

SECOND REGULAR SESSION

# HOUSE BILL NO. 2765

## 103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE JUSTUS.

5945H.01I

JOSEPH ENGLER, Chief Clerk

---

### AN ACT

To amend chapter 312, RSMo, by adding thereto ten new sections relating to hemp businesses, with penalty provisions.

---

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

Section A. Chapter 312, RSMo, is amended by adding thereto ten new sections, to be known as sections 312.1000, 312.1005, 312.1010, 312.1015, 312.1020, 312.1025, 312.1030, 312.1035, 312.1037, and 312.1040, to read as follows:

**312.1000. As used in sections 312.1000 to 312.1040, the following terms mean:**

(1) "Artificially derived cannabinoid", a cannabinoid extracted from a hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes, but is not limited to, any tetrahydrocannabinol created from cannabidiol;

(2) "Delivery service", a third party that delivers items from a retail dealer to consumers for personal consumption and not for resale using employees or independent contractors to facilitate the delivery. A "delivery service" also may facilitate delivery through technology services that connect customers with retail dealers through the use of the internet, mobile applications, and other similar technology;

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

(4) "Division", the division of alcohol and tobacco control;

(5) "Hemp beverage" or "hemp beverage product", a beverage intended for human consumption, which does not include cannabis flower or cannabis concentrate; and:

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.

17           (a) Contains or consists of hemp plant parts; or  
18           (b) Contains hemp concentrate or artificially derived cannabinoids in  
19 combination with other ingredients;

20           (6) "Hemp business", one of the following licensed under sections 312.1000 to  
21 312.1040:

22           (a) Hemp beverage manufacturer;  
23           (b) Hemp beverage wholesaler; or  
24           (c) Hemp beverage retailer.

25  
26 "Hemp business" does not include a person or entity licensed to grow industrial hemp  
27 for commercial or research purposes or to process industrial hemp for commercial  
28 purposes;

29           (7) "Hemp concentrate":

30           (a) The extracts and resins of a hemp plant or hemp plant parts;  
31           (b) The extracts or resins of a hemp plant or hemp plant parts that are refined to  
32 increase the presence of targeted cannabinoids; or  
33           (c) A product that is produced by refining extracts or resins of a hemp plant or  
34 hemp plant parts and is intended to be consumed by combustion or vaporization of the  
35 product and inhalation of smoke, aerosol, or vapor from the product.

36  
37 "Hemp concentrate" does not include artificially derived cannabinoids, hemp  
38 beverages, hemp-derived consumer products, or hemp-derived topical products;

39           (8) "Hemp plant", all parts of the plant of the genus Cannabis that is growing or  
40 has not been harvested and has a delta-9 tetrahydrocannabinol concentration of no  
41 more than three-tenths of one percent on a dry weight basis;

42           (9) "Hemp plant parts", any part of the harvested hemp plant, including the  
43 flower, bud, leaves, stems, and stalk, but does not include derivatives, extracts,  
44 cannabinoids, isomers, acids, salts, and salts of isomers that are separated from the  
45 plant. "Hemp plant parts" do not include hemp fiber products, hemp grain, or hemp  
46 seed;

47           (10) "Hemp seed", the viable seed of the plant of the genus Cannabis that is  
48 intended to be planted and is reasonably expected to grow into a hemp plant. "Hemp  
49 seed" does not include cannabis seed or hemp grain;

50           (11) "Industrial hemp", the plant *Cannabis sativa L.* and any part of the plant,  
51 whether growing or not, including the plant's seeds, and all the plant's derivatives,  
52 extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or  
53 not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of

54 one percent on a dry weight basis. Industrial hemp is not marijuana, as defined under  
55 article XIV of the Constitution of Missouri;

56 (12) "Unfinished hemp extract", an oil, extract, concentrate, or other substance  
57 that has a total tetrahydrocannabinol concentration above three-tenths of one percent  
58 on a dry weight basis, is not for consumer use or retail distribution, and is intended to  
59 undergo further refinement or processing into a hemp product.

312.1005. 1. The division shall issue the following types of hemp business  
2 licenses:

- 3 (1) Hemp beverage manufacturer;
- 4 (2) Hemp beverage wholesaler; and
- 5 (3) Hemp beverage retailer.

