

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 106

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OVERCAST.

4263H.01I

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 eighteen new sections in lieu thereof relating to products derived from cannabis plants.

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Section A. Sections 1 and 2, Article XIV, Constitution of Missouri, are repealed and eighteen new sections adopted in lieu thereof, to be known as Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, to read as follows:

Section 3. As used in this article, the following terms mean:

(1) "Adult-use consumer", any person twenty-one years of age or older;

(2) "Departments", the department of health and senior services and the department of public safety;

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

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 (4) "Marijuana", all parts of the plant *Cannabis sativa L.*, whether growing or
10 not; the seeds thereof; the resin extracted from any part of such plant; and every
11 compound, manufacture, salt, derivative, mixture, or preparation of such plant or its
12 seeds or resin but shall not include:

13 (a) Hemp; or

14 (b) The mature stalks of the plant *Cannabis sativa L.*; fiber produced from such
15 stalks; oil or cake made from the seeds of such plant; any other compound,
16 manufacture, salt, derivative, mixture, or preparation of such mature stalks (except
17 the resin extracted therefrom), fiber, oil, or cake; or the sterilized seed of such plant that
18 is incapable of germination;

19 (5) "Medical identification card", a card issued to a qualifying patient or his or
20 her parent, legal guardian, or primary caregiver that identifies the patient as a patient
21 authorized to use marijuana or hemp for medical purposes;

22 (6) "Medical need", a health condition, illness, injury, or disease that may be
23 treated, cured, or relieved by the use of marijuana or hemp;

24 (7) "Primary caregiver", a person twenty-one years of age or older who has a
25 written agreement with a patient naming such person a primary caregiver for the
26 patient or, if the patient is under eighteen years of age, a written agreement with the
27 minor patient's parent or legal guardian;

28 (8) "Qualifying minor", a person under eighteen years of age with a
29 recommendation or prescription from a physician or nurse practitioner for
30 marijuana or hemp and the consent of a parent or legal guardian;

31 (9) "Qualifying patient", a person eighteen years of age or older with a medical
32 need or a qualifying minor;

33 (10) "THC", tetrahydrocannabinol.

Section 4. 1. A qualifying patient may obtain, purchase, possess, and use
2 marijuana or hemp for medical purposes if a medical identification card for such
3 purposes is issued to the patient or to the appropriate person acting on behalf of the
4 patient following certification of the qualifying patient's medical need.

5 2. The general assembly shall provide by law applicable standards governing the
6 issuance of medical identification cards for patients and primary caregivers. A
7 certification of medical need or prescription from a physician or nurse practitioner shall
8 constitute sufficient evidence for issuance of a medical identification card. The general
9 assembly may by law allow patients to self-certify their medical need.

10 3. Medical identification cards for qualifying minors shall be issued only to
11 parents, legal guardians, or primary caregivers.

12 **4. Qualifying patient and primary caregiver information shall remain**
13 **confidential and shall be released only for authorized purposes under federal health**
14 **privacy laws.**

15 **5. Medical identification cards shall be valid for a minimum of five years, with**
16 **options for a ten-year or lifetime card. No mandatory recertification shall be required,**
17 **and qualifying patients may maintain valid cards unless recertification is requested by**
18 **the department of health and senior services for cause.**

19 **6. Any fees for medical identification cards shall be waived or reduced for**
20 **veterans and low-income qualifying patients. The card shall indicate the veteran or low-**
21 **income status of the qualifying patient.**

22 **7. A patient shall not engage in any activity authorized for qualifying patients**
23 **under this article unless the patient has a valid medical identification card.**

Section 5. 1. No purchase or possession limits shall be established for marijuana,
2 **hemp, THC's, or their derivatives, including seeds, extracts, cannabinoids, isomers,**
3 **acids, or salts.**

4 **2. A retailer shall not sell any product described in this section unless the**
5 **purchaser presents:**

6 **(1) A state or federal government-issued identification card that contains a**
7 **photograph of the purchaser and confirms the purchaser's age as twenty-one years of**
8 **age or older; or**

9 **(2) A valid medical identification card. If the purchaser was issued a valid**
10 **medical identification card but does not have the card currently in his or her possession,**
11 **the retailer may validate qualifying patient certification with the last four digits of the**
12 **Social Security Number or birth date. The retailer shall verify parental or legal**
13 **guardian consent for qualifying minors.**

Section 6. 1. (1) Primary caregivers may purchase, transport, administer, or
2 **cultivate marijuana or hemp for qualifying patients, including qualifying minors,**
3 **without criminal or civil liability, subject to the cultivation limits described in this**
4 **section.**

5 **(2) Primary caregivers for qualifying minors shall not perform any activity**
6 **described in this subsection without written parental or guardian consent and shall**
7 **supervise administration of marijuana or hemp for a qualifying minor.**

8 **2. A qualifying patient or his or her primary caregiver may cultivate up to ten**
9 **flowering marijuana or hemp plants, ten nonflowering plants over fourteen inches, and**
10 **ten clones under fourteen inches for personal use of that qualifying patient in an**
11 **enclosed, locked facility, not restricted to the patient's residence. Two or more**
12 **qualifying patients may share one enclosed, locked cultivation facility, which may**

13 include separate areas for vegetative and flowering cycles and may include
14 nonstationary tents.

15 3. Adult-use consumers without a medical identification card may cultivate
16 under the same limits and restrictions as qualifying patients.

17 4. Primary caregivers may serve up to six qualifying patients and, if authorized
18 by the general assembly by law, additional qualifying patients with a fixed plant count
19 set by statute.

20 5. Qualifying patients and adult-use consumers may legally gift or share
21 marijuana or hemp without restriction to other qualifying patients and adult-use
22 consumers. The general assembly shall provide by law applicable standards governing
23 home cultivation and allow for the certification of home growers to sell or exchange
24 marijuana or hemp to licensed manufacturers or retailers, subject to compliance with
25 all regulations on testing, labeling, and packaging.

26 6. Qualifying patients, primary caregivers, and adult-use consumers may access
27 laboratory testing facilities to voluntarily test home-grown marijuana or hemp for
28 potency, contaminants, and other analytes.

Section 7. 1. Qualifying patients and adult-use consumers shall not be
2 discriminated against for lawful marijuana or hemp use in any form including, but not
3 limited to, denial of organ transplants, medical care, insurance, adoption, custody,
4 visitation rights, or firearm rights.

5 2. Employers shall not discriminate against qualifying patients or adult-use
6 consumers for lawful off-premises, non-working hours use of marijuana or hemp unless
7 the qualifying patient or adult-use consumer is impaired at work or during work hours
8 or the use is affecting job performance or posing a safety risk.

9 3. Employers may prohibit use of marijuana or hemp during work hours or on
10 workplace premises.

11 4. No claims for wrongful discharge or discrimination shall be brought against
12 employers enforcing workplace marijuana or hemp policies consistent with the
13 provisions of this article.

Section 8. 1. Possession, use, cultivation, or distribution of marijuana or hemp
2 for personal or medical purposes by qualifying patients, primary caregivers, or adult-
3 use consumers shall not be a criminal offense, provided valid state or federal
4 identification or, for qualifying patients, a valid medical identification card, is presented.

5 2. Lawful marijuana or hemp use shall not:

- 6 (1) Result in arrest, criminal or civil liability, or sanctions under Missouri law;
7 (2) Be the basis for parole, probation, or supervised release violations; or
8 (3) Justify searches without specific evidence of unlawful activity.

9 **3. Individuals on probation or parole with valid medical identification cards are**
10 **protected from punitive actions for lawful use.**

11 **4. Marijuana, hemp, and THC's shall not be maintained on any schedule of**
12 **controlled substances by the state.**

13 **5. Lawful marijuana or hemp use by parents, guardians, or primary caregivers**
14 **shall not, by itself, constitute child abuse, neglect, unfitness, or endangerment nor be the**
15 **sole basis for restricting parental rights. Any consideration of marijuana or hemp use**
16 **as a factor in child welfare cases requires clear and convincing evidence of unreasonable**
17 **danger.**

Section 9. 1. Any person convicted of any nonviolent criminal offense related to
2 **the possession, sale, or distribution of marijuana or hemp before August 28, 2027, shall**
3 **have such offenses expunged, excluding offenses involving distribution or delivery to a**
4 **minor or any offense of operating a motor vehicle while under the influence of**
5 **marijuana. No state or local government entity shall share or use information regarding**
6 **such expunged criminal offenses for any purpose under state or local law.**

7 **2. Any person currently incarcerated for an expungeable offense covered in this**
8 **section as of August 28, 2027, shall enter a retroactive release program, further**
9 **established by statute, that shall ensure the release of all marijuana or hemp prisoners**
10 **with an expungeable offense before January 1, 2030.**

Section 10. 1. Physicians and nurse practitioners, or any individual or entity
2 **federally authorized to prescribe controlled substances, may recommend in writing or**
3 **prescribe marijuana or hemp for a patient, including for a qualifying minor with**
4 **written parental or guardian consent, without facing criminal, civil, or professional**
5 **sanctions.**

6 **2. Physicians and nurse practitioners, excluding those who recommend or**
7 **prescribe marijuana or hemp, or any professional licensed by the state may own,**
8 **operate, or advise licensed marijuana or hemp facilities without penalty.**

Section 11. 1. Contracts related to marijuana or hemp commerce are
2 **enforceable under Missouri law.**

3 **2. Property used for lawful marijuana or hemp activities under this article is not**
4 **subject to asset forfeiture.**

Section 12. 1. The general assembly may by general law prohibit:

2 **(1) Marijuana or hemp use in jails or correctional facilities; or**

3 **(2) Operating vehicles, machinery, or other devices posing public safety risks**
4 **under the influence of marijuana or hemp. Evidence of impairment is required for**
5 **convictions under this subdivision. THC or cannabinoid presence by itself is insufficient**
6 **to support conviction.**

7 2. The general assembly may by law authorize civil penalties of not more than
8 ten thousand dollars or criminal penalties no stricter than the penalties established for
9 alcohol for violations of any prohibitions established in accordance with this section.

