold in individual, child-resistant  
694 containers that are labeled with dosage amounts, instructions for use, and estimated length of  
695 effectiveness. All marijuana and marijuana-infused products shall be sold in containers  
696 clearly and conspicuously labeled as mandated by the department as containing "Marijuana",  
697 or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to  
698 department sanctions, including an administrative penalty of five thousand dollars.

699 (5) No individual shall serve as the primary caregiver for more than six qualifying  
700 patients. No primary caregiver cultivating marijuana for more than one qualifying patient  
701 may exceed a total of twenty-four flowering plants.

702 (6) A person who smokes medical marijuana in a public place, other than in an area  
703 licensed for such activity by the department or by local authorities having jurisdiction over

704 the licensing or permitting of said activity, is subject to a civil penalty not exceeding one  
705 hundred dollars.

706 (7) No person shall extract resins from marijuana using dangerous materials or  
707 combustible gases without a medical marijuana-infused products manufacturing facility  
708 license. Violation of this prohibition shall subject the violator to department sanctions,  
709 including an administrative penalty of one thousand dollars for a patient or primary caregiver  
710 and ten thousand dollars for a facility licensee and, if applicable, loss of their identification  
711 card, certificate, or license for up to one year.

712 (8) All qualifying patient cultivation shall take place in an enclosed, locked facility  
713 that is equipped with security devices that permit access only by the qualifying patient or by  
714 such patient's primary caregiver. Two qualifying patients, who both hold valid qualifying  
715 patient cultivation identification cards, may share one enclosed, locked facility. Primary  
716 caregivers cultivating marijuana for more than one qualifying patient may cultivate each  
717 respective qualifying patient's flowering plants in a single, enclosed locked facility subject to  
718 the limits of subsection 3, paragraph 12.

719 (9) No medical marijuana cultivation facility, medical marijuana dispensary facility,  
720 medical marijuana-infused products manufacturing facility, marijuana testing facility, or  
721 entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise  
722 transfer its license or certificate to any other entity without the express consent of the  
723 department, not to be unreasonably withheld.

724 (10) (a) Unless allowed by the local government, no new medical marijuana  
725 cultivation facility, marijuana testing facility, medical marijuana dispensary facility, or  
726 medical marijuana-infused products manufacturing facility shall be initially sited within one  
727 thousand feet of any then-existing elementary or secondary school, child day-care center, or  
728 church. In the case of a freestanding facility, the distance between the facility and the school,  
729 daycare, or church shall be measured from the external wall of the facility structure closest in  
730 proximity to the school, daycare, or church to the closest point of the property line of the  
731 school, daycare, or church. If the school, daycare, or church is part of a larger structure, such  
732 as an office building or strip mall, the distance shall be measured to the entrance or exit of the  
733 school, daycare, or church closest in proximity to the facility. In the case of a facility that is  
734 part of a larger structure, such as an office building or strip mall, the distance between the  
735 facility and the school, daycare, or church shall be measured from the property line of the  
736 school, daycare, or church to the facility's entrance or exit closest in proximity to the school,  
737 daycare, or church. If the school, daycare, or church is part of a larger structure, such as an  
738 office building or strip mall, the distance shall be measured to the entrance or exit of the  
739 school, daycare, or church closest in proximity to the facility. Measurements shall be made  
740 along the shortest path between the demarcation points that can be lawfully traveled by foot.

741 No local government shall prohibit medical marijuana cultivation facilities, marijuana testing  
742 facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana  
743 dispensary facilities, or entities with a transportation certification either expressly or through  
744 the enactment of ordinances or regulations that make their operation unduly burdensome in  
745 the jurisdiction. However, local governments may enact ordinances or regulations not in  
746 conflict with this section, or with regulations enacted pursuant to this section, governing the  
747 time, place, and manner of operation of such facilities in the locality. A local government  
748 may establish civil penalties for violation of an ordinance or regulations governing the time,  
749 place, and manner of operation of a medical marijuana cultivation facility, marijuana testing  
750 facility, medical marijuana-infused products manufacturing facility, medical marijuana  
751 dispensary facility, or entity holding a transportation certification that may operate in such  
752 locality.

753 (b) The only local government ordinances or regulations that are binding on a medical  
754 facility are those of the local government where the medical facility is physically located.

755 (11) Unless superseded by federal law or an amendment to this Constitution, a  
756 physician or nurse practitioner shall not certify a qualifying condition for a patient by any  
757 means other than providing a physician or nurse practitioner certification for the patient,  
758 whether handwritten, electronic, or in another commonly used format.

759 (12) A physician or nurse practitioner shall not issue a certification for the medical  
760 use of marijuana for a nonemancipated qualifying patient under the age of eighteen without  
761 the written consent of the qualifying patient's parent or legal guardian. The department shall  
762 not issue a qualifying patient identification card on behalf of a nonemancipated qualifying  
763 patient under the age of eighteen without the written consent of the qualifying patient's parent  
764 or legal guardian. Such card shall be issued to one of the parents or guardians and not directly  
765 to the patient. Only a parent or guardian may serve as a primary caregiver for a  
766 nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's  
767 parent or guardian shall purchase or possess medical marijuana for a nonemancipated  
768 qualifying patient under the age of eighteen. A parent or guardian shall supervise the  
769 administration of medical marijuana to a nonemancipated qualifying patient under the age of  
770 eighteen.

771 (13) Nothing in this section shall be construed as mandating health insurance  
772 coverage of medical marijuana for qualifying patient use.

773 (14) Real and personal property used in the cultivation, manufacture, transport,  
774 testing, distribution, sale, and administration of marijuana for medical use or for activities  
775 otherwise in compliance with this section shall not be subject to asset forfeiture solely  
776 because of that use.

777 (15) Unless a failure to do so would cause an employer to lose a monetary or  
778 licensing-related benefit under federal law, an employer may not discriminate against a  
779 person in hiring, termination or any term or condition of employment or otherwise penalize a  
780 person, if the discrimination is based upon either of the following:

781 (a) The person's status as a qualifying patient or primary caregiver who has a valid  
782 identification card, including the person's legal use of a lawful marijuana product off the  
783 employer's premises during nonworking hours, unless the person was under the influence of  
784 medical marijuana on the premises of the place of employment or during the hours of  
785 employment; or

786 (b) A positive drug test for marijuana components or metabolites of a person who has  
787 a valid qualifying patient identification card, unless the person used, possessed, or was under  
788 the influence of medical marijuana on the premises of the place of employment or during the  
789 hours of employment.

790 Nothing in this subdivision shall apply to an employee in a position in which legal use  
791 of a lawful marijuana product affects in any manner a person's ability to perform job-related  
792 employment responsibilities or the safety of others, or conflicts with a bona fide occupational  
793 qualification that is reasonably related to the person's employment.

794 (16) The enactment of section 2 of this Article and concurrent amendments to section  
795 1 of this Article shall have no effect upon any valid contract, claim, or cause of action  
796 instituted prior to the effective date of this section.

797 8. Federal Legalization.

798 If federal law, rules, or regulations are amended to allow the interstate commerce of  
799 marijuana or marijuana-infused products or the importation or exportation of marijuana or  
800 marijuana-infused products into or out of the state of Missouri, the provisions and intent of  
801 this section shall, to the extent possible, remain in full effect, unless explicitly preempted by  
802 such federal law, rule, or regulation. If federal law, rules, or regulations are amended as  
803 provided above, any marijuana or marijuana-infused products imported into this state shall be  
804 subject to the same testing standards and seed to sale tracking system required under this  
805 section for marijuana and marijuana-infused products produced within the state. Unless  
806 federal law, rules, or regulations explicitly require otherwise, no entity shall sell, transport,  
807 produce, distribute, deliver, or cultivate marijuana or marijuana-infused products without an  
808 applicable license or certificate as required under this section. In addition, any raw biomass  
809 of marijuana or marijuana flower imported from out-of-state shall be received only by a  
810 licensed cultivation facility, while all batch oil, infused marijuana products and any marijuana  
811 product in any other form shall be received only by a licensed manufacturing facility.

812 9. Severability.

813           The provisions of this section are severable, and if any clause, sentence, paragraph or  
814 section of this measure, or an application thereof, is adjudged invalid by any court of  
815 competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent  
816 possible.

Section 2. 1. Purpose.

2           The purpose of this section is to make marijuana legal under state and local law for  
3 adults twenty-one years of age or older, and to control the commercial production and  
4 distribution of marijuana under a system that licenses, regulates, and taxes the businesses  
5 involved while protecting public health. The intent is to prevent arrest and penalty for  
6 personal possession and cultivation of limited amounts of marijuana by adults twenty-one  
7 years of age or older; remove the commercial production and distribution of marijuana from  
8 the illicit market; prevent revenue generated from commerce in marijuana from going to  
9 criminal enterprises; prevent the distribution of marijuana to persons under twenty-one years  
10 of age; prevent the diversion of marijuana to illicit markets; protect public health by ensuring  
11 the safety of marijuana and products containing marijuana; and ensure the security of  
12 marijuana facilities. To the fullest extent possible, this section shall be interpreted in  
13 accordance with the purpose and intent set forth in this section.

14           This section is not intended to allow for the public use of marijuana, driving while  
15 under the influence of marijuana, the use of marijuana in the workplace, or the use of  
16 marijuana by persons under twenty-one years of age.

17           2. Definitions.

18           (1) "Church" means a permanent building primarily and regularly used as a place of  
19 religious worship.

20           (2) "Comprehensive facility" means a comprehensive marijuana cultivation facility,  
21 comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products  
22 manufacturing facility.

23           (3) "Comprehensive marijuana cultivation facility" means a facility licensed by the  
24 department to acquire, cultivate, process, package, store on site or off site, transport to or  
25 from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as  
26 clones) to a medical facility, comprehensive facility, or marijuana testing facility. A  
27 comprehensive marijuana cultivation facility need not segregate or account for its marijuana  
28 products as either non-medical marijuana or medical marijuana. A comprehensive marijuana  
29 cultivation facility's authority to process marijuana shall include the creation of prerolls, but  
30 shall not include the manufacture of marijuana-infused products.