6 2. Notwithstanding any provisions of sections 312.1000 to 312.1040 or chapter  
7 311 to the contrary, there shall be no interpretations that prohibit liquor licensees from  
8 manufacturing, distributing, or selling hemp beverage products that comply with the  
9 provisions of sections 312.1000 to 312.1040 and any other rules adopted by the division.

10 3. A person, cooperative, or business may hold both a hemp beverage  
11 manufacturer and hemp beverage retailer license, but may only operate hemp beverage  
12 retail operations on site at the premises in which the hemp beverage product is  
13 manufactured.

14 4. Except as otherwise provided in this section, no person, cooperative, or  
15 business holding any one of the three types of hemp beverage licenses shall hold either of  
16 the other two types of hemp beverage licenses and shall not have a financial interest,  
17 either direct or indirect, in a person, cooperative, or business holding any of the other  
18 two types of hemp beverage licenses.

19 5. Except as otherwise provided in this section, no hemp beverage manufacturer  
20 shall sell or otherwise convey hemp beverage products to retailers. Hemp beverage  
21 manufacturers are authorized to solicit and sell hemp beverage products to hemp  
22 beverage wholesalers. Hemp beverage wholesalers are authorized to solicit and sell  
23 hemp beverage products to hemp beverage retailers.

24 6. A person, cooperative, or business holding a hemp beverage manufacturer  
25 license, a hemp beverage wholesaler license, or a hemp beverage retailer license, or any  
26 combination of the three, shall not hold a marijuana facility license or a medical facility  
27 license, as such terms are defined in article XIV of the Constitution of Missouri.

28 7. No license shall be issued to a hemp beverage retailer unless the hemp  
29 beverage retailer also has an active license issued by the division allowing it to sell  
30 alcoholic beverages. This restriction shall not apply to hemp beverage manufacturers or  
31 hemp beverage wholesalers, unless they are seeking a hemp beverage retailer license.

32       **8. No hemp beverage wholesaler or hemp beverage retailer shall distribute or**  
33 **sell any hemp beverage products that the wholesaler or retailer knows or reasonably**  
34 **should know were manufactured outside of the United States.**

35       **9. Unfinished hemp extract may only be imported by a hemp beverage**  
36 **manufacturer if:**

37       **(1) The unfinished hemp extract is derived from industrial hemp biomass that**  
38 **has been cultivated under a state-sponsored industrial hemp program or the U.S.**  
39 **Department of Agriculture; and**

40       **(2) The hemp beverage manufacturer has records to substantiate the source of**  
41 **the hemp biomass.**

42       **10. Unfinished hemp extract may only be exported by a hemp beverage**  
43 **manufacturer if:**

44       **(1) The hemp beverage manufacturer does not export unfinished hemp extract**  
45 **to a state where unfinished hemp extract is prohibited by state law; and**

46       **(2) The hemp beverage manufacturer does not sell or export unfinished hemp**  
47 **extract to any person or entity that does not hold a valid hemp beverage manufacturer**  
48 **license.**

312.1010. 1. The division, by rule, shall establish forms and procedures for the  
2 processing of hemp licenses issued under sections 312.1000 to 312.1040. At a minimum,  
3 any application to obtain or renew a hemp business license shall include the following  
4 information, if applicable:

5       **(1) The name, address, and date of birth of the applicant;**

6       **(2) The address and legal property description of the business;**

7       **(3) Proof of business name registration;**

8       **(4) Certification that the applicant shall comply with the requirements of**  
9 **sections 312.1000 to 312.1040 relating to the ownership and operation of a hemp**  
10 **business;**

11       **(5) Identification of one or more controlling persons or managerial employees as**  
12 **agents who shall be responsible for dealing with the division on all matters; and**

13       **(6) A statement that the applicant agrees to respond to the division's**  
14 **supplemental requests for information.**

15       **2. An application on behalf of a corporation, limited liability company,**  
16 **partnership, or association shall be signed by at least two officers or managing agents of**  
17 **that entity.**