 Section 13. 1. On or before August 28, 2027, the general assembly shall enact
2 laws to establish unified regulations for production, quality control, distribution,
3 transportation, taxation, and sale of consumable marijuana and hemp, with the
4 exception of nonpsychoactive hemp. The regulations shall:

5 (1) Account for federal laws and regulations, including classification on federal
6 controlled substance schedules, and avoid duplicating federal regulatory jurisdiction;
7 and

8 (2) Be similar to but no more restrictive than existing statutory schemes for
9 tobacco or alcohol production and distribution in this state.

10 2. The general assembly shall not impose limits on the number of licenses issued,
11 geographic restrictions more stringent than those for the sale of alcohol or tobacco, or
12 licensing requirements for individuals or entities that are stricter than those for retail
13 establishments selling tobacco or alcohol.

14 3. The general assembly shall regulate, but not prohibit, high-potency THC
15 products and establish retail licenses for the sale of high-potency THC products.

16 4. Batch-tracking systems of any kind in accordance with Current Good
17 Manufacturing Practices shall be allowed, and licensees shall not be limited to using
18 established seed-to-sale tracking services.

19 5. If the laws establishing the regulations are not in full effect on or before
20 August 28, 2027, cultivation and production of marijuana or hemp shall be protected
21 under the right to farm provision in Section 35 of Article I of this constitution, sales of
22 marijuana and hemp shall be permitted in any business without restriction, and
23 possession of any amount of marijuana or hemp for personal use shall be lawful and
24 shall not result in any penalty.

 Section 14. 1. In the absence of federal regulation, the general assembly shall
2 designate the department of health and senior services and the department of public
3 safety, or their successors, to oversee regulations authorized in Section 13 of this article.

4 2. The fees for a retail license to sell marijuana or hemp shall not exceed the fees
5 for a retail license to sell packaged liquor.

6 3. The general assembly may by general law exclude applicants with
7 disqualifying felonies from holding a marijuana or hemp business license. A
8 disqualifying felony is a conviction or guilty plea for a violation of state or federal
9 law that is, or would have been, a felony in this state, regardless of the sentence imposed,
10 unless:

- 11 **(1) The conviction was for a marijuana- or hemp-related offense;**
12 **(2) The conviction was for a nonviolent offense; or**
13 **(3) A period of more than five years has passed following the date on which the**
14 **applicant satisfied all obligations placed on the applicant as part of the sentence for the**
15 **conviction, including any period of incarceration and any period of supervised**
16 **probation or parole.**
- 17 **4. The departments shall accept license and certification applications within six**
18 **months of the effective date of the laws enacted by the general assembly under Section**
19 **13 of this article and approve or deny all applications within ninety days. Failure of the**
20 **departments to act within ninety days shall allow applicants to seek equitable relief to**
21 **compel a decision. A prevailing applicant shall be entitled to recover attorney's fees and**
22 **costs to obtain the equitable relief.**
- 23 **5. Existing marijuana licensees or hemp producers, manufacturers, or retailers**
24 **operating as of the effective date of this section of the constitution may continue to**
25 **operate under their existing licenses and restrictions and shall convert their operations**
26 **to the new statutory scheme without interference, restriction, or payment on August 28,**
27 **2027.**
- 28 **6. Imported marijuana or hemp shall be from an approved source in the**
29 **jurisdiction of origin that maintains testing and tracking standards. Only facilities**
30 **licensed by the state or authorized under federal regulations may receive imported**
31 **marijuana or hemp.**
- Section 15. 1. The laws enacted by the general assembly under Section 13 of this**
2 **article shall permit unlimited licenses for marijuana and hemp cultivation,**
3 **manufacturing, or retail for both on-premises or off-premises sale and for on-**
4 **premises consumption, with no entity ownership caps or geographic restrictions more**
5 **stringent than those for the retail sale of alcohol or tobacco.**
- 6 **2. The departments shall register independent testing facilities to ensure product**
7 **safety, potency, and accurate labeling for products manufactured in this state. The**
8 **departments shall accept test results for products manufactured by approved sources in**
9 **the jurisdiction of origin. No independent testing facility shall share any ownership with**
10 **any entities controlling or having ownership in other facility types. The department of**
11 **health and senior services, in the absence of federal regulation, shall maintain a**
12 **reference laboratory to verify compliance with the testing regulations promulgated**
13 **under Section 13 of this article.**
- 14 **3. Denials of licenses or medical identification cards shall be appealable to the**
15 **administrative hearing commission or its successor as provided by general law. Final**
16 **decisions of the administrative hearing commission shall be subject to judicial review.**

Section 16. 1. The general assembly shall by law establish security, sanitary, labeling, and packaging standards for marijuana and hemp that are equivalent to those for alcohol or tobacco, including a requirement for tamper-evident containers. All individuals and entities issued a license under this article shall comply with the standards.

2. Any facility siting restrictions on the retail sale of marijuana or hemp imposed by a government entity shall not be stricter than the facility siting restrictions imposed by the government entity on the retail sale of alcohol or tobacco. Local governments may enact ordinances or regulations governing the time, place, and manner of operation of facilities licensed under this article consistent with the requirements of this section.

Section 17. 1. For the period beginning on the effective date of the laws enacted by the general assembly under Section 13 of this article and ending on the effective date of the laws enacted by the general assembly imposing taxes in accordance with Section 18 of this article, a tax shall be levied and imposed upon the retail sale of marijuana and hemp sold to consumers at licensed marijuana or hemp retail facilities. The combined rate of tax imposed under both state and local law shall not exceed eleven percent of the retail sales price. No city, county, or other political subdivision shall impose taxes that would result in a combined rate of tax higher than eleven percent during this period.

2. The tax shall be collected by each licensed retail facility and paid to the department of revenue. After retaining no more than two percent of the total tax collected or its actual collection costs, whichever is less, amounts generated by the retail sales tax levied in this section shall be deposited into the community development fund. Licensed entities making nonmedical retail sales shall be allowed approved credit for returns, provided the tax was paid on the returned item and the purchaser was given a refund or credit. This tax shall not apply to an individual issued a medical identification card.

3. This section shall automatically expire upon the effective date of the laws enacted by the general assembly imposing taxes in accordance with Section 18 of this article.

Section 18. 1. The general assembly shall by law enact a tax rate or schedule for marijuana and hemp to be effective beginning August 28, 2037.

2. The tax rate or schedule for marijuana and hemp shall not exceed the tax rate applied to alcohol using a per-dose equivalency model, based on independent scientific standards and public health data, reflecting psychoactive effects comparable to alcohol.

3. Local jurisdictions shall tax marijuana or hemp only to the extent permitted for alcohol using equivalent methods and rates.

Section 19. 1. There is hereby created in the state treasury the "Community Development Fund", which shall consist of taxes and fees collected under this article. The state treasurer shall be custodian of the fund, investing moneys in the fund in the same manner as other funds are invested, with interest and earnings credited to the fund. Moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The commissioner of administration may make cash operating transfers to the fund to meet the departments' cash requirements, with repayment as provided by law. The fund shall be a dedicated fund and distributed as follows:

(1) First, as determined by appropriation, to the departments the amount necessary to enact and maintain regulations promulgated under this article, including repayment of cash operating transfers, payments to other state or public agencies, and a reserve fund for a reasonable working cash balance; and

(2) Next, the remaining fund balance shall be distributed as follows:

(a) One-third shall be transferred to the Missouri veterans' commission and allied state agencies, as determined by appropriation, exclusively for health care and other services for military veterans and their dependent families;

(b) One-third shall stand appropriated to the departments to provide grants to agencies and nonprofit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment, overdose prevention, and reversal methods and public or private treatment options emphasizing reintegration, overdose prevention education, job placement, housing, and counseling for those with substance use disorders; and

(c) One-third shall stand appropriated to the Missouri public defender system solely for legal assistance for low-income Missourians.

2. All moneys from taxes and fees collected under this article shall provide new and additional funding for the purposes described in this section and shall not replace existing funding.

