

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2641
103RD GENERAL ASSEMBLY

6366H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 195.010, RSMo, and to enact in lieu thereof four new sections relating to cannabis, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Section 195.010, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 195.010, 195.800, 195.819, and 195.900, to read as follows:

195.010. The following words and phrases as used in this chapter and chapter 579, unless the context otherwise requires, mean:

(1) "Acute pain", pain, whether resulting from disease, accidental or intentional trauma, or other causes, that the practitioner reasonably expects to last only a short period of time. Acute pain shall not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life care, or medication-assisted treatment for substance use disorders;

(2) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his or her addiction;

(3) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his or her presence, by his or her authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(4) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract

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.

19 carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the
20 usual and lawful course of the carrier's or warehouseman's business;

21 (5) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney
22 general authorized to investigate, commence and prosecute an action under this chapter;

23 (6) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
24 through V listed in this chapter;

25 (7) "Controlled substance analogue", a substance the chemical structure of which is
26 substantially similar to the chemical structure of a controlled substance in Schedule I or II
27 and:

28 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
29 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the
30 central nervous system of a controlled substance included in Schedule I or II; or

31 (b) With respect to a particular individual, which that individual represents or intends
32 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
33 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
34 nervous system of a controlled substance included in Schedule I or II. The term does not
35 include a controlled substance; any substance for which there is an approved new drug
36 application; any substance for which an exemption is in effect for investigational use, for a
37 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C.
38 Section 355) to the extent conduct with respect to the substance is pursuant to the exemption;
39 or any substance to the extent not intended for human consumption before such an exemption
40 takes effect with respect to the substance;

41 (8) "Counterfeit substance", a controlled substance which, or the container or labeling
42 of which, without authorization, bears the trademark, trade name, or other identifying mark,
43 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
44 other than the person who in fact manufactured, distributed, or dispensed the substance;

45 (9) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
46 person to another of drug paraphernalia or of a controlled substance, or an imitation
47 controlled substance, whether or not there is an agency relationship, and includes a sale;

48 (10) "Dentist", a person authorized by law to practice dentistry in this state;

49 (11) "Depressant or stimulant substance":

50 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric
51 acid or any derivative of barbituric acid which has been designated by the United States
52 Secretary of Health and Human Services as habit forming under 21 U.S.C. Section 352(d);

53 (b) A drug containing any quantity of:

54 a. Amphetamine or any of its isomers;

55 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

56 c. Any substance the United States Attorney General, after investigation, has found to
57 be, and by regulation designated as, habit forming because of its stimulant effect on the
58 central nervous system;

59 (c) Lysergic acid diethylamide; or

60 (d) Any drug containing any quantity of a substance that the United States Attorney
61 General, after investigation, has found to have, and by regulation designated as having, a
62 potential for abuse because of its depressant or stimulant effect on the central nervous system
63 or its hallucinogenic effect;

64 (12) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
65 or research subject by or pursuant to the lawful order of a practitioner including the
66 prescribing, administering, packaging, labeling, or compounding necessary to prepare the
67 substance for such delivery. "Dispenser" means a practitioner who dispenses;

68 (13) "Distribute", to deliver other than by administering or dispensing a controlled
69 substance;

70 (14) "Distributor", a person who distributes;

71 (15) "Drug":

72 (a) Substances recognized as drugs in the official United States Pharmacopoeia,
73 Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or
74 any supplement to any of them;

75 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
76 prevention of disease in humans or animals;

77 (c) Substances, other than food, intended to affect the structure or any function of the
78 body of humans or animals; and

79 (d) Substances intended for use as a component of any article specified in this
80 subdivision. It does not include devices or their components, parts or accessories;

81 (16) "Drug-dependent person", a person who is using a controlled substance and who
82 is in a state of psychic or physical dependence, or both, arising from the use of such substance
83 on a continuous basis. Drug dependence is characterized by behavioral and other responses
84 which include a strong compulsion to take the substance on a continuous basis in order to
85 experience its psychic effects or to avoid the discomfort caused by its absence;