18       **3. The division may issue a hemp business license to an applicant who:**

19       **(1) Is, or is owned and managed by persons, at least twenty-one years of age who**  
20 **has or have not been convicted of a felony related to controlled substances within the**

21 previous ten years in any state or federal jurisdiction and who is or are current in filing  
22 all applicable tax returns to the department of revenue and in payment of all taxes,  
23 interest, and penalties assessed by the department of revenue;

24 (2) Has completed an application for licensure or application for renewal and  
25 has fully and truthfully complied with all information requests relating to license  
26 application and renewal;

27 (3) Has paid the applicable application and license fees. For hemp beverage  
28 manufacturers, the license fee shall be one thousand dollars. For hemp beverage  
29 wholesalers, the license fee shall be five hundred dollars. For hemp beverage retailers,  
30 the license fee shall be two hundred fifty dollars per location, and shall not exceed five  
31 thousand dollars for an entity with multiple locations;

32 (4) Is not employed by the division, department, or any other state agency with  
33 regulatory authority over sections 312.1000 to 312.1040; and

34 (5) Does not hold any marijuana facility or medical facility license, as such terms  
35 are defined in article XIV of the Constitution of Missouri.

36 4. Licenses shall be renewed annually.

37 5. Licenses shall not be transferred.

38 6. The division shall promulgate such regulations related to hemp business  
39 licensees for the administration of sections 312.1000 to 312.1040 and shall design all  
40 necessary forms. Any rule or portion of a rule, as that term is defined in section  
41 536.010, that is created under the authority delegated in this section shall become  
42 effective only if it complies with and is subject to all of the provisions of chapter 536 and,  
43 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any  
44 of the powers vested with the general assembly pursuant to chapter 536 to review, to  
45 delay the effective date, or to disapprove and annul a rule are subsequently held  
46 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
47 adopted after August 28, 2026, shall be invalid and void.

48 7. Whenever it shall be determined that a hemp business licensee has violated  
49 any of the provisions of sections 312.1000 to 312.1040, the supervisor of the division may  
50 warn, place on probation on such terms and conditions as the supervisor deems  
51 appropriate for a period not to exceed twelve months, fine in an amount not to exceed  
52 five thousand dollars per violation, suspend for a period not to exceed twelve months, or  
53 revoke the license of the licensee. The licensee shall have thirty days' notice of the  
54 imposition of discipline and may seek a determination thereon by the administrative  
55 hearing commission pursuant to the provisions of section 621.045.

56 8. (1) There is hereby created in the state treasury the "Hemp-Derived Products  
57 Fund", which shall consist of all fees authorized to be charged by the division under this

58 section. The state treasurer shall be custodian of the fund. In accordance with sections  
59 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a  
60 dedicated fund and money in the fund shall be used solely by the division for the  
61 purposes of administration of sections 312.1000 to 312.1040.

62 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
63 remaining in the fund at the end of the biennium shall not revert to the credit of the  
64 general revenue fund.

65 (3) The state treasurer shall invest moneys in the fund in the same manner as  
66 other funds are invested. Any interest and moneys earned on such investments shall be  
67 credited to the fund.

312.1015. 1. A hemp beverage manufacturer license entitles the license holder  
2 to:

- 3 (1) Purchase hemp plant parts, hemp concentrate, and artificially derived  
4 cannabinoids from industrial hemp processors and hemp beverage manufacturers;
- 5 (2) Purchase hemp plant parts and propagules from industrial hemp growers;
- 6 (3) Purchase hemp concentrate;
- 7 (4) Manufacture hemp beverages for public consumption;
- 8 (5) Package and label hemp beverages for sale to customers;
- 9 (6) Sell hemp concentrate to other hemp businesses;
- 10 (7) Sell hemp beverage products to hemp beverage wholesalers; and
- 11 (8) Perform any other actions approved by the department and division.

12 2. All hemp beverage manufacturing shall take place in a Current Good  
13 Manufacturing Practices-certified facility or in a facility licensed as a brewery, distiller,  
14 or winery.