3. All moneys deposited in the Missouri veterans' health and care fund and the veterans, health, and community reinvestment fund created in Sections 1 and 2 of this article shall be transferred to the community development fund created in this section. The Missouri veterans' health and care fund and the veterans, health, and community reinvestment fund shall be abolished upon the transfer of all moneys in it to the community development fund created in this section.

Section 20. Taxpayers shall be allowed to deduct expenses disallowed under federal law (26 U.S.C. Section 280E) for Missouri tax purposes.

[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.~~

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

~~2. Definitions.~~

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

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

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

~~(c) Application of ointments or balms;~~

~~(d) Transdermal patches and suppositories;~~

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

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

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

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

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

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

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

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

49 ~~(8) "Marijuana" or "marihuana" means Cannabis indica, Cannabis~~
50 ~~sativa, and Cannabis ruderalis, hybrids of such species, and any other strains~~
51 ~~commonly understood within the scientific community to constitute marijuana,~~
52 ~~as well as resin extracted from the marijuana plant and marijuana-infused~~
53 ~~products. "Marijuana" or "marihuana" do not include industrial hemp, as~~
54 ~~defined by Missouri statute, or commodities or products manufactured from~~
55 ~~industrial hemp.~~

56 ~~(9) "Marijuana-infused products" means products that are infused,~~
57 ~~dipped, coated, sprayed, or mixed with marijuana or an extract thereof,~~
58 ~~including, but not limited to, products that are able to be vaporized or smoked,~~
59 ~~edible products, ingestible products, topical products, suppositories, and~~
60 ~~infused prerolls.~~

61 ~~(10) "Medical facility" means any medical marijuana cultivation~~
62 ~~facility, medical marijuana dispensary facility, or medical marijuana-infused~~
63 ~~products manufacturing facility, as defined in this section.~~

64 ~~(11) "Medical marijuana cultivation facility" means a facility licensed~~
65 ~~by the department to acquire, cultivate, process, package, store on site or off~~
66 ~~site, transport to or from, and sell marijuana, marijuana seeds, and marijuana~~
67 ~~vegetative cuttings (also known as clones) to a medical marijuana dispensary~~
68 ~~facility, medical marijuana testing facility, medical marijuana cultivation~~
69 ~~facility, or to a medical marijuana-infused products manufacturing facility. A~~
70 ~~medical marijuana cultivation facility's authority to process marijuana shall~~
71 ~~include the production and sale of prerolls, but shall not include the~~
72 ~~manufacture of marijuana-infused products.~~

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

88 ~~(13) "Medical marijuana-infused products manufacturing facility"~~
89 ~~means a facility licensed by the department to acquire, process, package, store~~
90 ~~on site or off site, manufacture, transport to or from, and sell marijuana-~~
91 ~~infused products to a medical marijuana dispensary facility, a marijuana~~
92 ~~testing facility, a medical marijuana cultivation facility, or to another medical~~
93 ~~marijuana-infused products manufacturing facility.~~

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

97 ~~(15) "Medical use" means the production, possession, delivery,~~
98 ~~distribution, transportation, or administration of marijuana or a marijuana-~~
99 ~~infused product, or drug paraphernalia used to administer marijuana or a~~
100 ~~marijuana-infused product, for the benefit of a qualifying patient to mitigate~~
101 ~~the symptoms or effects of the patient's qualifying medical condition.~~

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

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

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

110 ~~(19) "Physician or nurse practitioner certification" means a document,~~
111 ~~whether handwritten, electronic or in another commonly used format, signed~~
112 ~~by a physician or a nurse practitioner and stating that, in the physician's or~~
113 ~~nurse practitioner's professional opinion, the patient suffers from a qualifying~~
114 ~~medical condition.~~

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

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

124 ~~(22) "Qualifying medical condition" means the condition of,~~
125 ~~symptoms related to, or side effects from the treatment of:~~

126 ~~(a) Cancer;~~

127 ~~(b) Epilepsy;~~

128 ~~(c) Glaucoma;~~

129 ~~(d) Intractable migraines unresponsive to other treatment;~~

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

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

135 ~~(g) Human immunodeficiency virus or acquired immune deficiency~~
136 ~~syndrome;~~

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

142 ~~(i) Any terminal illness; or~~

143 ~~(j) In the professional judgment of a physician or nurse practitioner,~~
144 ~~any other chronic, debilitating or other medical condition, including, but not~~

limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

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

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

3. ~~Creating Patient Access to Medical Marijuana.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may~~

consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department may issue rules or emergency rules relating to the following subjects:

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

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

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

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

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

(f) Prohibition of misrepresentation and unfair practices;

(g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient and/or primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not for profit charity or advocacy events. While the department shall have the general power to regulate the advertising and promotion of marijuana sales, under all circumstances, any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales;

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

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

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

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

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

~~(m) Labeling and packaging standards;~~

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

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

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

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

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

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

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

~~(5) Any information released by the department related to patients may only be for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification card to a state or local law enforcement official is lawfully in possession of such card. Beginning December 8, 2022, all public records produced or retained pursuant to this section are subject to the general provisions of the Missouri Sunshine~~

335 Law, chapter 610, RSMo, or its successor provisions. Notwithstanding the
336 foregoing, records containing proprietary business information obtained from
337 an applicant or licensee shall be closed. For documents submitted on or after
338 December 8, 2022, the applicant or licensee shall label business information it
339 believes to be proprietary prior to submitting it to the department. For
340 documents submitted prior to December 8, 2022, the applicant or licensee may
341 advise the department, through a department approved process, of any records
342 previously submitted by the applicant or licensee it believes contain
343 proprietary business information. Proprietary business information shall
344 include sales information, financial records, tax returns, credit reports, license
345 applications, cultivation information unrelated to product safety, testing results
346 unrelated to product safety, site security information and plans, and
347 individualized consumer information. The presence of proprietary business
348 information shall not justify the closure of public records:

- 349 (a) Identifying the applicant or licensee;
- 350 (b) Relating to any citation, notice of violation, tax delinquency, or
351 other enforcement action;
- 352 (c) Relating to any public official's support or opposition relative to
353 any applicant, licensee, or their proposed or actual operations;
- 354 (d) Where disclosure is reasonably necessary for the protection of
355 public health or safety; or
- 356 (e) That are otherwise subject to public inspection under other
357 applicable law.

358 (6) Within one hundred eighty days of December 6, 2018, the
359 department shall make available to the public license application forms and
360 application instructions for medical marijuana cultivation facilities, marijuana
361 testing facilities, medical marijuana dispensary facilities, and medical
362 marijuana-infused products manufacturing facilities.

363 (7) Within one hundred eighty days of December 6, 2018, the
364 department shall make available to the public application forms and
365 application instructions for qualifying patient, qualifying patient cultivation,
366 and primary caregiver identification cards. Within two hundred ten days of
367 December 6, 2018, the department shall begin accepting applications for such
368 identification cards.

369 (8) An entity may apply to the department for and obtain one or more
370 licenses to grow marijuana as a medical marijuana cultivation facility. Each
371 facility in operation shall require a separate license, but multiple licenses may
372 be utilized in a single facility. Each indoor facility utilizing artificial lighting
373 may be limited by the department to thirty thousand square feet of flowering
374 plant canopy space. Each outdoor facility utilizing natural lighting may be
375 limited by the department to two thousand eight hundred flowering plants.
376 Each greenhouse facility using a combination of natural and artificial lighting
377 may be limited by the department, at the election of the licensee, to two
378 thousand eight hundred flowering plants or thirty thousand square feet of
379 flowering plant canopy. The license shall be valid for three years from its date
380 of issuance and shall be renewable, except for good cause. The department
381 shall charge each applicant a nonrefundable fee of ten thousand dollars per
382 license application or renewal for all applicants filing an application within

three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana cultivation facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

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

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

431 (11) Any applicant for a license authorized by this section may prefile
432 ~~their application fee with the department beginning 30 days after December 6,~~
433 ~~2018.~~

434 (12) ~~Except for good cause, a qualifying patient or his or her primary~~
435 ~~caregiver may obtain an identification card from the department to cultivate up~~
436 ~~to six flowering marijuana plants, six nonflowering marijuana plants (over~~
437 ~~fourteen inches tall), and six clones (plants under fourteen inches tall) for the~~
438 ~~exclusive use of that qualifying patient. The card shall be valid for three years~~
439 ~~from its date of issuance and shall be renewable with the submittal of a new or~~
440 ~~updated physician or nurse practitioner certification. The department shall~~
441 ~~charge a fee for the card of fifty dollars, with such rate to be increased or~~
442 ~~decreased each year by the percentage of increase or decrease from the end of~~
443 ~~the previous calendar year of the Consumer Price Index, or successor index as~~
444 ~~published by the U.S. Department of Labor, or its successor agency.~~