86 (17) "Drug enforcement agency", the Drug Enforcement Administration in the United
87 States Department of Justice, or its successor agency;

88 (18) "Drug paraphernalia", all equipment, products, substances and materials of any
89 kind which are used, intended for use, or designed for use, in planting, propagating,
90 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,
91 processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or

92 otherwise introducing into the human body a controlled substance or an imitation controlled
93 substance in violation of this chapter or chapter 579. It includes, but is not limited to:

94 (a) Kits used, intended for use, or designed for use in planting, propagating,
95 cultivating, growing or harvesting of any species of plant which is a controlled substance or
96 from which a controlled substance can be derived;

97 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
98 converting, producing, processing, or preparing controlled substances or imitation controlled
99 substances;

100 (c) Isomerization devices used, intended for use, or designed for use in increasing the
101 potency of any species of plant which is a controlled substance or an imitation controlled
102 substance;

103 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
104 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
105 substances;

106 (e) Scales and balances used, intended for use, or designed for use in weighing or
107 measuring controlled substances or imitation controlled substances;

108 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite,
109 dextrose and lactose, used, intended for use, or designed for use in cutting controlled
110 substances or imitation controlled substances;

111 (g) Separation gins and sifters used, intended for use, or designed for use in removing
112 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

113 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
114 designed for use in compounding controlled substances or imitation controlled substances;

115 (i) Capsules, balloons, envelopes and other containers used, intended for use, or
116 designed for use in packaging small quantities of controlled substances or imitation controlled
117 substances;

118 (j) Containers and other objects used, intended for use, or designed for use in storing
119 or concealing controlled substances or imitation controlled substances;

120 (k) Hypodermic syringes, needles and other objects used, intended for use, or
121 designed for use in parenterally injecting controlled substances or imitation controlled
122 substances into the human body;

123 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or
124 otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such
125 as:

126 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without
127 screens, permanent screens, hashish heads, or punctured metal bowls;

128 b. Water pipes;

- 129 c. Carburetion tubes and devices;
130 d. Smoking and carburetion masks;
131 e. Roach clips meaning objects used to hold burning material, such as a marijuana
132 cigarette, that has become too small or too short to be held in the hand;
133 f. Miniature cocaine spoons and cocaine vials;
134 g. Chamber pipes;
135 h. Carburetor pipes;
136 i. Electric pipes;
137 j. Air-driven pipes;
138 k. Chillums;
139 l. Bongs;
140 m. Ice pipes or chillers;
141 (m) Substances used, intended for use, or designed for use in the manufacture of a
142 controlled substance.
143
- 144 In determining whether an object, product, substance or material is drug paraphernalia, a
145 court or other authority should consider, in addition to all other logically relevant factors, the
146 following:
- 147 a. Statements by an owner or by anyone in control of the object concerning its use;
148 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under
149 any state or federal law relating to any controlled substance or imitation controlled substance;
150 c. The proximity of the object, in time and space, to a direct violation of this chapter
151 or chapter 579;
152 d. The proximity of the object to controlled substances or imitation controlled
153 substances;
154 e. The existence of any residue of controlled substances or imitation controlled
155 substances on the object;
156 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control
157 of the object, to deliver it to persons who he or she knows, or should reasonably know, intend
158 to use the object to facilitate a violation of this chapter or chapter 579; the innocence of an
159 owner, or of anyone in control of the object, as to direct violation of this chapter or chapter
160 579 shall not prevent a finding that the object is intended for use, or designed for use as drug
161 paraphernalia;
162 g. Instructions, oral or written, provided with the object concerning its use;
163 h. Descriptive materials accompanying the object which explain or depict its use;
164 i. National or local advertising concerning its use;
165 j. The manner in which the object is displayed for sale;

166 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of
167 like or related items to the community, such as a licensed distributor or dealer of tobacco
168 products;