31           (4) "Comprehensive marijuana dispensary facility" means a facility licensed by the  
32 department to acquire, process, package, store on site or off site, sell, transport to or from, and  
33 deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones),



34 marijuana-infused products, and drug paraphernalia used to administer marijuana as provided  
35 for in this section to a qualifying patient or primary caregiver, as those terms are defined in  
36 section 1 of this Article, or to a consumer, anywhere on the licensed property or to any  
37 address as directed by the patient, primary caregiver, or consumer and consistent with the  
38 limitations of this Article and as otherwise allowed by law, to a comprehensive facility, a  
39 marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may  
40 receive transaction orders at the dispensary directly from the consumer in person, by phone,  
41 or via the internet, including from a third party. A comprehensive marijuana dispensary  
42 facility need not segregate or account for its marijuana products as either non-medical  
43 marijuana or medical marijuana, but shall collect all appropriate tangible personal property  
44 sales tax for each sale, as set forth in this Article and provided for by general or local law. A  
45 comprehensive marijuana dispensary facility's authority to process marijuana shall include  
46 the creation of prerolls.

47 (5) "Comprehensive marijuana-infused products manufacturing facility" means a  
48 facility licensed by the department to acquire, process, package, store, manufacture, transport  
49 to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell  
50 marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a  
51 marijuana testing facility, or another marijuana-infused products manufacturing facility. A  
52 comprehensive marijuana-infused products manufacturing facility need not segregate or  
53 account for its marijuana products as either non-medical marijuana or medical marijuana.

54 (6) "Consumer" means a person who is at least twenty-one years of age.

55 (7) "Daycare" means a child-care facility, as defined by section 210.201, RSMo, or  
56 successor provisions, that is licensed by the state of Missouri.

57 (8) "Department" means the department of health and senior services, or its successor  
58 agency.

59 (9) "Entity" means a natural person, corporation, professional corporation, nonprofit  
60 corporation, cooperative corporation, unincorporated association, business trust, limited  
61 liability company, general or limited partnership, limited liability partnership, joint venture, or  
62 any other legal entity.

63 (10) "Flowering plant" means a marijuana plant from the time it exhibits the first  
64 signs of sexual maturity through harvest.

65 (11) "Infused preroll" means a consumable or smokable marijuana product, generally  
66 consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a  
67 concentrate, oil or other type of marijuana extract, either within or on the surface of the  
68 product. Infused prerolls may or may not include a filter or crutch at the base of the product.

69 (12) "Local government" means, in the case of an incorporated area, a village, town,  
70 or city and, in the case of an unincorporated area, a county.

71 (13) "Marijuana" or "marihuana" means *Cannabis indica*, *Cannabis sativa*, and  
72 *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood  
73 within the scientific community to constitute marijuana, as well as resin extracted from the  
74 marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include  
75 industrial hemp, as defined by Missouri statute, or commodities or products manufactured  
76 from industrial hemp.

77 (14) "Marijuana accessories" means any equipment, product, material, or  
78 combination of equipment, products, or materials, which is specifically designed for use in  
79 planting, propagating, cultivating, growing, harvesting, manufacturing, compounding,  
80 converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,  
81 storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human  
82 body.

83 (15) "Marijuana facility" means a comprehensive marijuana cultivation facility,  
84 comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive  
85 marijuana-infused products manufacturing facility, microbusiness wholesale facility,  
86 microbusiness dispensary facility, or any other type of marijuana-related facility or  
87 business licensed or certified by the department pursuant to this section, but shall not  
88 include a medical facility licensed under section 1 of this Article.

89 (16) "Marijuana-infused products" means products that are infused, dipped, coated,  
90 sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products  
91 that are able to be vaporized or smoked, edible products, ingestible products, topical products,  
92 suppositories, and infused prerolls.

93 (17) "Marijuana microbusiness facility" means a facility licensed by the department  
94 as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this  
95 section.

96 (18) "Microbusiness dispensary facility" means a facility licensed by the department  
97 to acquire, process, package, store on site or off site, sell, transport to or from, and deliver  
98 marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-  
99 infused products, and drug paraphernalia used to administer marijuana as provided for in this  
100 section to a consumer, qualifying patient, as that term is defined in section 1 of this Article, or  
101 primary caregiver, as that term is defined in section 1 of this Article, anywhere on the licensed  
102 property or to any address as directed by the consumer, qualifying patient, or primary  
103 caregiver and, consistent with the limitations of this Article and as otherwise allowed by law,  
104 a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary  
105 facilities may receive transaction orders at the dispensary directly from the consumer in  
106 person, by phone, or via the internet, including from a third party. A microbusiness  
107 dispensary facility's authority to process marijuana shall include the creation of prerolls.

108 (19) "Microbusiness wholesale facility" means a facility licensed by the department  
109 to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or  
110 from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known  
111 as clones), and marijuana-infused products to a microbusiness dispensary facility, other  
112 microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale  
113 facility may cultivate up to 250 flowering marijuana plants at any given time. A  
114 microbusiness wholesale facility's authority to process marijuana shall include the creation of  
115 prerolls and infused prerolls.

116 (20) "Marijuana testing facility" means a facility certified by the department to  
117 acquire, test, certify, and transport marijuana, including those originally certified as a medical  
118 marijuana testing facility.

119 (21) "Owner" means an individual who has a financial (other than a security interest,  
120 lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

121 (22) "Preroll" means a consumable or smokable marijuana product, generally  
122 consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls  
123 may or may not include a filter or crutch at the base of the product.

124 (23) "Unduly burdensome" means that the measures necessary to comply with the  
125 rules or ordinances adopted pursuant to this section subject licensees or potential licensees to  
126 such a high investment of money, time, or any other resource or asset that a reasonably  
127 prudent businessperson would not operate the marijuana facility.

### 128 3. Limitations.

129 (1) Except as otherwise provided in this Article, this section does not preclude, limit,  
130 or affect laws that assign liability relative to, prohibit, or otherwise regulate:

131 (a) Delivery or distribution of marijuana or marijuana accessories, with or without  
132 consideration, to a person younger than twenty-one years of age;

133 (b) Purchase, possession, use, or transport of marijuana or marijuana accessories by a  
134 person younger than twenty-one years of age;

135 (c) Consumption of marijuana by a person younger than twenty-one years of age;

136 (d) Operating or being in physical control of any motor vehicle, train, aircraft,  
137 motorboat, or other motorized form of transport while under the influence of marijuana.

138 Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of  
139 age for any applicable offenses shall require evidence that the person was in fact under the  
140 influence of marijuana at the time the person was in physical control of the motorized form of  
141 transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites,  
142 or a combination thereof, in the person's system;

143 (e) Consumption of marijuana while operating or being in physical control of a motor  
144 vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being  
145 operated;

146 (f) Smoking marijuana within a motor vehicle, train, aircraft, motorboat, or other  
147 motorized form of transport while it is being operated;

148 (g) Possession or consumption of marijuana or possession of marijuana accessories  
149 on the grounds of a public or private preschool, elementary or secondary school, institution of  
150 higher education, in a school bus, or on the grounds of any correctional facility;

151 (h) Smoking marijuana in a location where smoking tobacco is prohibited;

152 (i) Consumption of marijuana in a public place, other than in an area licensed by the  
153 authorities having jurisdiction over the licensing and/or permitting of said activity, as set forth  
154 in subsection 5 of this section;

155 (j) Conduct that endangers others;

156 (k) Undertaking any task while under the influence of marijuana, if doing so would  
157 constitute negligence, recklessness, or professional malpractice; or

158 (l) Performing solvent-based extractions on marijuana using solvents other than  
159 water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol, unless licensed for this  
160 activity by the department.

161 (2) This section does not limit any privileges, rights, immunities, or defenses of a  
162 person or entity as provided in section 1 of this Article, or any other law of this state allowing  
163 for or regulating marijuana for medical use.

164 (3) This section does not require an employer to permit or accommodate conduct  
165 otherwise allowed by this section in any workplace or on the employer's property. This  
166 section does not prohibit an employer from disciplining an employee for working while under  
167 the influence of marijuana. This section does not prevent an employer from refusing to hire,  
168 discharging, disciplining, or otherwise taking an adverse employment action against a person  
169 with respect to hire, tenure, terms, conditions, or privileges of employment because that  
170 person was working while under the influence of marijuana.

171 (4) This section allows an entity to prohibit or otherwise limit the consumption,  
172 cultivation, distribution, processing, sale, or display of marijuana, marijuana-infused  
173 products, and marijuana accessories on private property the entity owns, leases, occupies,  
174 or manages, except that a lease agreement executed after the effective date of this section may  
175 not prohibit a tenant from lawfully possessing and consuming marijuana by means other than  
176 smoking.

177 (5) The enactment of this section and all concurrent amendments to section 1 of this  
178 Article shall have no effect upon any valid contract, claim, or cause of action instituted prior  
179 to the effective date of this section.

180 4. Regulation of Marijuana.

181 (1) In carrying out the implementation of this section and as conditioned herein, the  
182 department shall have the authority to:

183 (a) Grant or refuse state licenses for the cultivation, manufacture, dispensing, and sale  
184 of marijuana; suspend, restrict, or revoke such licenses upon a violation of this section or a  
185 rule promulgated pursuant to this section; and impose any reasonable administrative penalty  
186 authorized by this section or any general law enacted or rule promulgated pursuant to this  
187 section, so long as any procedure related to a suspension or revocation includes a reasonable  
188 cure period, not less than thirty days, prior to the suspension or revocation, except in instances  
189 where there is a credible and imminent threat to public health or public safety;

190 (b) Promulgate rules and emergency rules necessary for the proper regulation and  
191 control of the cultivation, manufacture, dispensing, and sale of marijuana and for the  
192 enforcement of this section so long as such rules are reasonable and not unduly burdensome;

193 (c) Develop such forms, certificates, licenses, identification cards, and applications as  
194 are necessary for, or reasonably related to, the administration of this section or any of the  
195 rules promulgated under this section;

196 (d) Require a seed-to-sale tracking system that tracks marijuana from either the seed  
197 or immature plant stage until the marijuana or marijuana-infused product is sold to a qualified  
198 patient, primary caregiver, or consumer to ensure that no marijuana grown by a medical  
199 marijuana cultivation facility, comprehensive marijuana cultivation facility, or microbusiness  
200 wholesale facility, or manufactured by a medical marijuana-infused products manufacturing  
201 facility, a comprehensive marijuana-infused products manufacturing facility, or a  
202 microbusiness wholesale facility is sold or otherwise transferred to a consumer, qualified  
203 patient, or primary caregiver except by a medical marijuana dispensary facility, a  
204 comprehensive dispensary facility, or a microbusiness dispensary facility. The department  
205 shall certify all commercially available tracking systems that are compliant with its tracking  
206 standards and issue standards for the creation or use of other systems by licensees;