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

452 (14) ~~The department may set a limit on the amount of marijuana that~~
453 ~~may be possessed by or on behalf of each qualifying patient, provided that~~
454 ~~limit is not less than a sixty-day supply of dried, unprocessed marijuana, or its~~
455 ~~equivalent. A primary caregiver may possess a separate legal limit for each~~
456 ~~qualifying patient under their care and a separate legal limit for themselves if~~
457 ~~they are a qualifying patient. Qualifying patients cultivating marijuana for~~
458 ~~medical use may possess up to a ninety-day supply, so long as the supply~~
459 ~~remains on property under their control. Any such limit shall not apply to a~~
460 ~~qualifying patient with written certification from an independent physician or~~
461 ~~nurse practitioner that there are compelling reasons for additional amounts.~~
462 ~~Possession of between the legal limit and up to twice the legal limit shall~~
463 ~~subject the possessor to department sanctions, including an administrative~~
464 ~~penalty of up to two hundred dollars and loss of their patient identification~~
465 ~~card for up to a year. Purposefully possessing amounts in excess of twice the~~
466 ~~legal limit shall be punishable as an infraction under applicable law.~~

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

474 (16) ~~The department may restrict the aggregate number of licenses~~
475 ~~granted for medical marijuana-infused products manufacturing facilities and~~
476 ~~comprehensive marijuana-infused products manufacturing facilities authorized~~
477 ~~by section 2 combined, provided, however, that the number may not be limited~~
478 ~~to fewer than one license per every seventy thousand inhabitants, or any~~

portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

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

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

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

(20) Primary caregivers under this section shall obtain an identification card from the department. Cards shall be valid for three years. The department shall charge a fee of twenty-five dollars per card. Such fee may be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a primary caregiver

527 identification card, the department shall, within thirty days, either issue the
528 card or provide a written explanation for its denial.

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

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

535 (23) The denial of a license, license renewal, or identification card by
536 the department shall be appealable to the administrative hearing commission;
537 or its successor entity. Following the exhaustion of administrative review,
538 denial of a license, license renewal, or identification card by the department
539 shall be subject to judicial review as provided by law.

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

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

546 4. Taxation and Reporting.

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

558 (2) There is hereby created in the state treasury the "Missouri Veterans'
559 Health and Care Fund", which shall consist of taxes and fees collected under
560 this section. The state treasurer shall be custodian of the fund, and he or she
561 shall invest monies in the fund in the same manner as other funds are invested.
562 Any interest and monies earned on such investments shall be credited to the
563 fund. Notwithstanding any other provision of law, any monies remaining in
564 the fund at the end of a biennium shall not revert to the credit of the general
565 revenue fund. The commissioner of administration is authorized to make cash
566 operating transfers to the fund for purposes of meeting the cash requirements
567 of the department in advance of it receiving annual application, licensing, and
568 tax revenue, with any such transfers to be repaid as provided by law. The fund
569 shall be a dedicated fund and shall stand appropriated without further
570 legislative action as follows:

571 (a) First, to the department, an amount necessary for the department to
572 carry out this section, including repayment of any cash operating transfers,
573 payments made through contract or agreement with other state and public

agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

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

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

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

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

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

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

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

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

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

(1) Except as provided in this section, the possession of marijuana in quantities less than the limits of this section, or established by the department, and transportation of marijuana by the qualifying patient or primary caregiver

shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the appropriate authority a valid qualifying patient identification card; a valid qualifying patient cultivation identification card; a valid physician or nurse practitioner certification while making application for an identification card; or a valid primary caregiver identification card. Production of the respective substantially equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision and shall allow for the purchase of medical marijuana for use by a non-resident patient from a medical marijuana dispensary facility as permitted by this section and in compliance with department regulations.

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

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

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

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

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

(7) A primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) per patient and no more than twenty-four flowering plants for more than one qualifying patient in a manner consistent

with this section and generally established legal standards of personal or professional conduct.

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

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

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

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

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

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

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

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal

penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

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

(13) Registered qualifying patients on bond for pre-trial release, on probation, or other form of supervised release shall not be prohibited from legally using a lawful marijuana product as a term or condition of release, probation, or parole. An alternative sentencing drug court program may not prohibit individuals under its jurisdiction from using a lawful marijuana product as long as the individual is a registered qualifying patient.

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

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

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

6. Legislation.

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

7. Additional Provisions.

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

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

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

765 ~~(c) Operate, navigate, or be in actual physical control of any dangerous~~
766 ~~device or motor vehicle, aircraft or motorboat while under the influence of~~
767 ~~marijuana. Notwithstanding the foregoing, an arrest or a conviction of a~~
768 ~~person who has a valid qualifying patient identification card for any applicable~~
769 ~~offenses shall require evidence that the person was in fact under the influence~~
770 ~~of marijuana at the time the person was in actual physical control of the~~
771 ~~dangerous device or motor vehicle, aircraft or motorboat and not solely on the~~
772 ~~presence of tetrahydrocannabinol (THC) or THC metabolites, or a~~
773 ~~combination thereof, in the person's system; or~~

774 ~~(d) Bring a claim against any employer, former employer, or~~
775 ~~prospective employer for wrongful discharge, discrimination, or any similar~~
776 ~~cause of action or remedy, based on the employer, former employer, or~~
777 ~~prospective employer prohibiting the employee, former employee, or~~
778 ~~prospective employee from being under the influence of marijuana while at~~
779 ~~work or disciplining the employee or former employee, up to and including~~
780 ~~termination from employment, for working or attempting to work while under~~
781 ~~the influence of marijuana.~~

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

791 ~~(a) The person's conviction was for the medical use of marijuana or~~
792 ~~assisting in the medical use of marijuana; or~~

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

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

798 ~~The department may consult with and rely on the records, advice and~~
799 ~~recommendations of the attorney general and the department of public safety,~~
800 ~~or their successor entities, in applying this subdivision.~~

801 ~~(3) No medical marijuana cultivation facility, medical marijuana~~
802 ~~dispensary facility, or medical marijuana-infused products manufacturing~~
803 ~~facility shall manufacture, package or label marijuana or marijuana-infused~~
804 ~~products in a false or misleading manner. No person shall sell any product in a~~
805 ~~manner designed to cause confusion between a marijuana or marijuana-infused~~
806 ~~product and any product not containing marijuana. A violation of this~~
807 ~~subdivision shall be punishable by an appropriate and proportional department~~
808 ~~sanction, up to and including an administrative penalty of five thousand dollars~~
809 ~~and loss of license.~~

810 ~~(4) All edible marijuana-infused products shall be sold in individual,~~
811 ~~child-resistant containers that are labeled with dosage amounts, instructions~~
812 ~~for use, and estimated length of effectiveness. All marijuana and marijuana-~~

infused products shall be sold in containers clearly and conspicuously labeled as mandated by the department as containing "Marijuana", or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of five thousand dollars.

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

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

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

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

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

(10) (a) Unless allowed by the local government, no new medical marijuana cultivation facility, marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the

861 facility's entrance or exit closest in proximity to the school, daycare, or church.
862 If the school, daycare, or church is part of a larger structure, such as an office
863 building or strip mall, the distance shall be measured to the entrance or exit of
864 the school, daycare, or church closest in proximity to the facility.
865 Measurements shall be made along the shortest path between the
866 demarcation points that can be lawfully traveled by foot. No local
867 government shall prohibit medical marijuana cultivation facilities, marijuana
868 testing facilities, medical marijuana infused products manufacturing facilities,
869 or medical marijuana dispensary facilities, or entities with a transportation
870 certification either expressly or through the enactment of ordinances or
871 regulations that make their operation unduly burdensome in the jurisdiction.
872 However, local governments may enact ordinances or regulations not in
873 conflict with this section, or with regulations enacted pursuant to this section,
874 governing the time, place, and manner of operation of such facilities in the
875 locality. A local government may establish civil penalties for violation of an
876 ordinance or regulations governing the time, place, and manner of operation of
877 a medical marijuana cultivation facility, marijuana testing facility, medical
878 marijuana infused products manufacturing facility, medical marijuana
879 dispensary facility, or entity holding a transportation certification that may
880 operate in such locality.

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

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

889 (12) A physician or nurse practitioner shall not issue a certification for
890 the medical use of marijuana for a nonemancipated qualifying patient under
891 the age of eighteen without the written consent of the qualifying patient's
892 parent or legal guardian. The department shall not issue a qualifying patient
893 identification card on behalf of a nonemancipated qualifying patient under the
894 age of eighteen without the written consent of the qualifying patient's parent or
895 legal guardian. Such card shall be issued to one of the parents or guardians
896 and not directly to the patient. Only a parent or guardian may serve as a
897 primary caregiver for a nonemancipated qualifying patient under the age of
898 eighteen. Only the qualifying patient's parent or guardian shall purchase or
899 possess medical marijuana for a nonemancipated qualifying patient under the
900 age of eighteen. A parent or guardian shall supervise the administration of
901 medical marijuana to a nonemancipated qualifying patient under the age of
902 eighteen.