169 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales
170 of the business enterprise;

171 m. The existence and scope of legitimate uses for the object in the community;

172 n. Expert testimony concerning its use;

173 o. The quantity, form or packaging of the product, substance or material in relation to
174 the quantity, form or packaging associated with any legitimate use for the product, substance
175 or material;

176 (19) "Federal narcotic laws", the laws of the United States relating to controlled
177 substances;

178 (20) **"Hemp", the same meaning given to the term in section 195.900;**

179 (21) "Hospital", a place devoted primarily to the maintenance and operation of
180 facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week,
181 of three or more nonrelated individuals suffering from illness, disease, injury, deformity or
182 other abnormal physical conditions; or a place devoted primarily to provide, for not less than
183 twenty-four consecutive hours in any week, medical or nursing care for three or more
184 nonrelated individuals. The term hospital does not include convalescent, nursing, shelter or
185 boarding homes as defined in chapter 198;

186 ~~[(21) "Illegal industrial hemp":~~

187 ~~(a) All nonseed parts and varieties of the *Cannabis sativa L.* plant, growing or not,~~
188 ~~that contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-~~
189 ~~tenths of one percent on a dry weight basis;~~

190 ~~(b) Illegal industrial hemp shall be destroyed in the most effective manner possible,~~
191 ~~and such destruction shall be verified by the Missouri state highway patrol;]~~

192 (22) "Immediate precursor", a substance which:

193 (a) The state department of health and senior services has found to be and by rule
194 designates as being the principal compound commonly used or produced primarily for use in
195 the manufacture of a controlled substance;

196 (b) Is an immediate chemical intermediary used or likely to be used in the
197 manufacture of a controlled substance; and

198 (c) The control of which is necessary to prevent, curtail or limit the manufacture of
199 the controlled substance;

200 (23) "Imitation controlled substance", a substance that is not a controlled substance,
201 which by dosage unit appearance (including color, shape, size and markings), or by
202 representations made, would lead a reasonable person to believe that the substance is a

203 controlled substance. In determining whether the substance is an imitation controlled
204 substance the court or authority concerned should consider, in addition to all other logically
205 relevant factors, the following:

206 (a) Whether the substance was approved by the federal Food and Drug
207 Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in
208 the federal Food and Drug Administration-approved package, with the federal Food and Drug
209 Administration-approved labeling information;

210 (b) Statements made by an owner or by anyone else in control of the substance
211 concerning the nature of the substance, or its use or effect;

212 (c) Whether the substance is packaged in a manner normally used for illicit controlled
213 substances;

214 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under
215 state or federal law related to controlled substances or fraud;

216 (e) The proximity of the substances to controlled substances;

217 (f) Whether the consideration tendered in exchange for the noncontrolled substance
218 substantially exceeds the reasonable value of the substance considering the actual chemical
219 composition of the substance and, where applicable, the price at which over-the-counter
220 substances of like chemical composition sell. An imitation controlled substance does not
221 include a placebo or registered investigational drug either of which was manufactured,
222 distributed, possessed or delivered in the ordinary course of professional practice or research;

223 (24) "Industrial hemp"[:

224 ~~[(a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not,~~
225 ~~that contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not~~
226 ~~exceed three tenths of one percent on a dry weight basis or the maximum concentration~~
227 ~~allowed under federal law, whichever is greater;~~

228 ~~[(b) Any Cannabis sativa L. seed that is part of a growing crop, retained by a grower~~
229 ~~for future planting, or used for processing into or use as agricultural hemp seed;~~

230 ~~(c) Industrial hemp includes industrial hemp commodities and products and topical or~~
231 ~~ingestible animal and consumer products derived from industrial hemp with a delta-9~~
232 ~~tetrahydrocannabinol concentration of not more than three tenths of one percent on a dry~~
233 ~~weight basis], the same meaning given to the term in section 195.900;~~