207 (e) Issue standards for the secure transportation of marijuana and marijuana-infused  
208 products. The department shall certify entities that demonstrate compliance with its  
209 transportation standards to transport marijuana and marijuana-infused products to or from a  
210 comprehensive facility, medical facility, microbusiness facility, another entity with a  
211 transportation certification, or any entity licensed pursuant to paragraph (g) of this  
212 subdivision. The department shall develop or adopt from any other governmental agency  
213 such safety and security standards as are reasonably necessary for the transportation and  
214 temporary storage of marijuana and marijuana-infused products. Any entity licensed or  
215 certified pursuant to this section shall be allowed to transport its own inventory and products  
216 in compliance with department transportation rules and store marijuana and marijuana-

217 infused products for the purposes related to transportation in compliance with department  
218 regulations on secure storage of marijuana and marijuana-infused products;

219 (f) Promulgate rules and emergency rules specific to the licensing, regulation, and  
220 oversight of marijuana microbusiness facilities;

221 (g) Provide for the issuance of additional types or classes of licenses to operate  
222 marijuana-related businesses that:

223 a. Allow for only transportation, delivery, or storage of marijuana; or

224 b. Are intended to facilitate scientific research or education.

225 (h) Prepare and transmit annually a publicly available report accounting to the  
226 governor, the general assembly, and the public for the efficient discharge of all  
227 responsibilities assigned to the department under this section. The report shall provide  
228 aggregate data for each type of license (medical, comprehensive, and microbusiness) and  
229 facility (dispensary, cultivation, manufacturers, wholesalers). Only non-identifying  
230 information shall be provided regarding any marijuana facility owners;

231 (i) Establish a lottery selection process to select comprehensive facility licenses,  
232 certificate holders, marijuana microbusiness licensees, but not medical facility licensees that  
233 are converting to comprehensive licenses pursuant to this subsection. To become eligible for  
234 any license lottery selection process, an owner cannot have pleaded guilty or been found  
235 guilty of a disqualifying felony, as that term is defined in subsection 9 of this section.

236 (j) In developing a lottery selection process to award licenses and certificates, the  
237 department may consult or contract with other public agencies with relevant expertise.

238 (k) While not required as a prerequisite to participation in a comprehensive license  
239 lottery, every comprehensive license applicant shall submit to the department a voluntary plan  
240 to promote and encourage participation in the regulated marijuana industry by people from  
241 communities that have been disproportionately impacted by marijuana prohibition. The plan  
242 may include strategies to address geographical defined communities that have been  
243 disproportionately impacted by marijuana prohibition; provide for ownership opportunities  
244 for disproportionately impacted communities; and provide for employment, supplier, and  
245 vendor opportunities for individuals and businesses in communities that have been  
246 disproportionately impacted by marijuana prohibition. If licensed, any voluntary applicant  
247 plan shall be enforceable by the department.

248 (l) Notwithstanding other grants of authority herein, neither the department nor any  
249 governmental body may restrict the production or use of marijuana and marijuana-infused  
250 products based solely upon THC content.

251 (m) Set a limit on the amount of marijuana that may be purchased in a single  
252 transaction provided that limit is not less than three ounces of dried, unprocessed marijuana,  
253 or its equivalent.

254 (n) Regulate the advertising and promotion of marijuana sales~~[- but any such~~  
255 ~~regulation shall be no more stringent than comparable state regulations on the advertising and~~  
256 ~~promotion of alcohol sales].~~ **The department shall adopt rules with restrictions on the**  
257 **advertising and promotion of marijuana sales that are at least as stringent as the**  
258 **restrictions on the advertising and promotion of cigarettes imposed by federal laws and**  
259 **regulations.**

260 (2) The department shall issue, at a minimum, the same number of comprehensive  
261 marijuana cultivation facility licenses as were authorized or issued for medical marijuana  
262 cultivation facilities under section 1 of this Article as of December 7, 2022, the same number  
263 of comprehensive marijuana-infused products manufacturing facility licenses as were  
264 authorized or issued for medical marijuana-infused products manufacturing facilities under  
265 section 1 of this Article as of December 7, 2022, the same number of comprehensive  
266 marijuana dispensary facility licenses with the same congressional distribution requirements  
267 as were authorized or issued for medical marijuana dispensary facilities under section 1 of this  
268 Article as of December 7, 2022, in addition to the minimum number of marijuana  
269 microbusiness licenses as are required under this section. The department may lift or ease  
270 any limit on the number of licensees or certificate holders in order to meet the demand for  
271 marijuana in the state and to ensure a competitive market while also preventing an over-  
272 concentration of marijuana facilities within the boundaries of any particular local  
273 government.

274 (3) If comprehensive facility licenses become available because the number of total  
275 issued licenses in any respective category falls below the minimum required under this  
276 section or the department determines more comprehensive facility licenses are necessary to  
277 meet the requirements of subdivision (2) of this subsection, the department shall award by  
278 lottery at least fifty percent of any new licenses available to satisfy the minimum requirement  
279 to applicants who are owners of a marijuana microbusiness facility that has been in operation  
280 for at least one year and is in good standing with the department and is otherwise qualified for  
281 the license.

282 (4) The department may issue any rules or emergency rules necessary for the  
283 implementation and enforcement of this section and to ensure the right to, availability, and  
284 safe use of marijuana by consumers. In developing such rules or emergency rules, the  
285 department may consult or contract with other public agencies. In addition to any other rules  
286 or emergency rules necessary to carry out the mandates of this section, the department shall  
287 issue rules or emergency rules relating to the following subjects:

288 (a) Procedures for issuing a license and for renewing, suspending, and revoking a  
289 license, so long as any procedure related to a suspension or revocation includes a reasonable

290 cure period, not less than thirty days, prior to the suspension or revocation, except in instances  
291 where there is a credible and imminent threat to public health or public safety;

292 (b) Requirements and standards for safe cultivation, processing, and distribution of  
293 marijuana and marijuana-infused products by marijuana facilities, including health standards  
294 to ensure the safe preparation of marijuana-infused products;

295 (c) Testing, packaging, and labeling standards, procedures, and requirements for  
296 marijuana and marijuana-infused products and a requirement that a representative sample of  
297 marijuana be tested by a marijuana testing facility to ensure public health;

298 (d) Labeling standards that protect public health by requiring the listing of  
299 pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol  
300 (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid  
301 amount in milligrams per serving, the number of servings per package, and quantity limits per  
302 sale to comply with the allowable possession amount;

303 (e) Requirements that packaging and labels shall not be made to be attractive to  
304 children, required warning labels, and that marijuana and marijuana-infused products be sold  
305 in resealable, child-resistant packaging to protect public health;

306 (f) Security requirements, including lighting, physical security, and alarm  
307 requirements, and requirements for securely transporting marijuana between marijuana  
308 facilities;

309 (g) Record keeping requirements for marijuana facilities and monitoring requirements  
310 to track the transfer of marijuana by licensees;

311 (h) A plan to promote and encourage ownership and employment in the marijuana  
312 industry by people from political subdivisions and districts that are economically distressed  
313 and to positively impact those political subdivisions and districts;

314 (i) Administrative penalties as authorized by this section for failure to comply with  
315 any rule promulgated pursuant to this section or for any violation of rules and regulations  
316 adopted pursuant to this section by a licensee, including authorized administrative fines and  
317 suspension, revocation, or restriction of a license. The licensee may choose to challenge any  
318 penalties imposed by the department through the administrative hearing commission, or its  
319 successor entity. Pursuant to section 536. 100, RSMo, or its successor provisions, any  
320 licensee who has exhausted all administrative remedies provided by law and who is aggrieved  
321 by a final decision in a contested case is entitled to judicial review;

322 (j) Reporting and transmittal of tax payments required under this section;

323 (k) Authorization for the department of revenue to have access to licensing  
324 information to ensure tax payment and the effective administration of this section; and

325 (l) Such other matters as are necessary for the fair, impartial, stringent, and  
326 comprehensive administration of this section.



327 (5) The department shall issue rules or emergency rules for a marijuana and  
328 marijuana-infused products independent testing and certification program for marijuana  
329 facility licensees and requiring licensees to test marijuana using one or more impartial,  
330 independent laboratory or laboratories to ensure, at a minimum, correct labeling, potency  
331 measurement, and that products sold for human consumption do not contain contaminants  
332 that are potentially injurious to public health.

333 (6) The department shall issue rules or emergency rules to provide for the  
334 certification of and standards for marijuana testing facilities, including the requirements for  
335 equipment and qualifications for personnel, but shall not require certificate holders to have  
336 any federal agency licensing or have any relationship with a federally licensed testing facility.  
337 No marijuana testing facility shall be owned by an entity or entities under substantially  
338 common control, ownership, or management as a marijuana cultivation facility, marijuana-  
339 infused products manufacturing facility, marijuana microbusiness facility, or marijuana  
340 dispensary facility.

341 (7) All public records produced or retained pursuant to this section are subject to the  
342 general provisions of the Missouri Sunshine Law, chapter 610, RSMo, or its successor  
343 provisions. Notwithstanding the foregoing, public records containing proprietary business  
344 information obtained from an applicant or licensee shall be closed. The applicant or licensee  
345 shall label business information it believes to be proprietary prior to submitting it to the  
346 department. Proprietary business information shall include sales information, financial  
347 records, tax returns, credit reports, license applications, cultivation information unrelated to  
348 product safety, testing results unrelated to product safety, site security information and plans,  
349 and individualized consumer information. The presence of proprietary business information  
350 shall not justify the closure of public records:

351 (a) Identifying the applicant or licensee;

352 (b) Relating to any citation, notice of violation, tax delinquency, or other enforcement  
353 action;

354 (c) Relating to any public official's support or opposition relative to any applicant,  
355 licensee, or their proposed or actual operations;

356 (d) Where disclosure is reasonably necessary for the protection of public health or  
357 safety; or

358 (e) That are otherwise subject to public inspection under applicable law.