15 3. A hemp beverage manufacturer shall comply with all applicable packaging,  
16 labeling, and testing requirements established by the department. Labels and  
17 packaging for the hemp beverage products shall not consist of images or designs that  
18 are intended to be attractive to individuals under twenty-one years of age. A product  
19 shall be considered attractive under this subsection if it uses labeling, packaging,  
20 advertising, and marketing that is especially appealing to children, including, but not  
21 limited to, the use of:

- 22 (1) Cartoons, meaning any drawing or other depiction of an object, person,  
23 animal, creature, or any similar caricature that satisfies any of the following criteria:
  - 24 (a) The use of comically exaggerated features;
  - 25 (b) The attribution of human characteristics to animals, plants, or other objects;
  - 26 or
  - 27 (c) The attribution of unnatural or extra-human abilities; and

28       (2) Similarities to products that are commonly used by or marketed to  
29 individuals under twenty-one, including but not limited to, candy, soda, drinks, cookies,  
30 or cereal, except when used to describe the contents, taste, or ingredients of the product  
31 sold.

32       4. All hemp beverage products shall be registered by the manufacturer with the  
33 department prior to sale.

34       5. Upon the sale of any hemp beverage, a hemp beverage manufacturer shall  
35 provide a statement to the buyer that discloses the product's ingredients, including, but  
36 not limited to, any chemicals or compounds and any major food allergens declared by  
37 name.

38       6. A hemp beverage manufacturer shall not add any artificially derived  
39 cannabinoid, hemp plant part, or hemp concentrate to a product if the manufacturer of  
40 the product holds a trademark to the product's name, except that a hemp beverage  
41 manufacturer may use a trademarked food product if the manufacturer uses the  
42 product as a component or as part of a recipe and if the hemp beverage manufacturer  
43 does not state or advertise to the customer that the final retail hemp beverage product  
44 contains a trademarked food product.

45       7. A hemp beverage manufacturer shall not add any cannabis flower, cannabis  
46 concentrate, or cannabinoid derived from cannabis flower or cannabis concentrate to a  
47 product.

48       8. The hemp beverage manufacturer shall have a hemp beverage product tested  
49 prior to distribution to confirm compliance with all statutory and regulatory  
50 requirements. The testing shall be performed by a laboratory holding an ISO 17025  
51 accreditation or that is registered with the Drug Enforcement Administration in  
52 accordance with 21 CFR 1301.13, and which does not have a direct or indirect interest  
53 in the entity whose product is being tested.

54       9. No hemp beverage manufacturer who designates a specific geographic area  
55 for which a hemp beverage wholesaler shall be responsible, shall enter into any  
56 agreement with any other person for the purpose of establishing an additional  
57 wholesaler for the same brands of hemp beverage products in such designated area.

58       10. Any hemp beverage manufacturer or wholesaler who violates the provisions  
59 of this section, or permits its employees, officers, or agents to do so, shall be guilty of a  
60 misdemeanor, and upon conviction thereof shall be punished only as follows:

61       (1) For the first offense, by a fine of one thousand dollars;  
62       (2) For the second offense, by a fine of five thousand dollars; and  
63       (3) For the third or any subsequent offense, by a fine of twenty-five thousand  
64 dollars.

312.1020. 1. A hemp beverage wholesaler may transport hemp beverages on  
2 public roadways provided the hemp beverages are in a safe and secured storage  
3 compartment that is part of the motor vehicle.

4 2. A hemp beverage wholesaler may sell to retailers hemp beverage products  
5 that:

6 (1) Are obtained from a licensed hemp beverage manufacturer;  
7 (2) Meet all applicable packaging and labeling requirements established by the  
8 department; and

9 (3) Comply with any other rules adopted by the department.

10 3. Any vehicle assigned for the purposes of hemp beverage delivery is subject to  
11 inspection by the division at any time.

12 4. Any hemp beverage products stored by a hemp beverage wholesaler shall be  
13 stored in a secure climate-controlled location that is locked and inaccessible to the  
14 general public.