234 (25) "Initial prescription", a prescription issued to a patient who has never previously
235 been issued a prescription for the drug or its pharmaceutical equivalent or who was previously
236 issued a prescription for the drug or its pharmaceutical equivalent, but the date on which the
237 current prescription is being issued is more than five months after the date the patient last
238 used or was administered the drug or its equivalent;

239 (26) "Laboratory", a laboratory approved by the department of health and senior
240 services as proper to be entrusted with the custody of controlled substances but does not
241 include a pharmacist who compounds controlled substances to be sold or dispensed on
242 prescriptions;

243 (27) "Manufacture", the production, preparation, propagation, compounding or
244 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
245 substance, either directly or by extraction from substances of natural origin, or independently
246 by means of chemical synthesis, or by a combination of extraction and chemical synthesis,
247 and includes any packaging or repackaging of the substance or labeling or relabeling of its
248 container. This term does not include the preparation or compounding of a controlled
249 substance or an imitation controlled substance or the preparation, compounding, packaging or
250 labeling of a narcotic or dangerous drug:

251 (a) By a practitioner as an incident to his or her administering or dispensing of a
252 controlled substance or an imitation controlled substance in the course of his or her
253 professional practice; or

254 (b) By a practitioner or his or her authorized agent under his or her supervision, for
255 the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

256 (28) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,
257 including, but not limited to *Cannabis Sativa L.*, except industrial hemp, *Cannabis Indica*,
258 *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not,
259 the seeds thereof, the resin extracted from any part of the plant; and every compound,
260 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does
261 not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made
262 from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or
263 preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or
264 the sterilized seed of the plant which is incapable of germination;

265 (29) "Methamphetamine precursor drug", any drug containing ephedrine,
266 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of
267 optical isomers;

268 (30) "Narcotic drug", any of the following, whether produced directly or indirectly by
269 extraction from substances of vegetable origin, or independently by means of chemical
270 synthesis, or by a combination of extraction and chemical analysis:

271 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers,
272 esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the
273 isomers, esters, ethers, and salts is possible within the specific chemical designation. The
274 term does not include the isoquinoline alkaloids of opium;

275 (b) Coca leaves, but not including extracts of coca leaves from which cocaine,
276 ecgonine, and derivatives of ecgonine or their salts have been removed;

277 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

278 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

279 (e) Any compound, mixture, or preparation containing any quantity of any substance
280 referred to in paragraphs (a) to (d) of this subdivision;

281 (31) "Official written order", an order written on a form provided for that purpose by
282 the United States Commissioner of Narcotics, under any laws of the United States making
283 provision therefor, if such order forms are authorized and required by federal law, and if no
284 such order form is provided, then on an official form provided for that purpose by the
285 department of health and senior services;

286 (32) "Opiate" or "opioid", any substance having an addiction-forming or addiction-
287 sustaining liability similar to morphine or being capable of conversion into a drug having
288 addiction-forming or addiction-sustaining liability. The term includes its racemic and
289 levorotatory forms. It does not include, unless specifically controlled under section 195.017,
290 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts
291 (dextromethorphan);

292 (33) "Opium poppy", the plant of the species *Papaver somniferum L.*, except its
293 seeds;

294 (34) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug
295 other than a controlled substance;

296 (35) "Person", an individual, corporation, government or governmental subdivision or
297 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal
298 or commercial entity;

299 (36) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
300 where the context so requires, the owner of a store or other place of business where controlled
301 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter
302 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
303 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

304 (37) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

305 (38) "Possessed" or "possessing a controlled substance", a person, with the
306 knowledge of the presence and nature of a substance, has actual or constructive possession of
307 the substance. A person has actual possession if he has the substance on his or her person or
308 within easy reach and convenient control. A person who, although not in actual possession,
309 has the power and the intention at a given time to exercise dominion or control over the
310 substance either directly or through another person or persons is in constructive possession of
311 it. Possession may also be sole or joint. If one person alone has possession of a substance

312 possession is sole. If two or more persons share possession of a substance, possession is
313 joint;