359 (8) Within one hundred and eighty days of the effective date of this section, the  
360 department shall make available to the public license application forms and application  
361 instructions for marijuana microbusiness facilities. Within two hundred and seventy days of  
362 the effective date of this section, the department shall start accepting such applications from  
363 applicants.

364 (9) An entity may apply to the department for and obtain one or more licenses to  
365 grow marijuana as a comprehensive marijuana cultivation facility. Each facility in operation  
366 shall require a separate license, but multiple licenses may be utilized in a single facility. Each  
367 indoor facility utilizing artificial lighting may be limited by the department to thirty thousand  
368 square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting  
369 may be limited by the department to two thousand eight hundred flowering plants. Each  
370 greenhouse facility using a combination of natural and artificial lighting may be limited by  
371 the department, at the election of the licensee, to two thousand eight hundred flowering plants  
372 or thirty thousand square feet of flowering plant canopy. The license shall be valid for three  
373 years from its date of issuance and shall be renewable, except for good cause. The  
374 department shall charge each applicant a non-refundable fee of twelve thousand dollars per  
375 license application or renewal for all applicants filing an application within three years of the  
376 effective date of this section and shall charge each applicant a non-refundable fee of five  
377 thousand dollars per license application or renewal thereafter. Once granted, the department  
378 shall charge each licensee an annual fee of twenty-five thousand dollars per facility license.  
379 Application and license fees shall be increased or decreased each year by the percentage of  
380 increase or decrease from the end of the previous calendar year of the Consumer Price Index,  
381 or successor index as published by the U.S. Department of Labor, or its successor agency. An  
382 entity may not be an owner of more than ten percent of the total marijuana cultivation facility  
383 licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded  
384 down to the nearest whole number.

385 (10) An entity may apply to the department for and obtain one or more licenses to  
386 operate a comprehensive marijuana dispensary facility. Each facility in operation shall  
387 require a separate license. A license shall be valid for three years from its date of issuance  
388 and shall be renewable, except for good cause. The department shall charge each applicant a  
389 non-refundable fee of seven thousand dollars per license application or renewal for each  
390 applicant filing an application within three years of the effective date of this section and shall  
391 charge each applicant a non-refundable fee of three thousand dollars per license application or  
392 renewal thereafter. Once granted, the department shall charge each licensee an annual fee of  
393 ten thousand dollars per facility license. Application and license fees shall be increased or  
394 decreased each year by the percentage of increase or decrease from the end of the previous  
395 calendar year of the Consumer Price Index, or successor index as published by the U.S.  
396 Department of Labor, or its successor agency. An entity may not be an owner of more than  
397 ten percent of the total marijuana dispensary facility licenses outstanding under both sections  
398 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

399 (11) An entity may apply to the department for and obtain one or more licenses to  
400 operate a comprehensive marijuana-infused products manufacturing facility. Each facility in

401 operation shall require a separate license. A license shall be valid for three years from its date  
402 of issuance and shall be renewable, except for good cause. The department shall charge each  
403 applicant a non-refundable fee of seven thousand dollars per license application or renewal  
404 for each applicant filing an application within three years of the effective date of this section  
405 and shall charge each applicant a non-refundable fee of three thousand dollars per license  
406 application or renewal thereafter. Once granted, the department shall charge each licensee an  
407 annual fee of ten thousand dollars per facility license. Application and license fees shall be  
408 increased or decreased each year by the percentage of increase or decrease from the end of the  
409 previous calendar year of the Consumer Price Index, or successor index as published by the  
410 U.S. Department of Labor, or its successor agency. An entity may not be an owner of more  
411 than ten percent of the total marijuana-infused products manufacturing facility licenses  
412 outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the  
413 nearest whole number.

414 (12) An entity may apply to the department for and obtain only one license to operate  
415 a marijuana microbusiness facility, which may be either a microbusiness dispensary facility or  
416 a microbusiness wholesale facility. A marijuana microbusiness facility licensee may engage  
417 in all of the activities allowed under the license or it may apply for and engage in a subset of  
418 the activities allowed if the applicant or license holder so chooses. A microbusiness  
419 wholesale facility may cultivate, process, manufacture, transport, and sell marijuana and  
420 marijuana-infused products to any other marijuana microbusiness facility. A microbusiness  
421 dispensary facility licensee may acquire from any other microbusiness facility, process,  
422 package, deliver, and sell marijuana and marijuana-infused products to any other marijuana  
423 microbusiness facility, or directly to qualified patients, their primary caregiver, or consumers.  
424 A marijuana microbusiness license shall be valid for three years from its date of issuance and  
425 shall be renewable, except for good cause. The department shall charge each applicant a fee  
426 of one thousand five hundred dollars per license application and for each subsequent license  
427 renewal application thereafter. Any applicant that meets the criteria to apply for a marijuana  
428 microbusiness facility license but is not chosen by the lottery system may have their  
429 application fee refunded. Once granted, the department shall charge each licensee an annual  
430 fee of one thousand five hundred dollars per facility license, but there shall be no annual fee  
431 assessed for the first year of licensure. Application and license fees shall be increased or  
432 decreased each year by the percentage of increase or decrease from the end of the previous  
433 calendar year of the Consumer Price Index, or successor index as published by the U.S.  
434 Department of Labor, or its successor agency. An entity may not be an owner of more than  
435 one marijuana microbusiness facility license. An owner of a marijuana microbusiness facility  
436 may not also be an owner of another licensed marijuana facility or medical facility regulated  
437 under this Article. However, the owner of a marijuana microbusiness facility may apply for a

438 license or licenses for other marijuana or medical marijuana facilities under this Article. If  
439 granted one or more of these licenses, the marijuana microbusiness facility owner shall  
440 transition to other licensed operations on a reasonably practical timetable established by the  
441 department, and surrender its marijuana microbusiness facility license to the department for  
442 issuance to an applicant for a marijuana microbusiness facility. In addition to other  
443 requirements established by this section, an applicant for a marijuana microbusiness license  
444 shall be majority owned by individuals who each meet at least one of the following  
445 qualifications:

446 (a) Have a net worth of less than \$250,000 and have had an income below two  
447 hundred and fifty percent of the federal poverty level, or successor level, as set forth in the  
448 applicable calendar year's federal poverty income guidelines published by the U.S.  
449 Department of Health and Human Services or its successor agency, for at least three of the  
450 ten calendar years prior to applying for a marijuana microbusiness facility license; or

451 (b) Have a valid service-connected disability card issued by the United States  
452 Department of Veterans Affairs, or successor agency; or

453 (c) Be a person who has been, or a person whose parent, guardian or spouse has been  
454 arrested for, prosecuted for, or convicted of a non-violent marijuana offense, except for a  
455 conviction involving provision of marijuana to a minor, or a conviction of driving under the  
456 influence of marijuana. The arrest, charge, or conviction must have occurred at least one year  
457 prior to the effective date of this section; or

458 (d) Reside in a ZIP code or census tract area where:

459 a. Thirty percent or more of the population lives below the federal poverty level; or

460 b. The rate of unemployment is fifty percent higher than the state average rate of  
461 unemployment; or

462 c. The historic rate of incarceration for marijuana-related offenses is fifty percent  
463 higher than the rate for the entire state; or

464 (e) Graduated from a school district that was unaccredited, or had a similar successor  
465 designation, at the time of graduation, or has lived in a zip code containing an unaccredited  
466 school district, or similar successor designation, for three of the past five years.

467 (13) The department may restrict the aggregate number of licenses granted for  
468 marijuana microbusiness facilities, provided, however, that the number may not be limited to  
469 fewer than the following number of licenses in each United States congressional district in the  
470 state of Missouri pursuant to the map of each of the eight congressional districts as drawn and  
471 effective on December 6, 2018:

472 (a) Six, once the department begins issuing licenses for marijuana microbusiness  
473 facilities under this subsection, at least two of which shall be a microbusiness dispensary  
474 facility, and at least four of which will be a microbusiness wholesale facility. The department

475 shall issue the first group of microbusiness licenses no later than three hundred days after the  
476 effective date of this section;

477 (b) An additional six following the first two hundred and seventy days after the  
478 department begins issuing licenses for marijuana microbusiness facilities under this  
479 subsection, at least two of which shall be a microbusiness dispensary facility, and at least  
480 four of which will be a microbusiness wholesale facility, but only after the chief equity  
481 officer, or his or her designee, conducts a review and certifies that previous microbusiness  
482 licenses were awarded to and are being operated by eligible applicants in good standing; and

483 (c) An additional six after the first five hundred and forty-eight days after the  
484 department begins issuing licenses for marijuana microbusiness facilities under this  
485 subsection, at least two of which shall be a microbusiness dispensary facility, and at least  
486 four of which will be a microbusiness wholesale facility, but only after the chief equity  
487 officer, or his or her designee, conducts a review and certifies that previous microbusiness  
488 licenses were awarded to and are being operated in good standing by eligible applicants.

489 Future changes to the boundaries or the number of congressional districts shall have  
490 no impact on microbusiness license numbers or distribution. The eligibility review set forth  
491 in this subdivision shall be conducted by the chief equity officer within sixty days of issuance  
492 of the licenses. The chief equity officer shall publish in a manner available to the public the  
493 results of the review that contains only aggregate information on licensee eligibility criteria.

494 (14) Within 60 days after the effective date of this section, the department shall  
495 appoint a chief equity officer. The chief equity officer shall assist with the development and  
496 implementation of programs to inform the public of the opportunities available to those  
497 people who meet the criteria set forth in paragraph (12) of this subsection. The chief equity  
498 officer shall establish public education programming and targeted technical assistance  
499 programming dedicated to providing communities that have been impacted by marijuana  
500 prohibition with information detailing the licensing process and informing individuals of the  
501 support and resources that the office can provide to individuals and entities interested in  
502 participating in activity licensed under this Article. The chief equity officer shall provide a  
503 report to the department, no later than January 1, 2024, and annually thereafter, of their and  
504 the department's activities in ensuring compliance with the applicant criteria set forth in  
505 paragraph (12) of this subsection, and the department shall provide such report to the  
506 legislature. The chief equity officer may only be removed for cause and the department shall  
507 not interfere with the officer's lawful official activities under this section.