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

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

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

914 ~~(a) The person's status as a qualifying patient or primary caregiver~~
915 ~~who has a valid identification card, including the person's legal use of a lawful~~
916 ~~marijuana product off the employer's premises during nonworking hours,~~
917 ~~unless the person was under the influence of medical marijuana on the~~
918 ~~premises of the place of employment or during the hours of employment; or~~

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

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

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

932 ~~8. Federal Legalization.~~

933 ~~If federal law, rules, or regulations are amended to allow the interstate~~
934 ~~commerce of marijuana or marijuana-infused products or the importation or~~
935 ~~exportation of marijuana or marijuana-infused products into or out of the state~~
936 ~~of Missouri, the provisions and intent of this section shall, to the extent~~
937 ~~possible, remain in full effect, unless explicitly preempted by such federal law,~~
938 ~~rule, or regulation. If federal law, rules, or regulations are amended as~~
939 ~~provided above, any marijuana or marijuana-infused products imported into~~
940 ~~this state shall be subject to the same testing standards and seed to sale~~
941 ~~tracking system required under this section for marijuana and marijuana-~~
942 ~~infused products produced within the state. Unless federal law, rules, or~~
943 ~~regulations explicitly require otherwise, no entity shall sell, transport, produce,~~
944 ~~distribute, deliver, or cultivate marijuana or marijuana-infused products~~
945 ~~without an applicable license or certificate as required under this section. In~~
946 ~~addition, any raw biomass of marijuana or marijuana flower imported from~~
947 ~~out of state shall be received only by a licensed cultivation facility, while all~~
948 ~~batch oil, infused marijuana products and any marijuana product in any other~~
949 ~~form shall be received only by a licensed manufacturing facility.~~

950 ~~9. Severability.~~

951 ~~The provisions of this section are severable, and if any clause,~~
952 ~~sentence, paragraph or section of this measure, or an application thereof, is~~
953 ~~adjudged invalid by any court of competent jurisdiction, the other provisions~~
954 ~~shall continue to be in effect to the fullest extent possible.]~~

~~[Section 2.—1. Purpose.~~

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

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

19 ~~2. Definitions.~~

20 ~~(1) "Church" means a permanent building primarily and regularly used~~
21 ~~as a place of religious worship.~~

22 ~~(2) "Comprehensive facility" means a comprehensive marijuana~~
23 ~~cultivation facility, comprehensive marijuana dispensary facility, or a~~
24 ~~comprehensive marijuana infused products manufacturing facility.~~

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

35 ~~(4) "Comprehensive marijuana dispensary facility" means a facility~~
36 ~~licensed by the department to acquire, process, package, store on site or off~~
37 ~~site, sell, transport to or from, and deliver marijuana, marijuana seeds,~~
38 ~~marijuana vegetative cuttings (also known as clones), marijuana-infused~~
39 ~~products, and drug paraphernalia used to administer marijuana as provided for~~
40 ~~in this section to a qualifying patient or primary caregiver, as those terms are~~
41 ~~defined in section 1 of this Article, or to a consumer, anywhere on the licensed~~
42 ~~property or to any address as directed by the patient, primary caregiver, or~~
43 ~~consumer and consistent with the limitations of this Article and as otherwise~~
44 ~~allowed by law, to a comprehensive facility, a marijuana testing facility, or a~~
45 ~~medical facility. Comprehensive dispensary facilities may receive transaction~~
46 ~~orders at the dispensary directly from the consumer in person, by phone, or via~~
47 ~~the internet, including from a third party. A comprehensive marijuana~~
48 ~~dispensary facility need not segregate or account for its marijuana products as~~
49 ~~either non medical marijuana or medical marijuana, but shall collect all~~

50 appropriate tangible personal property sales tax for each sale, as set forth in
51 this Article and provided for by general or local law. A comprehensive
52 marijuana dispensary facility's authority to process marijuana shall include the
53 creation of prerolls.

54 (5) ~~"Comprehensive marijuana infused products manufacturing~~
55 ~~facility" means a facility licensed by the department to acquire, process,~~
56 ~~package, store, manufacture, transport to or from a medical facility,~~
57 ~~comprehensive facility, or marijuana testing facility, and sell marijuana~~
58 ~~infused products, prerolls, and infused prerolls to a marijuana dispensary~~
59 ~~facility, a marijuana testing facility, or another marijuana-infused products~~
60 ~~manufacturing facility. A comprehensive marijuana infused products~~
61 ~~manufacturing facility need not segregate or account for its marijuana~~
62 ~~products as either non-medical marijuana or medical marijuana.~~

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

65 (7) ~~"Daycare" means a child care facility, as defined by section~~
66 ~~210.201, RSMo, or successor provisions, that is licensed by the state of~~
67 ~~Missouri.~~

68 (8) ~~"Department" means the department of health and senior services,~~
69 ~~or its successor agency.~~

70 (9) ~~"Entity" means a natural person, corporation, professional~~
71 ~~corporation, nonprofit corporation, cooperative corporation, unincorporated~~
72 ~~association, business trust, limited liability company, general or limited~~
73 ~~partnership, limited liability partnership, joint venture, or any other legal~~
74 ~~entity.~~

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

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

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

84 (13) ~~"Marijuana" or "marihuana" means Cannabis indica, Cannabis~~
85 ~~sativa, and Cannabis ruderalis, hybrids of such species, and any other strains~~
86 ~~commonly understood within the scientific community to constitute marijuana,~~
87 ~~as well as resin extracted from the marijuana plant and marijuana infused~~
88 ~~products. "Marijuana" or "marihuana" do not include industrial hemp, as~~
89 ~~defined by Missouri statute, or commodities or products manufactured from~~
90 ~~industrial hemp.~~

91 (14) ~~"Marijuana accessories" means any equipment, product, material,~~
92 ~~or combination of equipment, products, or materials, which is specifically~~
93 ~~designed for use in planting, propagating, cultivating, growing, harvesting,~~
94 ~~manufacturing, compounding, converting, producing, processing, preparing,~~
95 ~~testing, analyzing, packaging, repackaging, storing, containing, ingesting,~~
96 ~~inhaling, or otherwise introducing marijuana into the human body.~~

97 ~~(15) "Marijuana facility" means a comprehensive marijuana~~
98 ~~cultivation facility, comprehensive marijuana dispensary facility, marijuana~~
99 ~~testing facility, comprehensive marijuana-infused products manufacturing~~
100 ~~facility, microbusiness wholesale facility, microbusiness dispensary facility, or~~
101 ~~any other type of marijuana-related facility or business licensed or certified by~~
102 ~~the department pursuant to this section, but shall not include a medical facility~~
103 ~~licensed under section 1 of this Article.~~

104 ~~(16) "Marijuana infused products" means products that are infused,~~
105 ~~dipped, coated, sprayed, or mixed with marijuana or an extract thereof,~~
106 ~~including, but not limited to, products that are able to be vaporized or smoked,~~
107 ~~edible products, ingestible products, topical products, suppositories, and~~
108 ~~infused prerolls.~~

109 ~~(17) "Marijuana microbusiness facility" means a facility licensed by~~
110 ~~the department as a microbusiness dispensary facility or microbusiness~~
111 ~~wholesale facility, as defined in this section.~~

112 ~~(18) "Microbusiness dispensary facility" means a facility licensed by~~
113 ~~the department to acquire, process, package, store on site or off site, sell,~~
114 ~~transport to or from, and deliver marijuana, marijuana seeds, marijuana~~
115 ~~vegetative cuttings (also known as clones), marijuana-infused products, and~~
116 ~~drug paraphernalia used to administer marijuana as provided for in this section~~
117 ~~to a consumer, qualifying patient, as that term is defined in section 1 of this~~
118 ~~Article, or primary caregiver, as that term is defined in section 1 of this Article,~~
119 ~~anywhere on the licensed property or to any address as directed by the~~
120 ~~consumer, qualifying patient, or primary caregiver and, consistent with the~~
121 ~~limitations of this Article and as otherwise allowed by law, a microbusiness~~
122 ~~wholesale facility, or a marijuana testing facility. Microbusiness dispensary~~
123 ~~facilities may receive transaction orders at the dispensary directly from the~~
124 ~~consumer in person, by phone, or via the internet, including from a third party.~~
125 ~~A microbusiness dispensary facility's authority to process marijuana shall~~
126 ~~include the creation of prerolls.~~

127 ~~(19) "Microbusiness wholesale facility" means a facility licensed by~~
128 ~~the department to acquire, cultivate, process, package, store on site or off site,~~
129 ~~manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds,~~
130 ~~marijuana vegetative cuttings (also known as clones), and marijuana-infused~~
131 ~~products to a microbusiness dispensary facility, other microbusiness wholesale~~
132 ~~facility, or marijuana testing facility. A microbusiness wholesale facility may~~
133 ~~cultivate up to 250 flowering marijuana plants at any given time. A~~
134 ~~microbusiness wholesale facility's authority to process marijuana shall include~~
135 ~~the creation of prerolls and infused prerolls.~~

136 ~~(20) "Marijuana testing facility" means a facility certified by the~~
137 ~~department to acquire, test, certify, and transport marijuana, including those~~
138 ~~originally certified as a medical marijuana testing facility.~~

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

142 ~~(22) "Preroll" means a consumable or smokable marijuana product,~~
143 ~~generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or~~

plant material. Prerolls may or may not include a filter or crutch at the base of the product.