15 5. All hemp beverage wholesalers shall be resident businesses. A "resident  
16 business" shall be a business created under the laws of Missouri, in which at least sixty  
17 percent of all of the financial interest in the business is owned by bona fide Missouri  
18 residents who have continuously resided in Missouri for a period of at least three years  
19 immediately prior to the date of filing of the application for a license, and in which at  
20 least sixty percent of all directors, officers, or managers of the business are bona fide  
21 Missouri residents who have continuously resided in Missouri for a period of at least  
22 three years immediately prior to the date of filing of the application for a license.

312.1025. 1. A hemp beverage retailer shall only sell hemp beverages to  
2 individuals who are at least twenty-one years of age. No person under twenty-one years  
3 of age shall sell or assist in the sale or dispensing of the hemp beverages.

4 2. A hemp beverage retailer shall not sell any product the retailer knows, or has  
5 reason to know, contains more than three-tenths of one percent of tetrahydrocannabinol  
6 content.

7 3. A hemp beverage retailer may sell hemp beverage products that:

8 (1) Are obtained from a licensed Missouri hemp beverage wholesaler or is  
9 manufactured by the hemp beverage retailer as a licensed hemp beverage manufacturer  
10 on the premises it is sold; and

11 (2) Meet all applicable packaging and labeling requirements established by the  
12 department.

13 4. A hemp beverage retailer may deliver or utilize a delivery service to deliver  
14 hemp beverages to consumers only if such retailer or delivery service complies with  
15 CSR 70-2.130.

16       **5. A hemp beverage retailer may sell other products or items for which the hemp**  
17 **beverage retailer has a license or authorization or that do not require a license or**  
18 **authorization.**

19       **6. It shall constitute a class B misdemeanor for a hemp beverage retailer or any**  
20 **other person to sell or provide hemp beverage products to a person under twenty-one**  
21 **years of age. It shall constitute a class B misdemeanor for a person under twenty-one**  
22 **years of age to knowingly acquire, possess, or consume a hemp beverage product.**  
23 **Notwithstanding the other provisions of this section to the contrary, law enforcement**  
24 **agency efforts utilizing a person under twenty-one years of age but at least eighteen**  
25 **years of age, wherein the person does not consume the hemp beverage product, are not**  
26 **precluded. The division may enforce compliance with this section by conducting**  
27 **random, unannounced inspections at locations where such products are sold or**  
28 **distributed to ensure compliance with sections 312.1000 to 312.1040. The division shall**  
29 **submit an annual publicly accessible report to the general assembly describing in detail**  
30 **the division's enforcement efforts.**

31       **7. A hemp beverage retailer shall ensure that all hemp beverages offered for sale**  
32 **comply with the limits on the amount and types of cannabinoids that a hemp beverage**  
33 **product can contain, including, but not limited to, the requirement that hemp beverages**  
34 **are either multi-serving or a single serving hemp beverage and:**

35       **(1) A multi-serving hemp beverage shall be bottled or placed in a container of no**  
36 **less than three hundred seventy-five milliliters and no more than one and three-quarters**  
37 **liters; be bottled or placed in a resealable container that uses a screw top or cork-style**  
38 **cap; with container servings measured in no less than one and a half ounces; and no**  
39 **more than ten milligrams of tetrahydrocannabinol per serving;**

40       **(2) A single serving hemp-derived cannabinoid shall be bottled, canned, or**  
41 **placed in a container of no less than fifty milliliters and no more than nineteen and two-**  
42 **tenths ounces; be canned or placed in a container that utilizes a traditional pull tab;**  
43 **have no more than ten milligrams of tetrahydrocannabinol per container and contain no**  
44 **more than one serving per container. A single serving hemp beverage product may be**  
45 **sold in pack of twenty-four; and**

46       **(3) Consist of servings that contain no more than ten milligrams of delta-9**  
47 **tetrahydrocannabinol.**

48       **8. A hemp beverage retailer shall not:**

- 49       **(1) Sell a hemp beverage to a person who is visibly intoxicated;**
- 50       **(2) Sell cannabis flower or cannabis products; or**
- 51       **(3) Allow for the dispensing of hemp beverage products in vending machines.**

52       **9. A hemp beverage retailer may permit onsite consumption of hemp beverage**  
53 **products which contain less than five milligrams of tetrahydrocannabinol per serving**  
54 **that are consumed by consumers onsite.**