508 (15) Any medical marijuana cultivation facility, medical marijuana dispensary  
509 facility, and medical marijuana-infused products manufacturing facility, holding an active  
510 facility license under section 1 of this Article shall have the right to convert their license to a  
511 comprehensive marijuana license, and any entity certified by the department to conduct

512 medical marijuana testing, transportation or seed-to-sale tracking, as of the effective date of  
513 this section shall be deemed certified to conduct those activities with respect to all marijuana;

514 (16) Upon the effective date of this section, any existing medical facility licensee may  
515 request its medical facility license convert to that of a comprehensive facility license.  
516 Conversion requests not processed within sixty days of department receipt shall be deemed  
517 approved.

518 (17) With the exception of microbusiness licenses, and consistent with any limitations  
519 set forth in this section, for the first five hundred and forty-eight days after the department  
520 begins issuing licenses for marijuana facilities under this section, the department may only  
521 issue a license:

522 (a) For a comprehensive marijuana cultivation facility to an entity holding a medical  
523 marijuana cultivation facility license issued pursuant to section 1 of this Article seeking to  
524 convert its licensure to that of a comprehensive marijuana cultivation facility at the same  
525 location;

526 (b) For a comprehensive marijuana dispensary facility to an entity holding a medical  
527 marijuana dispensary facility license issued pursuant to section 1 of this Article seeking to  
528 convert its licensure to that of a comprehensive marijuana dispensary facility at the same  
529 location; and

530 (c) For a comprehensive marijuana-infused products manufacturing facility to an  
531 entity holding a medical marijuana-infused products manufacturing facility license issued  
532 pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive  
533 marijuana-infused products manufacturing facility at the same location.

534 (18) The department shall issue a license to each request for a conversion to a  
535 comprehensive marijuana facility license pursuant to subdivision (15) of this subsection if the  
536 applicant is in good standing with the department.

537 (19) Notwithstanding the provisions of section 1 of this Article, if an existing medical  
538 marijuana dispensary facility is located in a jurisdiction that prohibits non-medical retail  
539 marijuana facilities under this section, or is otherwise prevented from operating a  
540 comprehensive marijuana dispensary facility at the same location as the existing medical  
541 marijuana dispensary facility, the medical marijuana dispensary facility may apply to the  
542 department for a comprehensive marijuana dispensary license pursuant to subdivision (15) of  
543 this subsection in a new location within the same congressional district, and such application  
544 shall be granted so long as the new location meets all the requirements of this section and  
545 department regulations.

546 (20) In addition to the foregoing, if the department has reason to believe that the  
547 conversion of a medical facility into a comprehensive facility might limit or restrict access to  
548 an adequate supply of marijuana and marijuana-infused products at a reasonable cost to

549 qualifying patients, as defined in section 1 of this Article, the department may request a plan  
550 from the medical facility licensee which explains how the applicant would serve both the  
551 medical and adult-use markets, while maintaining adequate supply at a reasonable cost to  
552 qualifying patients.

553 (21) Comprehensive marijuana facilities licensed to distribute marijuana,  
554 marijuana-infused products, and marijuana accessories directly to consumers pursuant to  
555 this section may also distribute marijuana, marijuana-infused products, and marijuana  
556 accessories to qualifying patients and primary caregivers consistent with section 1 of this  
557 Article and department regulation.

558 (22) The department may charge a fee not to exceed two thousand five hundred  
559 dollars for any certification issued pursuant to this section. This fee limitation shall be  
560 increased or decreased each year by the percentage of increase or decrease from the end of the  
561 previous calendar year of the Consumer Price Index, or successor index as published by the  
562 U.S. Department of Labor, or its successor agency.

563 (23) Within thirty days of December 8, 2022, the department shall make available to  
564 the public application forms and application instructions for personal cultivation registration  
565 cards. Within sixty days of December 8, 2022, the department shall begin accepting  
566 applications for such registration cards.

567 (24) Except for good cause, a person at least twenty-one years of age may obtain a  
568 registration card from the department to cultivate up to six flowering marijuana plants, six  
569 nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under  
570 fourteen inches tall) for non-commercial use, provided:

571 (a) The plants and any marijuana produced by the plants in excess of three ounces are  
572 kept at one private residence, are in a locked space, and are not visible by normal, unaided  
573 vision from a public place; and

574 (b) Not more than twelve flowering marijuana plants are kept in or on the grounds of  
575 a private residence at one time.

576 The card shall be valid for twelve months from its date of issuance and shall be  
577 renewable. The department shall charge an annual fee for the card of one hundred dollars,  
578 with such rate to be increased or decreased each year by the percentage of increase or  
579 decrease from the end of the previous calendar year of the Consumer Price Index, or  
580 successor index as published by the U.S. Department of Labor, or its successor agency.

581 (25) All marijuana sold in Missouri pursuant to this section shall be cultivated in  
582 Missouri.

583 (26) All marijuana-infused products sold in Missouri pursuant to this section shall be  
584 manufactured in Missouri.

585 (27) The denial of a license or license renewal by the department shall be appealable.  
586 The applicant may choose to challenge any denial by the department through the  
587 administrative hearing commission, or successor entity. Pursuant to section 536.100,  
588 RSMo, or its successor provisions, any licensee who has exhausted all administrative  
589 remedies provided by law and who is aggrieved by a final decision in a contested case is  
590 entitled to judicial review.

591 (28) No elected official shall interfere directly or indirectly with the department's  
592 obligations and activities under this section.

593 (29) To minimize the potential for undue political influence in awarding licenses, the  
594 department shall review license applications using reasonable safeguards that ensure the  
595 identity of the applicant and its principal owners, officers, and managers are not identified to  
596 the application reviewer.

597 (30) To ensure the consistent protection of public health and public safety, the  
598 department shall have the sole authority within the state of Missouri to issue licenses for  
599 marijuana facilities and certifications pursuant to this section.

600 (31) The department shall not have the authority to promulgate, apply, or enforce any  
601 rule or regulation that is unduly burdensome or act to undermine the purposes of this section.

602 5. Local Control.

603 (1) (a) Except as provided in this subsection, a local government may prohibit the  
604 operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary  
605 facilities regulated under this section from being located within its jurisdiction either through  
606 referral of a ballot question to the voters by the governing body or through citizen petition,  
607 provided that citizen petitions are otherwise generally authorized by the laws of the local  
608 government. Such a ballot question shall be voted on only during the regularly scheduled  
609 general election held on the first Tuesday after the first Monday in November of a presidential  
610 election year, starting in 2024, thereby minimizing additional local governmental cost or  
611 expense. A citizen petition to put before the voters a ballot question prohibiting  
612 microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall  
613 be signed by at least five percent of the qualified voters in the area proposed to be subject to  
614 the prohibition, determined on the basis of the number of votes cast for governor in such  
615 locale at the last gubernatorial election held prior to the filing of the petition. The local  
616 government shall count the petition signatures and give legal notice of the election as  
617 provided by applicable law. Denial of ballot access shall be subject to judicial review.

618 (b) Whether submitted by the governing body or by citizen's petition, the question  
619 shall be submitted in the following form: "Shall (insert name of local government) ban all  
620 non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary  
621 facilities from being located within (insert name of local government and, where applicable,



622 its "unincorporated areas") and forgo any additional related local tax revenue? ( ) Yes ( ) No."  
623 If at least sixty percent of the votes cast on the question by the qualified voters voting thereon  
624 are in favor of the question, then the ban shall go into effect as provided by law. If a question  
625 receives less than the required sixty percent, then the jurisdiction shall have no power to ban  
626 non-medical microbusiness dispensary facilities or comprehensive marijuana facilities  
627 regulated under this section, unless voters at a subsequent general election on the first  
628 Tuesday after the first Monday in November of a presidential election year approve a ban on  
629 non-medical retail marijuana facilities submitted to them by the governing body or by citizen  
630 petition.

631 (2) (a) A local government may repeal an existing ban by its own ordinance or by a  
632 vote of the people, either through referral of a ballot question to the voters by the governing  
633 body or through citizen petition, provided that citizen petitions are otherwise generally  
634 authorized by the laws of the local government. In the case of a referral of a ballot question  
635 by the governing body or citizen petition to repeal an existing ban, the question shall be voted  
636 on only during the regularly scheduled general election held on the first Tuesday after the first  
637 Monday in November of a presidential election year. A citizen petition to put before the  
638 voters a ballot question repealing an existing ban shall be signed by at least five percent of the  
639 qualified voters in the area subject to the ban, determined on the basis of the number of votes  
640 cast for governor in such locale at the last gubernatorial election held prior to the filing of the  
641 petition. The local government shall count the petition signatures and give legal notice of the  
642 election as provided by applicable law. Denial of ballot access shall be subject to judicial  
643 review.

644 (b) Whether submitted by the governing body or by citizen's petition, the question  
645 shall be submitted in the following form: "Shall (insert name of local government) allow  
646 non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary  
647 facilities to be located within (insert name of local government and where applicable, its  
648 "unincorporated areas") as regulated by state law? ( ) Yes ( ) No." If a majority of the votes  
649 cast on the question by the qualified voters voting thereon are in favor of the question, then  
650 the ban shall be repealed.

651 (3) The only local government ordinances and regulations that are binding on a  
652 marijuana facility are those of the local government where the marijuana facility is located.

653 (4) Unless allowed by the local government, no new marijuana facility shall be  
654 initially sited within one thousand feet of any then-existing elementary or secondary school,  
655 child day-care center, or church. In the case of a freestanding facility, the distance between  
656 the facility and the school, daycare, or church shall be measured from the external wall of the  
657 facility structure closest in proximity to the school, daycare, or church to the closest point of  
658 the property line of the school, daycare, or church. If the school, daycare, or church is part of

659 a larger structure, such as an office building or strip mall, the distance shall be measured to  
660 the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the  
661 case of a facility that is part of a larger structure, such as an office building or strip mall, the  
662 distance between the facility and the school, daycare, or church shall be measured from the  
663 property line of the school, daycare, or church to the facility's entrance or exit closest in  
664 proximity to the school, daycare, or church. If the school, daycare, or church is part of a  
665 larger structure, such as an office building or strip mall, the distance shall be measured to the  
666 entrance or exit of the school, daycare, or church closest in proximity to the facility.  
667 Measurements shall be made along the shortest path between the demarcation points that can  
668 be lawfully traveled by foot.