314 (39) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
315 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
316 this state to distribute, dispense, conduct research with respect to or administer or to use in
317 teaching or chemical analysis, a controlled substance in the course of professional practice or
318 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
319 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
320 controlled substance in the course of professional practice or research;

321 (40) "Production", includes the manufacture, planting, cultivation, growing, or
322 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
323 substance;

324 (41) "Registry number", the number assigned to each person registered under the
325 federal controlled substances laws;

326 (42) "Sale", includes barter, exchange, or gift, or offer therefor, and each such
327 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

328 (43) "State" when applied to a part of the United States, includes any state, district,
329 commonwealth, territory, insular possession thereof, and any area subject to the legal
330 authority of the United States of America;

331 (44) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in
332 another schedule, any natural or synthetic material, compound, mixture, or preparation that
333 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
334 limited to any substance listed in paragraph (ll) of subdivision (4) of subsection 2 of section
335 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
336 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
337 isomers, esters, ethers, or salts is possible within the specific chemical designation, however,
338 it shall not include any approved pharmaceutical authorized by the United States Food and
339 Drug Administration;

340 (45) "Ultimate user", a person who lawfully possesses a controlled substance or an
341 imitation controlled substance for his or her own use or for the use of a member of his or her
342 household or immediate family, regardless of whether they live in the same household, or for
343 administering to an animal owned by him or by a member of his or her household. For
344 purposes of this section, the phrase "immediate family" means a husband, wife, parent, child,
345 sibling, stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

346 (46) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
347 or imitation controlled substances that he himself has not produced or prepared, on official
348 written orders, but not on prescriptions.

195.800. 1. Notwithstanding any other provision of law to the contrary, no state agency, including employees therein, shall disclose to the federal government, any federal government employee, or any unauthorized third party the statewide list or any individual information of persons who have applied for or obtained a qualifying patient identification card, a qualifying patient cultivation identification card, or a primary caregiver identification card, as those cards are described in Article XIV, Section 1 of the Constitution of Missouri relating to the right to access medical marijuana, unless required to do so pursuant to a subpoena or court order issued by a court of competent jurisdiction.

2. Any person who knowingly violates the provisions of this section shall be guilty of a class E felony.

195.819. Upon the written request of a consumer, a marijuana dispensary facility, as described in Article XIV of the Constitution of Missouri, shall not create or retain any record containing the consumer's identifying information. The provisions of this section shall not apply to any record-keeping requirements relating to qualifying patients and primary caregivers under Article XIV, Section 1 of the Constitution of Missouri. Any dispensary facility that violates the provisions of this section shall be assessed a fine of two thousand five hundred dollars per occurrence.

195.900. 1. This section shall be known and may be cited as the "Intoxicating Cannabinoid Control Act".

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

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

(2) "Division", the division of alcohol and tobacco control within 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 total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of not more than three-tenths of one percent on a dry-weight basis. "Hemp" shall include industrial hemp but shall not include the following:

(a) Any viable seed from a *Cannabis sativa L.* plant that exceeds a total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of three-tenths of one percent on a dry-weight basis;

(b) Any intermediate hemp-derived cannabinoid products containing:

a. Cannabinoids that are not capable of being naturally produced by a *Cannabis sativa L.* plant;

19 **b. Cannabinoids that are capable of being naturally produced by a *Cannabis***
20 ***sativa L.* plant but that were synthesized or manufactured outside the plant; or**

21 **c. More than three-tenths of one percent on a dry-weight basis of a combined**
22 **total of tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other**
23 **cannabinoids that have similar effects or are marketed as having similar effects on**
24 **humans or animals as a tetrahydrocannabinol, as determined by the U.S. Secretary of**
25 **Health and Human Services;**

26 **(c) Any intermediate hemp-derived cannabinoid products marketed or sold as a**
27 **final product or directly to an end consumer for personal or household use; or**