55       **10. A hemp beverage retailer shall ensure that hemp beverage products sold for**  
56 **onsite consumption comply with sections 312.1000 to 312.1040 and rules adopted**  
57 **pursuant to sections 312.1000 to 312.1040 regarding testing.**

58       **11. Food and beverages not otherwise prohibited by this section may be**  
59 **prepared and sold onsite provided that the hemp beverage retailer complies with all**  
60 **relevant state and local laws, ordinances, licensing requirements, and zoning**  
61 **requirements.**

62       **12. A hemp beverage retailer selling products onsite shall not:**

63        **(1) Sell hemp beverage products to a customer who the hemp beverage retailer**  
64 **knows or reasonably should know is intoxicated, either from consumption of alcohol,**  
65 **other hemp beverages, or any other drug;**

66        **(2) Sell hemp beverage products that are designed or reasonably expected to be**  
67 **mixed with an alcoholic beverage; or**

68        **(3) Permit hemp beverage products that have been removed from the products'**  
69 **packaging to be removed from the premises of the hemp beverage retailer.**

70       **13. A hemp beverage retailer shall maintain compliance with state and local**  
71 **building, fire, and zoning codes, requirements, or regulations.**

72       **14. A hemp beverage retailer shall ensure that the licensed premises is**  
73 **maintained in a clean and sanitary condition, free from infestation by insects, rodents,**  
74 **or other pests.**

75       **15. No hemp beverage manufacturer or wholesaler may pay to a hemp beverage**  
76 **retailer, nor shall any hemp beverage retailer accept, any payment, credit, or any other**  
77 **consideration to induce the hemp beverage retailer to advertise or display a hemp**  
78 **beverage product in a certain manner on the hemp beverage product's licensed**  
79 **premises. Further, no hemp beverage manufacturer or wholesaler may pay to a hemp**  
80 **beverage retailer any fee rental or other consideration for the use of any part of the**  
81 **licensed retail premises for advertising any brand name for the purpose of advertising**  
82 **the same.**

83       **16. A hemp beverage retailer is subject to inspection by the division at any time.**

84       **17. The division shall not issue a hemp beverage license to any retail**  
85 **establishment located within one hundred feet of any educational institution providing**  
86 **education to children at any level between preschool and twelfth grade, or the**  
87 **equivalent, nor to any retail establishment located within one hundred feet of any**

88 church or place of worship. The prohibition in this subsection shall not apply to  
89 businesses selling hemp-derived cannabinoids prior to December 31, 2026.

312.1030. 1. As used in this section, "franchise" means a written or oral  
2 arrangement for a definite or indefinite period in which a person grants to another  
3 person a license to use a trade name, trademark, service mark, or related characteristic,  
4 and in which there is a community of interest in the marketing of goods or services at  
5 wholesale, retail, by lease, agreement, or otherwise, including, but not limited to, a  
6 commercial relationship of definite duration or continuing indefinite duration, between  
7 a hemp beverage wholesaler, to hemp beverage retailers, duly licensed in this state, and  
8 a hemp beverage manufacturer, and wherein a hemp beverage wholesaler is granted the  
9 right to offer, sell, and distribute within this state or any designated area thereof some or  
10 all of the hemp beverage manufacturer's hemp beverage products to hemp beverage  
11 retailers.

12 2. If more than one franchise for the same brand or brands of hemp beverage  
13 products is granted to different hemp beverage wholesalers in Missouri, it is a violation  
14 for any hemp beverage manufacturers to discriminate between the wholesalers with  
15 respect to any of the terms, provisions, and conditions of these franchises.

16 3. Notwithstanding the terms, provisions, and conditions of any franchise, no  
17 hemp beverage manufacturer shall unilaterally terminate or refuse to continue or  
18 change substantially the condition of any franchise with the hemp beverage wholesaler  
19 unless the manufacturer has first established good cause for such termination,  
20 noncontinuance, or change.

21 4. Any hemp beverage wholesaler may bring an action in a court of competent  
22 jurisdiction against a hemp beverage manufacturer for violation of any of the provisions  
23 of this section and may recover damages sustained by such wholesaler together with the  
24 costs of the action and reasonable attorney's fees.