669 (5) Except as otherwise provided in this subsection, no local government shall  
670 prohibit marijuana facilities or entities with a transportation certification either expressly or  
671 through the enactment of ordinances or regulations that make their operation unduly  
672 burdensome in the jurisdiction. However, local governments may enact ordinances or  
673 regulations not in conflict with this section, or with regulations enacted pursuant to this  
674 section, governing the time, place, and manner of operation of such facilities in the locality.  
675 A local government may establish civil penalties for violation of an ordinance or regulations  
676 governing the time, place, and manner of operation of a marijuana facility or entity holding a  
677 transportation certification that may operate in such locality.

678 (6) Local governments may enact ordinances or regulations not in conflict with this  
679 section, or with regulations enacted pursuant to this section, governing:

680 (a) The time and place where marijuana may be smoked in public areas within the  
681 locality; and

682 (b) The consumption of marijuana-infused products within designated areas,  
683 including the preparation of culinary dishes or beverages by local restaurants for on-site  
684 consumption on the same day it is prepared.

685 6. Taxation and Reporting.

686 (1) A tax shall be levied upon the retail sale of non-medical marijuana sold to  
687 consumers at marijuana facilities licensed pursuant to this section within the state. The tax  
688 shall be at a rate of six percent of the retail price. The tax shall be collected by each licensed  
689 retail marijuana facility and paid to the department of revenue. After retaining no more than  
690 two percent of the total tax collected or its actual collection costs, whichever is less, amounts  
691 generated by the marijuana tangible personal property retail sales tax levied in this section  
692 shall be deposited by the department of revenue into the veterans, health, and community  
693 reinvestment fund created under this subsection. Licensed entities making non-medical retail  
694 sales within the state shall be allowed approved credit for returns provided the tax was paid on

695 the returned item and the purchaser was given the refund or credit. This tax shall not apply to  
696 medical marijuana dispensed to a registered qualifying patient or caregiver.

697 (2) There is hereby created in the state treasury the "Veterans, Health, and  
698 Community Reinvestment Fund" which shall consist of taxes and fees collected under this  
699 section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in  
700 the fund in the same manner as other funds are invested. Any interest and moneys earned on  
701 such investments shall be credited to the fund. Notwithstanding any other provision of law,  
702 any monies remaining in the fund at the end of a biennium shall not revert to the credit of the  
703 general revenue fund. The commissioner of administration is authorized to make cash  
704 operating transfers to the fund for purposes of meeting the cash requirements of the  
705 department in advance of it receiving application, licensing, and tax revenue, with any such  
706 transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall be  
707 distributed as follows:

708 (a) First, as determined by appropriation, to the department an amount necessary for  
709 the department to carry out its responsibilities under this section, including repayment of any  
710 cash operating transfers, payments made through contract or agreement with other state and  
711 public agencies necessary to carry out this section, and a reserve fund to maintain a  
712 reasonable working cash balance for the purpose of carrying out this section;

713 (b) Second, as determined by appropriation, to governmental entities in amounts  
714 necessary for carrying out responsibilities in the expungement of criminal history records  
715 under this section;

716 (c) Next, the remaining fund balance shall be distributed in thirds as follows:

717 a. One-third of the remainder of the fund balance shall be transferred to the Missouri  
718 veterans commission and allied state agencies, as determined by appropriation, exclusively  
719 for health care and other services for military veterans and their dependent families;

720 b. One-third of the remainder of the fund balance to the department to provide grants  
721 to agencies and not-for-profit organizations, whether government or community-based, to  
722 increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically  
723 proven treatment and overdose prevention and reversal methods and public or private  
724 treatment options with an emphasis on reintegrating recipients into their local communities, to  
725 support overdose prevention education, and to support job placement, housing, and  
726 counseling for those with substance use disorders. Agencies and organizations serving  
727 populations with the highest rates of drug-related overdose shall be prioritized to receive the  
728 grants; and

729 c. One-third of the remainder of the fund balance to the Missouri public defender  
730 system. Any moneys credited to the Missouri public defender system shall be used only for  
731 legal assistance for low-income Missourians, shall not be diverted to any other purpose.

732 (d) All monies from the taxes and fees authorized hereunder shall provide new and  
733 additional funding for the purposes enumerated above and shall not replace existing funding.

734 (e) The unexpended balance existing in the fund shall be exempt from the provisions  
735 of section 33.080, RSMo, or its successor provisions, relating to the transfer of unexpended  
736 balances to the general revenue fund.

737 (3) For all retail sales of marijuana, a record shall be kept by the seller of all amounts  
738 and types of marijuana involved in the sale and the total amount of money involved in the  
739 sale, including itemizations, taxes collected, and grand total sale amounts. All such records  
740 shall be kept on the premises in a readily available format and be made available for review  
741 by the department and the department of revenue upon request. Such records shall be  
742 retained for five years from the date of the sale.

743 (4) The tax levied pursuant to this subsection is separate from and in addition to any  
744 general state and local sales and use taxes that apply to retail sales, which shall continue to be  
745 collected and distributed as provided by general law.

746 (5) Pursuant to Article III, Section 49 of this Constitution, the governing body of any  
747 local government is authorized to impose, by ordinance or order, an additional sales tax in an  
748 amount not to exceed three percent on all tangible personal property retail sales of adult use  
749 marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in  
750 addition to any and all other tangible personal property retail sales taxes allowed by law,  
751 except that no ordinance or order imposing a tangible personal property retail sales tax under  
752 the provisions of this paragraph shall be effective unless the governing body of the political  
753 subdivision submits to the voters of the political subdivision, at a municipal, county or state  
754 general, primary or special election, a proposal to authorize the governing body of the  
755 political subdivision to impose a tax. Any additional local retail sales tax shall be collected  
756 pursuant to general laws for the collection of local sales taxes.

757 (6) Except as authorized in this Article, no additional taxes shall be imposed on the  
758 sale of marijuana.

759 (7) The fees and taxes provided for in this section shall be fully enforceable  
760 notwithstanding any other provision in this Constitution purportedly prohibiting or restricting  
761 the taxes and fees provided for herein.

762 (8) For taxpayers authorized to do business pursuant to this Article, the amount that  
763 would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C.  
764 Section 280E of the Internal Revenue Code as in effect on January 1, 2021, or successor  
765 provisions, but is disallowed because cannabis is a controlled substance under federal law,  
766 shall be subtracted from the taxpayer's federal adjusted gross income, in determining the  
767 taxpayer's Missouri adjusted gross income.

768 7. Additional Protections.

769 (1) A marijuana testing facility shall not be subject to civil or criminal prosecution  
770 under Missouri law, denial of any right or privilege, civil or administrative penalty or  
771 sanction, or disciplinary action by any accreditation or licensing board or commission for  
772 providing laboratory testing services that relate to marijuana consistent with this section and  
773 otherwise meeting legal standards of professional conduct.

774 (2) Notwithstanding any provision of Article V to the contrary, an attorney shall not  
775 be subject to disciplinary action by the Supreme Court of Missouri, the office of chief  
776 disciplinary counsel, the state bar association, any state agency or any professional licensing  
777 body for any of the following:

778 (a) Owning, operating, investing in, being employed by, or contracting with  
779 prospective or licensed marijuana testing facilities, marijuana cultivation facilities, marijuana  
780 dispensary facilities, marijuana-infused products manufacturing facilities, marijuana  
781 microbusiness facilities, or transportation certificate holders;

782 (b) Counseling, advising, and/or assisting a client in conduct permitted by Missouri  
783 law that may violate or conflict with federal or other law, as long as the attorney advises the  
784 client about that federal or other law and its potential consequences;

785 (c) Counseling, advising, and/or assisting a client in connection with applying for,  
786 owning, operating, or otherwise having any legal, equitable, or beneficial interest in  
787 marijuana testing facilities, marijuana cultivation facilities, marijuana dispensary facilities,  
788 marijuana-infused products manufacturing facilities, marijuana microbusiness facilities, or  
789 transportation certificates; or

790 (d) Counseling, advising or assisting a qualifying patient, primary caregiver,  
791 physician, nurse practitioner, health care provider, consumer, or other client related to activity  
792 that is no longer subject to criminal penalties under Missouri law pursuant to this Article.

793 (3) Actions and conduct by marijuana facilities licensed or otherwise certified by the  
794 department, or their employees or agents, as permitted by this section and in compliance with  
795 department regulations and other standards of legal conduct, shall not be subject to criminal  
796 or civil liability or sanctions under Missouri law, except as provided for by this section.

797 (4) The department may not promulgate a rule that requires a consumer to provide a  
798 marijuana facility with identifying information other than identification to determine the  
799 consumer's age.

800 (5) It is the public policy of the state of Missouri that contracts related to marijuana  
801 that are entered into by marijuana facilities and those who allow property to be used by those  
802 entities should be enforceable. It is the public policy of the state of Missouri that no contract  
803 entered into by marijuana facilities, or by a person who allows property to be used for  
804 activities that are exempt from state criminal penalties by this section, shall be unenforceable  
805 on the basis that activities related to marijuana may be prohibited by federal law.

806 (6) Prior to requesting a search or arrest warrant relating to cultivation of marijuana  
807 plants, a state or local law enforcement official shall verify with the department whether the  
808 targeted person holds a registration card allowing for cultivation of flowering marijuana  
809 plants under this section, and shall inform the issuing authority when making the warrant  
810 request. Evidence of marijuana alone, without specific evidence indicating that the marijuana  
811 is outside of what is lawful for medical or adult use, cannot be the basis for a search of a  
812 patient or non-patient, including their home, vehicle or other property. Lawful marijuana  
813 related activities cannot be the basis for a violation of parole, probation, or any type of  
814 supervised release. State and local law enforcement shall have access to such department  
815 information as is necessary to confirm whether the targeted person holds a registration card.  
816 Each time a state or local law enforcement officer executes a search warrant authorizing entry  
817 upon premises for an alleged marijuana offense, the officer must first knock or announce their  
818 presence or purpose prior to entering the premises.