28 **(d) Any final hemp-derived cannabinoid products containing:**

29 **a. Cannabinoids that are not capable of being naturally produced by a *Cannabis***
30 ***sativa L.* plant;**

31 **b. Cannabinoids that are capable of being naturally produced by a *Cannabis***
32 ***sativa L.* plant but that were synthesized or manufactured outside the plant; or**

33 **c. Greater than four-tenths of one milligram combined total per container of**
34 **tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other**
35 **cannabinoids that have similar effects or are marketed as having similar effects on**
36 **humans or animals as a tetrahydrocannabinol, as determined by the U.S. Secretary of**
37 **Health and Human Services;**

38 **(4) "Hemp-derived cannabinoid product", any intermediate or final product**
39 **derived from hemp, other than industrial hemp, that contains cannabinoids in any form**
40 **and is intended for human or animal use through any means of application or**
41 **administration including, but not limited to, inhalation, ingestion, or topical application.**
42 **"Hemp-derived cannabinoid product" shall not include a drug that is the subject of an**
43 **application approved under subsection (c) or (j) of Section 505 of the Federal Food,**
44 **Drug, and Cosmetic Act, 21 U.S.C. Section 355, as amended;**

45 **(5) "Industrial hemp", hemp that is:**

46 **(a) Grown for the use of the stalk of the plant, fiber produced from such a stalk,**
47 **or any other noncannabinoid compound, derivative, mixture, preparation, or**
48 **manufacture of such a stalk;**

49 **(b) Grown for the use of the whole grain, oil, cake, nut, hull, or any other**
50 **noncannabinoid compound, derivative, mixture, preparation, or manufacture of the**
51 **seeds of such plant;**

52 **(c) Grown for the purpose of producing microgreens or other edible hemp leaf**
53 **products intended for human consumption that are derived from an immature hemp**
54 **plant that is grown from seeds that do not exceed the threshold for total**

55 tetrahydrocannabinol concentration under paragraph (a) of subdivision (3) of this
56 subsection;

57 (d) A plant that does not enter the stream of commerce and is intended to
58 support hemp research at an institution of higher education, as defined in Section 101 of
59 the Higher Education Act of 1965, 20 U.S.C. Section 1001, as amended, or an
60 independent research institute; or

61 (e) Grown for the use of a viable seed of the plant produced solely for the
62 production or manufacture of any material described in paragraphs (a) to (d) of this
63 subdivision;

64 (6) "Intermediate hemp-derived cannabinoid product", a hemp-derived
65 cannabinoid product that is:

66 (a) Not yet in the final form or preparation marketed or intended to be used or
67 consumed by a human or animal; or

68 (b) A powder, liquid, tablet, oil, or other product form that is intended or
69 marketed to be mixed, dissolved, formulated, or otherwise added to or prepared with or
70 into any other substance prior to administration or consumption;

71 (7) "Marijuana", the same meaning given to the term in Article XIV of the
72 Constitution of Missouri. The term "marijuana" shall not be construed to conform to
73 or be included in the definition of "hemp" in this section;

74 (8) "Transaction", the sale of a single unit of a hemp-derived cannabinoid
75 product, including a single unit in a multiunit package.

76 3. The cultivation, production, manufacturing, testing, transportation, and retail
77 sale of all hemp-derived cannabinoid products within this state shall be conducted solely
78 by entities licensed by the department under Article XIV of the Constitution of
79 Missouri. Hemp-derived cannabinoid products shall be considered marijuana and shall
80 be subject to the legal framework contained in Article XIV of the Constitution of
81 Missouri under which the purchase, possession, consumption, use, delivery,
82 manufacturing, and sale of marijuana is regulated by the department.

83 4. The term "hemp-derived cannabinoid product" shall be construed to conform
84 to, and be included in, the definition of "marijuana" under Article XIV of the
85 Constitution of Missouri but shall not be construed to conform to or be included in the
86 definition of "hemp" in this section or in the definition of "industrial hemp" in this
87 section.