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

~~3. Limitations.~~

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

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

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

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

(d) ~~Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system;~~

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

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

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

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

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

(j) ~~Conduct that endangers others;~~

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

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

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

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

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

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

~~4. Regulation of Marijuana.~~

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

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

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

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

~~(d) Require a seed-to-sale tracking system that tracks marijuana from either the seed or immature plant stage until the marijuana or marijuana-infused product is sold to a qualified patient, primary caregiver, or consumer to ensure that no marijuana grown by a medical marijuana cultivation facility, comprehensive marijuana cultivation facility, or microbusiness wholesale facility, or manufactured by a medical marijuana infused products manufacturing facility, a comprehensive marijuana infused products~~

239 manufacturing facility, or a microbusiness wholesale facility is sold or
240 otherwise transferred to a consumer, qualified patient, or primary caregiver
241 except by a medical marijuana dispensary facility, a comprehensive dispensary
242 facility, or a microbusiness dispensary facility. The department shall certify all
243 commercially available tracking systems that are compliant with its tracking
244 standards and issue standards for the creation or use of other systems by
245 licensees;

246 ~~(e) Issue standards for the secure transportation of marijuana and~~
247 ~~marijuana-infused products. The department shall certify entities that~~
248 ~~demonstrate compliance with its transportation standards to transport~~
249 ~~marijuana and marijuana-infused products to or from a comprehensive~~
250 ~~facility, medical facility, microbusiness facility, another entity with a~~
251 ~~transportation certification, or any entity licensed pursuant to paragraph (g)~~
252 ~~of this subdivision. The department shall develop or adopt from any other~~
253 ~~governmental agency such safety and security standards as are reasonably~~
254 ~~necessary for the transportation and temporary storage of marijuana and~~
255 ~~marijuana-infused products. Any entity licensed or certified pursuant to this~~
256 ~~section shall be allowed to transport its own inventory and products in~~
257 ~~compliance with department transportation rules and store marijuana and~~
258 ~~marijuana-infused products for the purposes related to transportation in~~
259 ~~compliance with department regulations on secure storage of marijuana and~~
260 ~~marijuana-infused products;~~

261 ~~(f) Promulgate rules and emergency rules specific to the licensing,~~
262 ~~regulation, and oversight of marijuana microbusiness facilities;~~

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

265 ~~a. Allow for only transportation, delivery, or storage of marijuana; or~~
266 ~~b. Are intended to facilitate scientific research or education.~~

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

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

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

283 ~~(k) While not required as a prerequisite to participation in a~~
284 ~~comprehensive license lottery, every comprehensive license applicant shall~~
285 ~~submit to the department a voluntary plan to promote and encourage~~
286 ~~participation in the regulated marijuana industry by people from communities~~

that have been disproportionately impacted by marijuana prohibition. The plan may include strategies to address geographical defined communities that have been disproportionately impacted by marijuana prohibition; provide for ownership opportunities for disproportionately impacted communities; and provide for employment, supplier, and vendor opportunities for individuals and businesses in communities that have been disproportionately impacted by marijuana prohibition. If licensed, any voluntary applicant plan shall be enforceable by the department.

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

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

(n) Regulate the advertising and promotion of marijuana sales, but any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales.

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

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

(4) The department may issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana by consumers. In developing such rules or emergency rules, the department may consult or contract with other public agencies. In addition to any other rules or emergency rules necessary to

334 carry out the mandates of this section, the department shall issue rules or
335 emergency rules relating to the following subjects:

336 (a) Procedures for issuing a license and for renewing, suspending, and
337 revoking a license, so long as any procedure related to a suspension or
338 revocation includes a reasonable cure period, not less than thirty days, prior to
339 the suspension or revocation, except in instances where there is a credible and
340 imminent threat to public health or public safety;

341 (b) Requirements and standards for safe cultivation, processing, and
342 distribution of marijuana and marijuana-infused products by marijuana
343 facilities, including health standards to ensure the safe preparation of
344 marijuana-infused products;

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

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

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

359 (f) Security requirements, including lighting, physical security, and
360 alarm requirements, and requirements for securely transporting marijuana
361 between marijuana facilities;

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

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

368 (i) Administrative penalties as authorized by this section for failure to
369 comply with any rule promulgated pursuant to this section or for any violation
370 of rules and regulations adopted pursuant to this section by a licensee,
371 including authorized administrative fines and suspension, revocation, or
372 restriction of a license. The licensee may choose to challenge any penalties
373 imposed by the department through the administrative hearing commission, or
374 its successor entity. Pursuant to section 536.100, RSMo, or its successor
375 provisions, any licensee who has exhausted all administrative remedies
376 provided by law and who is aggrieved by a final decision in a contested case is
377 entitled to judicial review;

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

380 ~~(k) Authorization for the department of revenue to have access to~~
381 ~~licensing information to ensure tax payment and the effective administration of~~
382 ~~this section; and~~

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

385 ~~(5) The department shall issue rules or emergency rules for a~~
386 ~~marijuana and marijuana-infused products independent testing and~~
387 ~~certification program for marijuana facility licensees and requiring licensees~~
388 ~~to test marijuana using one or more impartial, independent laboratory or~~
389 ~~laboratories to ensure, at a minimum, correct labeling, potency measurement,~~
390 ~~and that products sold for human consumption do not contain contaminants~~
391 ~~that are potentially injurious to public health.~~

392 ~~(6) The department shall issue rules or emergency rules to provide for~~
393 ~~the certification of and standards for marijuana testing facilities, including the~~
394 ~~requirements for equipment and qualifications for personnel, but shall not~~
395 ~~require certificate holders to have any federal agency licensing or have any~~
396 ~~relationship with a federally licensed testing facility. No marijuana testing~~
397 ~~facility shall be owned by an entity or entities under substantially common~~
398 ~~control, ownership, or management as a marijuana cultivation facility,~~
399 ~~marijuana-infused products manufacturing facility, marijuana microbusiness~~
400 ~~facility, or marijuana dispensary facility.~~

401 ~~(7) All public records produced or retained pursuant to this section are~~
402 ~~subject to the general provisions of the Missouri Sunshine Law, chapter 610,~~
403 ~~RSMo, or its successor provisions. Notwithstanding the foregoing, public~~
404 ~~records containing proprietary business information obtained from an~~
405 ~~applicant or licensee shall be closed. The applicant or licensee shall label~~
406 ~~business information it believes to be proprietary prior to submitting it to the~~
407 ~~department. Proprietary business information shall include sales information,~~
408 ~~financial records, tax returns, credit reports, license applications, cultivation~~
409 ~~information unrelated to product safety, testing results unrelated to product~~
410 ~~safety, site security information and plans, and individualized consumer~~
411 ~~information. The presence of proprietary business information shall not justify~~
412 ~~the closure of public records:~~

413 ~~(a) Identifying the applicant or licensee;~~

414 ~~(b) Relating to any citation, notice of violation, tax delinquency, or~~
415 ~~other enforcement action;~~

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

418 ~~(d) Where disclosure is reasonably necessary for the protection of~~
419 ~~public health or safety; or~~

420 ~~(e) That are otherwise subject to public inspection under applicable~~
421 ~~law.~~

422 ~~(8) Within one hundred and eighty days of the effective date of this~~
423 ~~section, the department shall make available to the public license application~~
424 ~~forms and application instructions for marijuana microbusiness facilities.~~
425 ~~Within two hundred and seventy days of the effective date of this section, the~~
426 ~~department shall start accepting such applications from applicants.~~

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

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

~~(11) An entity may apply to the department for and obtain one or more licenses to operate a comprehensive marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of seven thousand dollars per license~~

475 application or renewal for each applicant filing an application within three
476 years of the effective date of this section and shall charge each applicant a non-
477 refundable fee of three thousand dollars per license application or renewal
478 thereafter. Once granted, the department shall charge each licensee an annual
479 fee of ten thousand dollars per facility license. Application and license fees
480 shall be increased or decreased each year by the percentage of increase or
481 decrease from the end of the previous calendar year of the Consumer Price
482 Index, or successor index as published by the U.S. Department of Labor, or its
483 successor agency. An entity may not be an owner of more than ten percent of
484 the total marijuana-infused products manufacturing facility licenses
485 outstanding under both sections 1 and 2 of this Article at any given time,
486 rounded down to the nearest whole number.