819 (7) (a) After executing a search warrant for an alleged marijuana offense, or  
820 conducting a warrantless search for an alleged marijuana offense, the officer shall report the  
821 following information to the agency that employs the officer:

822 a. The reasons for the warrant or, in the case of a warrantless search, a detailed  
823 account of either the probable cause or exigent circumstances, if any, which lead to the  
824 warrantless search;

825 b. Whether any marijuana was discovered during the course of the search;

826 c. Whether any marijuana was seized during the search, and if so, the amount seized;

827 d. Whether any other contraband was discovered or seized in the course of the search,  
828 and if seized, a description of the contraband;

829 e. A description of the tactics used by law enforcement to enter the property;

830 f. Whether an arrest was made as a result of the search; and

831 g. If an arrest was made, the crime suspected.

832 (b) Each law enforcement agency shall compile the data described in paragraph (a) of  
833 this subdivision for the calendar year into a report and shall submit the report to the attorney  
834 general no later than March first of the following calendar year. The attorney general shall  
835 determine the format that all law enforcement agencies shall use to submit the report.

836 (c) The attorney general shall submit a summary of the annual reports of law  
837 enforcement agencies to the governor, the general assembly, and each law enforcement  
838 agency no later than June first of each year. The summary shall include the total number of  
839 such warrants executed by each agency in the previous calendar year for alleged marijuana  
840 offenses, and a compilation of the information reported by law enforcement agencies pursuant  
841 to paragraph (b) of this subdivision.

842 8. Legislation.

843 Nothing in this section shall limit the general assembly from enacting laws consistent  
844 with the purposes and provisions of this section.

845 9. Additional Provisions.

846 (1) No owner of a marijuana facility or entity with a transportation certification shall  
847 be an individual with a disqualifying felony offense. A "disqualifying felony offense" is a  
848 violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a  
849 felony under Missouri law, regardless of the sentence imposed, unless the department  
850 determines that:

851 (a) The person's conviction was for a marijuana offense that has been expunged or is  
852 currently eligible for expungement under this section; or

853 (b) The person's conviction was for a non-violent crime for which he or she was not  
854 incarcerated and that is more than five years old; or

855 (c) More than five years have passed since the person was released from parole or  
856 probation, and he or she has not been convicted of any subsequent felony criminal offenses.

857 The department may consult with and rely on the records, advice, and  
858 recommendations of the attorney general and the department of public safety, or their  
859 successor entities, in carrying out the provisions of this subdivision.

860 (2) Owners licensed pursuant to this section shall submit fingerprints to the Missouri  
861 state highway patrol for the purpose of conducting a state and federal fingerprint-based  
862 criminal record check in accordance with U.S. Public Law 92-544, or its successor  
863 provisions. The Missouri state highway patrol, if necessary, shall forward the fingerprints to  
864 the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based  
865 criminal background check. Fingerprints shall be submitted pursuant to section 43.543,  
866 RSMo, or its successor provisions, and fees shall be paid pursuant to section 43.530, RSMo,  
867 or its successor provisions. Unless otherwise required by law, no individual shall be required  
868 to submit fingerprints more than once.

869 (3) No marijuana facility shall manufacture, package, or label marijuana or  
870 marijuana-infused products in a false or misleading manner. No person shall sell any product  
871 in a manner designed to cause confusion between marijuana or a marijuana-infused product  
872 and any product not containing marijuana. A violation of this subdivision shall be punishable  
873 by an appropriate and proportional department sanction, up to and including an administrative  
874 penalty of five thousand dollars and loss of license.

875 (4) No marijuana facility may sell edible marijuana-infused candy in shapes or  
876 packages that are attractive to children or that are easily confused with commercially sold  
877 candy that does not contain marijuana. A violation of this subdivision shall be punishable by  
878 an appropriate and proportional department sanction, up to and including an administrative  
879 penalty of five thousand dollars and loss of license.

880 (5) All marijuana and marijuana-infused products shall be sold in individual,  
881 child-resistant containers that are labeled with serving amounts, instructions for use, and  
882 estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold  
883 in containers clearly and conspicuously labeled, as mandated by the department, as containing  
884 "Marijuana" or a "Marijuana-Infused Product". Violation of this subdivision shall subject the  
885 violator to department sanctions, including an administrative penalty of five thousand dollars.

886 (6) A marijuana facility may not allow cultivation, manufacturing, sale, or display of  
887 marijuana, marijuana-infused products, or marijuana accessories to be visible from a public  
888 place outside of the marijuana facility without the use of binoculars, aircraft, or other optical  
889 aids.

890 (7) A marijuana facility may not cultivate, manufacture, test, sell, or store marijuana  
891 at any location other than a physical address approved by the department and within an  
892 enclosed area that is secured in a manner that prevents access by persons not permitted by the  
893 marijuana facility to access the area.

894 (8) A marijuana facility shall secure every entrance to the facility so that access to  
895 areas containing marijuana is restricted to employees and other persons permitted by the  
896 marijuana facility to access the area and to agents of the department or state and local law  
897 enforcement officers and emergency personnel and shall secure its inventory and equipment  
898 during and after operating hours to deter and prevent theft of marijuana, marijuana-infused  
899 products, and marijuana accessories.

900 (9) No marijuana facility may refuse representatives of the department the right to  
901 inspect the licensed premises or to audit the books and records of the marijuana facility. A  
902 facility that holds licenses issued under sections 1 and 2 of this Article shall comply with  
903 inspection regulations and standards issued pursuant to both sections.

904 (10) No marijuana facility, or entity with a certification, shall assign, sell, give, lease,  
905 sublicense, or otherwise transfer its license or certificate to any other entity without the  
906 express consent of the department, not to be unreasonably withheld.

907 (11) Real and personal property used in the cultivation, manufacture, transport,  
908 testing, distribution, sale, and administration of marijuana for activities otherwise in  
909 compliance with this section shall not be subject to asset forfeiture solely because of that use.

910 (12) No person shall extract resins from marijuana using dangerous materials or  
911 combustible gases without a medical marijuana-infused products manufacturing facility  
912 license, marijuana-infused products manufacturing facility license, or a marijuana  
913 microbusiness wholesale facility license. Violation of this prohibition shall subject the  
914 violator to department sanctions, including an administrative penalty of one thousand dollars  
915 for an individual and ten thousand dollars for a facility licensee and, if applicable, loss of  
916 certificate or license for up to one year.



## 917 10. Personal Use of Marijuana.

918 (1) Subject to the limitations in subsection 3 of this section, the following acts by a  
919 person at least twenty-one years of age are not unlawful and shall not be an offense under  
920 state law or the laws of any local government within the state or be a basis to impose a civil  
921 fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right  
922 or privilege, or to seize or forfeit assets under state law or the laws of any local government:

923 (a) Purchasing, possessing, consuming, using, ingesting, inhaling, processing,  
924 transporting, delivering without consideration, or distributing without consideration three  
925 ounces or less of dried, unprocessed marijuana, or its equivalent;

926 (b) Possessing, transporting, planting, cultivating, harvesting, drying, processing, or  
927 manufacturing up to six flowering marijuana plants, six nonflowering marijuana plants (over  
928 fourteen inches tall), and six clones (plants under fourteen inches tall) provided the person is  
929 registered with the department for cultivation of marijuana plants under this section,  
930 provided:

931 a. The plants and any marijuana produced by the plants in excess of three ounces are  
932 kept at one private residence, are in a locked space, and are not visible by normal, unaided  
933 vision from a public place; and

934 b. Not more than twice the number of allowable plants under paragraph (b) of this  
935 subdivision are kept in or on the grounds of a private residence at one time.

936 (c) Assisting another person who is at least twenty-one years of age in, or allowing  
937 property to be used for, any of the acts permitted by this section; and

938 (d) Purchasing, possessing, using, delivering, distributing, manufacturing,  
939 transferring, or selling to persons twenty-one years of age or older marijuana accessories.

940 (2) A person who, pursuant to this section, cultivates marijuana plants that are visible  
941 by normal, unaided vision from a public place is subject to a civil penalty not exceeding two  
942 hundred and fifty dollars and forfeiture of the marijuana.

943 (3) A person who, pursuant to this section, cultivates marijuana plants that are not  
944 kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars  
945 and forfeiture of the marijuana.

946 (4) A person who smokes marijuana in a public place, other than in an area licensed  
947 for such activity by the authorities having jurisdiction over the licensing and/or permitting of  
948 said activity, is subject to a civil penalty not exceeding one hundred dollars.

949 (5) A person who is under twenty-one years of age who possesses, uses, ingests,  
950 inhales, transports, delivers without consideration or distributes without consideration three  
951 ounces or less of marijuana, or possesses, delivers without consideration, or distributes  
952 without consideration marijuana accessories is subject to a civil penalty not to exceed one

953 hundred dollars and forfeiture of the marijuana. Any such person shall be provided the option  
954 of attending up to four hours of drug education or counseling in lieu of the fine.

955 (6) Subject to the limitations of this section, a person who possesses not more than  
956 twice the amount of marijuana allowed pursuant to this subsection, produces not more than  
957 twice the amount of marijuana allowed pursuant to this subsection, delivers without receiving  
958 any consideration or remuneration to a person who is at least twenty-one years of age not  
959 more than twice the amount of marijuana allowed by this subsection, or possesses with intent  
960 to deliver not more than twice the amount of marijuana allowed by this subsection:

961 (a) For a first violation, is subject to a civil infraction punishable by a civil penalty not  
962 exceeding two hundred and fifty dollars and forfeiture of the marijuana;

963 (b) For a second violation, is subject to a civil infraction punishable by a civil penalty  
964 not exceeding five hundred dollars and forfeiture of the marijuana;

965 (c) For a third or subsequent violation, is subject to a misdemeanor punishable by a  
966 fine not exceeding one-thousand dollars and forfeiture of the marijuana;

967 (d) A person under twenty-one years of age is subject to a civil penalty not to exceed  
968 two hundred and fifty dollars. Any such person shall be provided the option of attending up  
969 to eight hours of drug education or counseling in lieu of the fine; and

970 (e) In lieu of payment, penalties under this subsection may be satisfied by the  
971 performance of community service. The rate of pay-down associated with said service option  
972 will be the greater of \$15 or the minimum wage in effect at the time of judgment.