25 5. In any action brought by a hemp beverage wholesaler against a hemp  
26 beverage manufacturer for termination, noncontinuance, or substantial change in  
27 violation of the provisions of this section, it is a complete defense for the hemp beverage  
28 manufacturer to prove that the termination, noncontinuance, or change was done in  
29 good faith and for good cause.

30 6. As used in this section, "good faith" is the duty of each party to any franchise  
31 and all officers, employees, or agents thereof to act in a fair and equitable manner  
32 towards each other, and "good cause" means the following:

33 (1) Failure by the hemp beverage wholesaler to comply substantially with the  
34 provisions of an agreement or understanding with the hemp beverage manufacturer,  
35 which provisions are both essential and reasonable;

36                   **(2) Use of bad faith or failure to observe reasonable commercial standards of**  
37 **fair dealing in the trade; or**

38                   **(3) Revocation or suspension for more than thirty days of the hemp beverage**  
39 **wholesaler's state or local license required for normal operations of its business.**

312.1035. 1. A hemp beverage product that is sold in this state shall be labeled  
2 with consumer protection warnings in the form of statements that cover all of the  
3 following:

4                   **(1) A list of ingredients and possible allergens and a nutritional fact panel or**  
5 **have a code that can be scanned that directs consumers to a website containing the list of**  
6 **ingredients and possible allergens and a nutritional fact panel;**

7                   **(2) A statement that use while pregnant or breastfeeding may be harmful;**

8                   **(3) A statement that consumption of certain cannabinoids may impair your**  
9 **ability to drive and operate heavy machinery;**

10                   **(4) A statement that the product is not approved by the U.S. Food and Drug**  
11 **Administration;**

12                   **(5) A statement to keep out of reach of children;**

13                   **(6) A statement to consult your physician before use;**

14                   **(7) The amount of hemp-derived cannabinoid in each serving of the product,**  
15 **measured in milligrams;**

16                   **(8) The total amount of hemp-derived cannabinoid in the entire package,**  
17 **measured in milligrams;**

18                   **(9) The net weight of the product; and**

19                   **(10) An expiration date in accordance with applicable federal or state law.**

20                   2. A manufacturer, wholesaler, or retailer of a hemp beverage product shall not  
21 advertise, market, or offer for sale the product by using, in the labeling or design of the  
22 product or product packaging or in advertising or marketing materials for the product  
23 trade dress, trademarks, branding, or other related materials, any imagery or scenery  
24 that depicts or signifies characters or symbols known to appeal primarily to persons  
25 under twenty-one years of age, including, but not limited to, superheroes, comic book  
26 characters, video game characters, television show characters, movie characters, and  
27 mythical creatures.

312.1037. The division shall allow retailers and wholesalers one hundred and  
2 twenty days after August 28, 2026, to sell any adult hemp beverage products that were  
3 in the retailer's or wholesalers' inventory as of August 28, 2026. All sales shall be in  
4 compliance with the provisions of sections 312.1000 to 312.1040, including the  
5 prohibition on sales to persons under twenty-one years of age. On and after one  
6 hundred and twenty days after August 28, 2026, all hemp beverage products that have

7 not been removed from the inventory of a retailer or wholesaler shall be subject to  
8 forfeiture and destruction and shall not be purchased or sold in this state. The cost of  
9 seizure, forfeiture, and destruction or disposal under this section shall be paid by the  
10 person or entity from whom the adult hemp beverage products are confiscated.

312.1040. 1. An excise tax at the rate of seven percent is imposed on the retail  
2 sale of a hemp beverage product. The tax is in addition to any tax imposed under any  
3 other provision of federal, state, or local law.

4 2. The tax imposed by this section is intended to be passed on to and borne by  
5 the purchaser of the hemp-derived consumable product. The tax is a debt from the  
6 purchaser to the retailer until paid. A retailer is considered to act as a trustee on behalf  
7 of the state when it collects tax from the purchaser on a taxable transaction. The tax  
8 shall be stated and charged separately on any documentation provided to the purchaser  
9 by the retailer at the time of the transaction.

✓