487 (12) An entity may apply to the department for and obtain only one
488 license to operate a marijuana microbusiness facility, which may be either a
489 microbusiness dispensary facility or a microbusiness wholesale facility. A
490 marijuana microbusiness facility licensee may engage in all of the activities
491 allowed under the license or it may apply for and engage in a subset of the
492 activities allowed if the applicant or license holder so chooses. A
493 microbusiness wholesale facility may cultivate, process, manufacture,
494 transport, and sell marijuana and marijuana-infused products to any other
495 marijuana microbusiness facility. A microbusiness dispensary facility licensee
496 may acquire from any other microbusiness facility, process, package, deliver,
497 and sell marijuana and marijuana-infused products to any other marijuana
498 microbusiness facility, or directly to qualified patients, their primary caregiver,
499 or consumers. A marijuana microbusiness license shall be valid for three years
500 from its date of issuance and shall be renewable, except for good cause. The
501 department shall charge each applicant a fee of one thousand five hundred
502 dollars per license application and for each subsequent license renewal
503 application thereafter. Any applicant that meets the criteria to apply for a
504 marijuana microbusiness facility license but is not chosen by the lottery
505 system may have their application fee refunded. Once granted, the department
506 shall charge each licensee an annual fee of one thousand five hundred dollars
507 per facility license, but there shall be no annual fee assessed for the first year
508 of licensure. Application and license fees shall be increased or decreased each
509 year by the percentage of increase or decrease from the end of the previous
510 calendar year of the Consumer Price Index, or successor index as published by
511 the U.S. Department of Labor, or its successor agency. An entity may not be
512 an owner of more than one marijuana microbusiness facility license. An
513 owner of a marijuana microbusiness facility may not also be an owner of
514 another licensed marijuana facility or medical facility regulated under this
515 Article. However, the owner of a marijuana microbusiness facility may apply
516 for a license or licenses for other marijuana or medical marijuana facilities
517 under this Article. If granted one or more of these licenses, the marijuana
518 microbusiness facility owner shall transition to other licensed operations on a
519 reasonably practical timetable established by the department, and surrender its
520 marijuana microbusiness facility license to the department for issuance to an
521 applicant for a marijuana microbusiness facility. In addition to other
522 requirements established by this section, an applicant for a marijuana

microbusiness license shall be majority owned by individuals who each meet at least one of the following qualifications:

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

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

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

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

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

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

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

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

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

(a) Six, once the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility. The department shall issue the first group of microbusiness licenses no later than three hundred days after the effective date of this section;

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

(c) An additional six after the first five hundred and forty eight days after the department begins issuing licenses for marijuana microbusiness

571 facilities under this subsection, at least two of which shall be a microbusiness
572 dispensary facility, and at least four of which will be a microbusiness
573 wholesale facility, but only after the chief equity officer, or his or her designee,
574 conducts a review and certifies that previous microbusiness licenses were
575 awarded to and are being operated in good standing by eligible applicants.

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

583 (14) Within 60 days after the effective date of this section, the
584 department shall appoint a chief equity officer. The chief equity officer shall
585 assist with the development and implementation of programs to inform the
586 public of the opportunities available to those people who meet the criteria set
587 forth in paragraph (12) of this subsection. The chief equity officer shall
588 establish public education programming and targeted technical assistance
589 programming dedicated to providing communities that have been impacted by
590 marijuana prohibition with information detailing the licensing process and
591 informing individuals of the support and resources that the office can provide
592 to individuals and entities interested in participating in activity licensed under
593 this Article. The chief equity officer shall provide a report to the department,
594 no later than January 1, 2024, and annually thereafter, of their and the
595 department's activities in ensuring compliance with the applicant criteria set
596 forth in paragraph (12) of this subsection, and the department shall provide
597 such report to the legislature. The chief equity officer may only be removed
598 for cause and the department shall not interfere with the officer's lawful
599 official activities under this section.

600 (15) Any medical marijuana cultivation facility, medical marijuana
601 dispensary facility, and medical marijuana-infused products manufacturing
602 facility, holding an active facility license under section 1 of this Article shall
603 have the right to convert their license to a comprehensive marijuana license,
604 and any entity certified by the department to conduct medical marijuana
605 testing, transportation or seed to sale tracking, as of the effective date of this
606 section shall be deemed certified to conduct those activities with respect to all
607 marijuana;

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

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

616 (a) For a comprehensive marijuana cultivation facility to an entity
617 holding a medical marijuana cultivation facility license issued pursuant to

~~section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana cultivation facility at the same location;~~

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

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

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

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

~~(20) In addition to the foregoing, if the department has reason to believe that the conversion of a medical facility into a comprehensive facility might limit or restrict access to an adequate supply of marijuana and marijuana-infused products at a reasonable cost to qualifying patients, as defined in section 1 of this Article, the department may request a plan from the medical facility licensee which explains how the applicant would serve both the medical and adult-use markets, while maintaining adequate supply at a reasonable cost to qualifying patients.~~

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

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

~~(23) Within thirty days of December 8, 2022, the department shall make available to the public application forms and application instructions for personal cultivation registration cards. Within sixty days of December 8,~~

2022, the department shall begin accepting applications for such registration cards.

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

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

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

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

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

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

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

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

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

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

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

5. Local Control.

(1) (a) Except as provided in this subsection, a local government may prohibit the operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary facilities regulated under this section from being located within its jurisdiction either through referral of a ballot question to the voters by the governing body or through citizen petition;

provided that citizen petitions are otherwise generally authorized by the laws of the local government. Such a ballot question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year, starting in 2024, thereby minimizing additional local governmental cost or expense. A citizen petition to put before the voters a ballot question prohibiting microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall be signed by at least five percent of the qualified voters in the area proposed to be subject to the prohibition, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable, its "unincorporated areas") and forgo any additional related local tax revenue? () Yes () No." If at least sixty percent of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall go into effect as provided by law. If a question receives less than the required sixty percent, then the jurisdiction shall have no power to ban non-medical microbusiness dispensary facilities or comprehensive marijuana facilities regulated under this section, unless voters at a subsequent general election on the first Tuesday after the first Monday in November of a presidential election year approve a ban on non-medical retail marijuana facilities submitted to them by the governing body or by citizen petition.

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

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) allow non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities to be located within (insert name of local government and where applicable, its "unincorporated areas") as

regulated by state law? () Yes () No." If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall be repealed.

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

(4) Unless allowed by the local government, no new marijuana facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

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

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

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

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

6. Taxation and Reporting.

(1) A tax shall be levied upon the retail sale of non-medical marijuana sold to consumers at marijuana facilities licensed pursuant to this section within the state. The tax shall be at a rate of six percent of the retail price. The

tax shall be collected by each licensed retail marijuana facility and paid to the department of revenue. After retaining no more than two percent of the total tax collected or its actual collection costs, whichever is less, amounts generated by the marijuana tangible personal property retail sales tax levied in this section shall be deposited by the department of revenue into the veterans, health, and community reinvestment fund created under this subsection. Licensed entities making non-medical retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit. This tax shall not apply to medical marijuana dispensed to a registered qualifying patient or caregiver.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~7. Additional Protections.~~

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

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

913 (a) ~~Owning, operating, investing in, being employed by, or contracting~~
914 ~~with prospective or licensed marijuana testing facilities, marijuana cultivation~~
915 ~~facilities, marijuana dispensary facilities, marijuana-infused products~~
916 ~~manufacturing facilities, marijuana microbusiness facilities, or transportation~~
917 ~~certificate holders;~~

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

922 (c) ~~Counseling, advising, and/or assisting a client in connection with~~
923 ~~applying for, owning, operating, or otherwise having any legal, equitable, or~~
924 ~~beneficial interest in marijuana testing facilities, marijuana cultivation~~
925 ~~facilities, marijuana dispensary facilities, marijuana-infused products~~
926 ~~manufacturing facilities, marijuana microbusiness facilities, or transportation~~
927 ~~certificates; or~~

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

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

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

940 (5) ~~It is the public policy of the state of Missouri that contracts related~~
941 ~~to marijuana that are entered into by marijuana facilities and those who allow~~
942 ~~property to be used by those entities should be enforceable. It is the public~~
943 ~~policy of the state of Missouri that no contract entered into by marijuana~~
944 ~~facilities, or by a person who allows property to be used for activities that are~~
945 ~~exempt from state criminal penalties by this section, shall be unenforceable on~~
946 ~~the basis that activities related to marijuana may be prohibited by federal law.~~

947 (6) ~~Prior to requesting a search or arrest warrant relating to cultivation~~
948 ~~of marijuana plants, a state or local law enforcement official shall verify with~~
949 ~~the department whether the targeted person holds a registration card allowing~~
950 ~~for cultivation of flowering marijuana plants under this section, and shall~~

inform the issuing authority when making the warrant request. Evidence of marijuana alone, without specific evidence indicating that the marijuana is outside of what is lawful for medical or adult use, cannot be the basis for a search of a patient or non-patient, including their home, vehicle or other property. Lawful marijuana related activities cannot be the basis for a violation of parole, probation, or any type of supervised release. State and local law enforcement shall have access to such department information as is necessary to confirm whether the targeted person holds a registration card. Each time a state or local law enforcement officer executes a search warrant authorizing entry upon premises for an alleged marijuana offense, the officer must first knock or announce their presence or purpose prior to entering the premises.

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

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

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

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

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

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

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

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

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

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

8. Legislation.

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

9. Additional Provisions.

(1) No owner of a marijuana facility or entity with a transportation certification shall be an individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea

999 to, state or federal law that is, or would have been, a felony under Missouri
1000 law, regardless of the sentence imposed, unless the department determines
1001 that:

1002 (a) The person's conviction was for a marijuana offense that has been
1003 expunged or is currently eligible for expungement under this section; or

1004 (b) The person's conviction was for a non-violent crime for which he
1005 or she was not incarcerated and that is more than five years old; or

1006 (c) More than five years have passed since the person was released
1007 from parole or probation, and he or she has not been convicted of any
1008 subsequent felony criminal offenses.