973 (7) (a) Any person currently incarcerated in a prison, jail or halfway house, whether  
974 by trial or open or negotiated plea:

975 a. Who would not have been guilty of an adult or juvenile offense, had sections 1 and  
976 2 of this Article been in effect at the time of the offense; or

977 b. Who would have been guilty of a lesser adult or juvenile offense had sections 1 and  
978 2 of this Article been in effect at the time of the offense; or

979 c. Who is serving a sentence for a marijuana offense which is a misdemeanor, a class  
980 E felony, or a class D felony, or successor designations, involving possession of three pounds  
981 or less of marijuana, excluding offenses involving distribution or delivery to a minor, any  
982 offenses involving violence, or any offense of operating a motor vehicle while under the  
983 influence of marijuana;

984

985 may petition the sentencing court to vacate the sentence, order immediate release from  
986 incarceration and other supervision by the department of corrections, and the expungement of  
987 all government records of the case. Such expungement from all government records shall be  
988 granted for all of the person's applicable marijuana offenses, absent good cause for denial.  
989 The effect of such orders shall be to restore such person to the status the person occupied prior

990 to such arrest, plea or conviction and as if such event had never taken place, and the  
991 conviction and sentence shall be vacated as legally invalid. No person for whom such order  
992 has been entered shall be held thereafter under any provision of any law to be guilty of  
993 perjury or otherwise giving a false statement by reason of the person's failure to recite or  
994 acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry  
995 made of the person for any purpose whatsoever, and no such inquiry shall be made for  
996 information relating to an expungement. The court shall not assess any filing fee for these  
997 filings. The office of the state public defender shall prepare and make readily available and  
998 accessible a pleading form that may be filed pro se for this purpose. The circuit courts of the  
999 state shall also make readily available and accessible this pleading form. Within ninety days  
1000 of the effective date of this section, the sentencing court shall complete the adjudication for  
1001 all cases involving only misdemeanor marijuana offenses. Within one hundred and eighty  
1002 days of the effective date of this section, the sentencing court shall complete the adjudication  
1003 for all cases involving class E, or successor designation, felony marijuana offenses and, if  
1004 applicable, any additional marijuana misdemeanor offenses by such offenders. Within two  
1005 hundred and seventy days of the effective date of this section, the sentencing court shall  
1006 complete the adjudication for all class D, or successor designation, felony cases involving  
1007 three pounds or less of marijuana, as well as any lesser marijuana offenses by such offenders,  
1008 if applicable. This shall not apply to offenses while operating a commercial motor vehicle as  
1009 defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation  
1010 unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

1011 (b) Any person currently on probation or parole for a marijuana law violation,  
1012 whether by trial or open or negotiated plea:

1013 a. Who would not have been guilty of an adult or juvenile offense, had sections 1 and  
1014 2 of this Article been in effect at the time of the offense; or

1015 b. Who would have been guilty of a lesser adult or juvenile offense had sections 1 and  
1016 2 of this Article been in effect at the time of the offense; or

1017 c. Who was convicted or plead guilty to a marijuana offense which is a misdemeanor,  
1018 a class E felony, or a class D felony, or successor designations, involving the possession of  
1019 three pounds or less of marijuana, excluding distribution or delivery to a minor or any offense  
1020 of operating a motor vehicle while under the influence of marijuana;

1021

1022 shall, upon the effective date of this section, have their sentence automatically vacated by the  
1023 sentencing court, which shall order the immediate termination of supervision by the  
1024 department of corrections, and the expungement of all government records of the case. Such  
1025 expungement from all government records shall be granted for all of the person's applicable  
1026 marijuana offenses, absent good cause for denial. The effect of such orders shall be to restore

1027 such person to the status the person occupied prior to such arrest, plea or conviction and as if  
1028 such event had never taken place, and the conviction and sentence shall be vacated as legally  
1029 invalid. No person for whom such order has been entered shall be held thereafter under any  
1030 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of  
1031 the person's failure to recite or acknowledge such arrest, plea, trial, conviction, or  
1032 expungement in response to any inquiry made of the person for any purpose whatsoever, and  
1033 no such inquiry shall be made for information relating to an expungement. The court shall  
1034 not assess any filing fee for these cases. This shall not apply to offenses while operating a  
1035 commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in  
1036 interstate or intrastate transportation unless otherwise exempted as found in section 307.400,  
1037 RSMo, or its successor provisions.

1038 (8) (a) Within six months of the effective date of this section, the circuit courts of this  
1039 state shall order the expungement of the criminal history records of all misdemeanor  
1040 marijuana offenses for any person who is no longer incarcerated or under the supervision of  
1041 the department of corrections. Within twelve months of the effective date of this section, the  
1042 circuit courts of this state shall order the expungement of criminal history records for all  
1043 persons no longer incarcerated or under the supervision of the department of corrections but  
1044 who have completed their sentence for any felony marijuana offenses and any marijuana  
1045 offenses that would no longer be a crime after the effective dates of sections 1 and 2 of this  
1046 Article, excluding distribution or delivery to a minor, any such offenses involving violence, or  
1047 any offense of operating a motor vehicle while under the influence of marijuana. For all class  
1048 A, class B and class C, or successor designations, felony marijuana offenses, and for all class  
1049 D, or successor designation, felony marijuana offenses for possession of more than three  
1050 pounds of marijuana, the circuit courts of this state shall order expungement of criminal  
1051 history records upon the completion of the person's incarceration, including any supervised  
1052 probation or parole. For the purposes of this subdivision, "criminal history record" means all  
1053 information documenting an individual's contact with the criminal justice system, including  
1054 data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and  
1055 supervision.

1056 (b) An expungement order shall be legally effective immediately and the person  
1057 whose record is expunged shall be treated in all respects as if he or she had never been  
1058 arrested, convicted, or sentenced for the offense, and the conviction and sentence shall be  
1059 vacated as legally invalid. The court shall issue an order to expunge all records and files  
1060 related to the arrest, citation, investigation, charge, adjudication of guilt, criminal  
1061 proceedings, and probation related to the sentence. The court shall provide notice of the  
1062 expungement to the person who is the subject of the record at the person's last known address,  
1063 the arresting agency, prosecuting attorneys, central state depository of criminal records, and

1064 any other entity that may have a record related to the order to expunge. The central state  
1065 depository of criminal records shall provide notice of the expungement to the Federal Bureau  
1066 of Investigation's National Crime Information Center, or its successor agency. The court shall  
1067 issue the person a certificate stating that the offense for which the person was convicted has  
1068 been expunged and that its effect is to annul the record of arrest, conviction, and sentence.

1069 (c) The effect of such expungement shall be to restore such person to the status the  
1070 person occupied prior to such arrest, plea, or conviction and as if such event had never taken  
1071 place. Such person shall not be required to acknowledge the existence of such a criminal  
1072 history record or answer questions about the record in any application for employment,  
1073 license, or civil right or privilege or in an appearance as a witness in any proceeding or  
1074 hearing, and may deny the existence of the record regardless of whether the person has  
1075 received notice from the court that an expungement order has been issued on the person's  
1076 behalf.

1077 (d) No person shall be prosecuted again for any offense which has been vacated or  
1078 expunged.

1079 (e) The court shall keep a special index of cases that have been expunged together  
1080 with the expungement order and the certificate issued pursuant to this subsection. The index  
1081 shall list only the name of the person convicted of the offense, his or her date of birth, the  
1082 docket number, and the criminal offense that was the subject of the expungement. The special  
1083 index and related documents shall be confidential and shall be physically and electronically  
1084 segregated in a manner that ensures confidentiality and that limits access to authorized  
1085 persons. The court may permit special access to the index and the documents for research  
1086 purposes pursuant to the rules for public access to court records. The index and documents  
1087 made available by the court may not include any identifying information.

1088 (9) A person currently under parole, probation, or other state supervision, or released  
1089 awaiting trial or other hearing, may not be punished or otherwise penalized based solely on  
1090 conduct that is permitted by this section.

1091 (10) No conduct permitted by this section shall constitute the basis for detention,  
1092 search, or arrest; and except when law enforcement is investigating whether a person is  
1093 operating a motor vehicle, train, aircraft, motorboat, or other motorized form of transport  
1094 while under the influence of marijuana, the odor of marijuana or burnt marijuana, the  
1095 possession or suspicion of possession of marijuana without evidence of a quantity in excess of  
1096 the lawful amount, or the possession of multiple containers of marijuana without evidence of  
1097 quantity in excess of the lawful amount shall not individually or in combination with each  
1098 other constitute reasonably articulable suspicion of a crime. Marijuana and marijuana-infused  
1099 products as permitted by this section are not contraband nor subject to seizure.

1100 (11) A person shall not be denied eligibility in public assistance programs or public  
1101 benefits based solely on conduct that is permitted by this Article, unless required by federal  
1102 law.

1103 (12) No person shall be denied their rights under Article 1, Section 23 of the Missouri  
1104 Constitution, solely for conduct that is permitted by this section.

1105 (13) No person shall be denied parental rights, custody of, or visitation with a minor  
1106 child by a state or local government executive agency based solely on conduct that is  
1107 permitted by this section, unless the person's behavior is such that it creates an unreasonable  
1108 danger to a minor child that can be established by clear and convincing evidence.

1109 11. Interstate Commerce.

1110 If federal law, rules, or regulations are amended to allow the interstate commerce of  
1111 marijuana or marijuana-infused products or the importation or exportation of marijuana or  
1112 marijuana-infused products into or out of the state of Missouri, the provisions and intent of  
1113 this section shall, to the extent possible, remain in full effect, unless explicitly preempted by  
1114 such federal law, rule, or regulation. If federal law, rules, or regulations are amended as  
1115 provided above, any marijuana or marijuana-infused products imported into this state shall be  
1116 subject to the same testing standards and seed-to-sale tracking system required under this  
1117 section for marijuana and marijuana-infused products produced within the state. Unless  
1118 federal law, rules, or regulations explicitly require otherwise, no entity shall sell, transport,  
1119 produce, distribute, deliver, or cultivate marijuana or marijuana-infused products without an  
1120 applicable license or certificate as required under this section. In addition, any raw biomass  
1121 of marijuana or marijuana flower imported from out-of-state shall be received only by a  
1122 licensed cultivation facility, while all batch oil, infused marijuana products and any marijuana  
1123 product in any other form shall be received only by a licensed manufacturing facility.

1124 12. Severability.

1125 The provisions of this section are severable, and if any clause, sentence, paragraph or  
1126 section of this measure, or an application thereof, is adjudged invalid by any court of  
1127 competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent  
1128 possible.

1129 13. Effective Date.

1130 The provisions of this section shall become effective thirty days after the election, as  
1131 provided by this Constitution.

✓