88 5. Hemp and industrial hemp shall not be considered marijuana and shall not be
89 subject to the legal framework contained in Article XIV of the Constitution of Missouri
90 or in this section. Nothing in this section shall be construed to regulate hemp, industrial
91 hemp, or products that do not fall within the definition of hemp-derived cannabinoid

92 **products, and the provisions of this section shall not be construed to conflict with or**
93 **otherwise preempt the Agriculture Improvement Act of 2018, Pub. L. 115-334, as**
94 **amended.**

95 **6. Nothing in this section shall be construed to prohibit the interstate commerce**
96 **of hemp or the transportation or shipment of hemp through this state.**

97 **7. Notwithstanding any provision of law to the contrary, all hemp-derived**
98 **cannabinoid products are marijuana and shall be subject to the jurisdiction of the**
99 **department and the office of the attorney general consistent with Article XIV of the**
100 **Constitution of Missouri and the provisions of this section. The department and the**
101 **office of the attorney general shall be authorized to enforce the provisions of this section**
102 **in such a manner as to ensure that no hemp-derived cannabinoid products are**
103 **cultivated, manufactured, tested, transported, or sold within this state outside of a**
104 **licensed comprehensive facility, medical facility, marijuana testing facility, or marijuana**
105 **microbusiness facility, as such terms are defined in Article XIV of the Constitution of**
106 **Missouri.**

107 **8. No person or entity engaged in the sale of products that contain cannabidiol,**
108 **hemp, marijuana, or cannabinoids; hemp-derived cannabinoid products; or**
109 **paraphernalia to aid in the human or animal consumption of such products, other**
110 **than a comprehensive marijuana dispensary facility, medical marijuana dispensary**
111 **facility, or microbusiness dispensary facility, as such terms are defined in Article XIV of**
112 **the Constitution of Missouri, shall carry on, conduct, or transact business under a name**
113 **that contains as part of the name the word "dispensary" or any word of similar import.**

114 **9. (1) The office of the attorney general, the department, the department of**
115 **public safety, the division, the Missouri state highway patrol, and any other state agency**
116 **deemed necessary by the office of the attorney general to aid in the enforcement of this**
117 **section shall concurrently be authorized to enforce the provisions of this section**
118 **including, but not limited to, the prohibition of the cultivation, manufacturing, testing,**
119 **transportation, and retail sale of hemp-derived cannabinoid products outside of licensed**
120 **comprehensive facilities, medical facilities, marijuana testing facilities, or marijuana**
121 **microbusiness facilities, as such terms are defined in Article XIV of the Constitution of**
122 **Missouri.**

123 **(2) The office of the attorney general shall have primary jurisdiction to enforce**
124 **the provisions of this section including, but not limited to:**

125 **(a) Utilizing a multijurisdictional enforcement approach including, but not**
126 **limited to, direct coordination with the department, the department of public safety, the**
127 **division, the Missouri state highway patrol, prosecuting and circuit attorneys, and any**
128 **other state agency deemed necessary by the office of the attorney general;**

129 **(b) Collaborating and coordinating with local county and municipal**
130 **governments and other political subdivisions; and**

131 **(c) Utilizing the department's reference laboratory.**

132 **10. Any person or entity that violates the provisions of this section shall be**
133 **subject to a fine of five thousand dollars per transaction and shall be guilty of a class D**
134 **felony.**

135 **11. If the sale of hemp-derived cannabinoid products becomes legal under**
136 **federal law, the following provisions shall apply:**

137 **(1) Subsections 3 to 10 of this section shall expire; and**

138 **(2) Hemp-derived cannabinoid products may be sold in this state in a manner**
139 **that is consistent with federal law.**

Section B. The repeal and reenactment of section 195.010 and the enactment of
2 section 195.900 of this act shall become effective on the same date as the effective date of
3 federal legislation that amends the definition of hemp to exclude intoxicating cannabinoids or
4 that otherwise prohibits the sale of intoxicating hemp-derived cannabinoid products.

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