1009 The department may consult with and rely on the records, advice, and
1010 recommendations of the attorney general and the department of public safety,
1011 or their successor entities, in carrying out the provisions of this subdivision.

1012 (2) Owners licensed pursuant to this section shall submit fingerprints
1013 to the Missouri state highway patrol for the purpose of conducting a state and
1014 federal fingerprint-based criminal record check in accordance with U.S. Public
1015 Law 92-544, or its successor provisions. The Missouri state highway patrol, if
1016 necessary, shall forward the fingerprints to the Federal Bureau of Investigation
1017 (FBI) for the purpose of conducting a fingerprint-based criminal background
1018 check. Fingerprints shall be submitted pursuant to section 43.543, RSMo, or
1019 its successor provisions, and fees shall be paid pursuant to section 43.530,
1020 RSMo, or its successor provisions. Unless otherwise required by law, no
1021 individual shall be required to submit fingerprints more than once.

1022 (3) No marijuana facility shall manufacture, package, or label
1023 marijuana or marijuana-infused products in a false or misleading manner. No
1024 person shall sell any product in a manner designed to cause confusion between
1025 marijuana or a marijuana-infused product and any product not containing
1026 marijuana. A violation of this subdivision shall be punishable by an
1027 appropriate and proportional department sanction, up to and including an
1028 administrative penalty of five thousand dollars and loss of license.

1029 (4) No marijuana facility may sell edible marijuana-infused candy in
1030 shapes or packages that are attractive to children or that are easily confused
1031 with commercially sold candy that does not contain marijuana. A violation of
1032 this subdivision shall be punishable by an appropriate and proportional
1033 department sanction, up to and including an administrative penalty of five
1034 thousand dollars and loss of license.

1035 (5) All marijuana and marijuana-infused products shall be sold in
1036 individual, child resistant containers that are labeled with serving amounts,
1037 instructions for use, and estimated length of effectiveness. All marijuana and
1038 marijuana-infused products shall be sold in containers clearly and
1039 conspicuously labeled, as mandated by the department, as containing
1040 "Marijuana" or a "Marijuana-Infused Product". Violation of this subdivision
1041 shall subject the violator to department sanctions, including an administrative
1042 penalty of five thousand dollars.

1043 (6) A marijuana facility may not allow cultivation, manufacturing,
1044 sale, or display of marijuana, marijuana-infused products, or marijuana
1045 accessories to be visible from a public place outside of the marijuana facility
1046 without the use of binoculars, aircraft, or other optical aids.

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

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

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

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

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

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

~~10. Personal Use of Marijuana.~~

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

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

~~(b) Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones~~

(plants under fourteen inches tall) provided the person is registered with the department for cultivation of marijuana plants under this section, provided:

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

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

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

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

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

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

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

(5) A person who is under twenty-one years of age who possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration three ounces or less of marijuana, or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

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

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

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

1141 ~~(c) For a third or subsequent violation, is subject to a misdemeanor~~
1142 ~~punishable by a fine not exceeding one thousand dollars and forfeiture of the~~
1143 ~~marijuana;~~

1144 ~~(d) A person under twenty one years of age is subject to a civil penalty~~
1145 ~~not to exceed two hundred and fifty dollars. Any such person shall be~~
1146 ~~provided the option of attending up to eight hours of drug education or~~
1147 ~~counseling in lieu of the fine; and~~

1148 ~~(e) In lieu of payment, penalties under this subsection may be satisfied~~
1149 ~~by the performance of community service. The rate of pay down associated~~
1150 ~~with said service option will be the greater of \$15 or the minimum wage in~~
1151 ~~effect at the time of judgment.~~

1152 ~~(7) (a) Any person currently incarcerated in a prison, jail or halfway~~
1153 ~~house, whether by trial or open or negotiated plea:~~

1154 ~~a. Who would not have been guilty of an adult or juvenile offense, had~~
1155 ~~sections 1 and 2 of this Article been in effect at the time of the offense; or~~

1156 ~~b. Who would have been guilty of a lesser adult or juvenile offense~~
1157 ~~had sections 1 and 2 of this Article been in effect at the time of the offense; or~~

1158 ~~c. Who is serving a sentence for a marijuana offense which is a~~
1159 ~~misdemeanor, a class E felony, or a class D felony, or successor designations,~~
1160 ~~involving possession of three pounds or less of marijuana, excluding offenses~~
1161 ~~involving distribution or delivery to a minor, any offenses involving violence,~~
1162 ~~or any offense of operating a motor vehicle while under the influence of~~
1163 ~~marijuana;~~

1164
1165 ~~may petition the sentencing court to vacate the sentence, order immediate~~
1166 ~~release from incarceration and other supervision by the department of~~
1167 ~~corrections, and the expungement of all government records of the case. Such~~
1168 ~~expungement from all government records shall be granted for all of the~~
1169 ~~person's applicable marijuana offenses, absent good cause for denial. The~~
1170 ~~effect of such orders shall be to restore such person to the status the person~~
1171 ~~occupied prior to such arrest, plea or conviction and as if such event had never~~
1172 ~~taken place, and the conviction and sentence shall be vacated as legally~~
1173 ~~invalid. No person for whom such order has been entered shall be held~~
1174 ~~thereafter under any provision of any law to be guilty of perjury or otherwise~~
1175 ~~giving a false statement by reason of the person's failure to recite or~~
1176 ~~acknowledge such arrest, plea, trial, conviction, or expungement in response to~~
1177 ~~any inquiry made of the person for any purpose whatsoever, and no such~~
1178 ~~inquiry shall be made for information relating to an expungement. The court~~
1179 ~~shall not assess any filing fee for these filings. The office of the state public~~
1180 ~~defender shall prepare and make readily available and accessible a pleading~~
1181 ~~form that may be filed pro se for this purpose. The circuit courts of the state~~
1182 ~~shall also make readily available and accessible this pleading form. Within~~
1183 ~~ninety days of the effective date of this section, the sentencing court shall~~
1184 ~~complete the adjudication for all cases involving only misdemeanor marijuana~~
1185 ~~offenses. Within one hundred and eighty days of the effective date of this~~
1186 ~~section, the sentencing court shall complete the adjudication for all cases~~
1187 ~~involving class E, or successor designation, felony marijuana offenses and, if~~
1188 ~~applicable, any additional marijuana misdemeanor offenses by such offenders.~~

Within two hundred and seventy days of the effective date of this section, the sentencing court shall complete the adjudication for all class D, or successor designation, felony cases involving three pounds or less of marijuana, as well as any lesser marijuana offenses by such offenders, if applicable. This shall not apply to offenses while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

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

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

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

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

shall, upon the effective date of this section, have their sentence automatically vacated by the sentencing court, which shall order the immediate termination of supervision by the department of corrections, and the expungement of all government records of the case. Such expungement from all government records shall be granted for all of the person's applicable marijuana offenses, absent good cause for denial. The effect of such orders shall be to restore such person to the status the person occupied prior to such arrest, plea or conviction and as if such event had never taken place, and the conviction and sentence shall be vacated as legally invalid. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement. The court shall not assess any filing fee for these cases. This shall not apply to offenses while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

(8) (a) Within six months of the effective date of this section, the circuit courts of this state shall order the expungement of the criminal history records of all misdemeanor marijuana offenses for any person who is no longer incarcerated or under the supervision of the department of corrections. Within twelve months of the effective date of this section, the circuit courts of this state shall order the expungement of criminal history records for all persons no longer incarcerated or under the supervision of the department of corrections but who have completed their sentence for any felony marijuana offenses and any marijuana offenses that would no longer be a crime after the

effective dates of sections 1 and 2 of this Article, excluding distribution or delivery to a minor, any such offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana. For all class A, class B and class C, or successor designations, felony marijuana offenses, and for all class D, or successor designation, felony marijuana offenses for possession of more than three pounds of marijuana, the circuit courts of this state shall order expungement of criminal history records upon the completion of the person's incarceration, including any supervised probation or parole. For the purposes of this subdivision, "criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(b) An expungement order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense, and the conviction and sentence shall be vacated as legally invalid. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. The court shall provide notice of the expungement to the person who is the subject of the record at the person's last known address, the arresting agency, prosecuting attorneys, central state depository of criminal records, and any other entity that may have a record related to the order to expunge. The central state depository of criminal records shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center, or its successor agency. The court shall issue the person a certificate stating that the offense for which the person was convicted has been expunged and that its effect is to annul the record of arrest, conviction, and sentence.

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

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

(e) The court shall keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to this subsection. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement. The special index and related documents shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons. The court may permit special access to the index and the documents for research purposes pursuant to the rules for public

access to court records. The index and documents made available by the court may not include any identifying information.

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

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

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

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

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

~~11. Interstate Commerce.~~

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

~~12. Severability.~~

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is

1333 ~~adjudged invalid by any court of competent jurisdiction, the other provisions~~
1334 ~~shall continue to be in effect to the fullest extent possible.~~

1335 ~~13. Effective Date.~~

1336 ~~The provisions of this section shall become effective thirty days after~~
1337 ~~the election, as provided by this Constitution.]~~

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