

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2641
AN ACT

To repeal section 195.010, RSMo, and to enact in lieu thereof four new sections relating to cannabis, with penalty provisions.

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

Section A. Section 195.010, RSMo, is repealed and four
2 new sections enacted in lieu thereof, to be known as sections
3 195.010, 195.800, 195.819, and 195.900, to read as follows:

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

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

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

17 (3) "Administer", to apply a controlled substance,
18 whether by injection, inhalation, ingestion, or any other

19 means, directly to the body of a patient or research subject
20 by:

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

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

25 (4) "Agent", an authorized person who acts on behalf
26 of or at the direction of a manufacturer, distributor, or
27 dispenser. The term does not include a common or contract
28 carrier, public warehouseman, or employee of the carrier or
29 warehouseman while acting in the usual and lawful course of
30 the carrier's or warehouseman's business;

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

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

38 (7) "Controlled substance analogue", a substance the
39 chemical structure of which is substantially similar to the
40 chemical structure of a controlled substance in Schedule I
41 or II and:

42 (a) Which has a stimulant, depressant, or
43 hallucinogenic effect on the central nervous system
44 substantially similar to the stimulant, depressant, or
45 hallucinogenic effect on the central nervous system of a
46 controlled substance included in Schedule I or II; or

47 (b) With respect to a particular individual, which
48 that individual represents or intends to have a stimulant,
49 depressant, or hallucinogenic effect on the central nervous
50 system substantially similar to the stimulant, depressant,
51 or hallucinogenic effect on the central nervous system of a

52 controlled substance included in Schedule I or II. The term
53 does not include a controlled substance; any substance for
54 which there is an approved new drug application; any
55 substance for which an exemption is in effect for
56 investigational use, for a particular person, under Section
57 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C.
58 Section 355) to the extent conduct with respect to the
59 substance is pursuant to the exemption; or any substance to
60 the extent not intended for human consumption before such an
61 exemption takes effect with respect to the substance;

62 (8) "Counterfeit substance", a controlled substance
63 which, or the container or labeling of which, without
64 authorization, bears the trademark, trade name, or other
65 identifying mark, imprint, number or device, or any likeness
66 thereof, of a manufacturer, distributor, or dispenser other
67 than the person who in fact manufactured, distributed, or
68 dispensed the substance;

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

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

76 (11) "Depressant or stimulant substance":

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

82 (b) A drug containing any quantity of:

83 a. Amphetamine or any of its isomers;

84 b. Any salt of amphetamine or any salt of an isomer of
85 amphetamine; or

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

90 (c) Lysergic acid diethylamide; or

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

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

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

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

106 (15) "Drug":

107 (a) Substances recognized as drugs in the official
108 United States Pharmacopoeia, Official Homeopathic
109 Pharmacopoeia of the United States, or Official National
110 Formulary, or any supplement to any of them;

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

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

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

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

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

131 (18) "Drug paraphernalia", all equipment, products,
132 substances and materials of any kind which are used,
133 intended for use, or designed for use, in planting,
134 propagating, cultivating, growing, harvesting,
135 manufacturing, compounding, converting, producing,
136 processing, preparing, storing, containing, concealing,
137 injecting, ingesting, inhaling, or otherwise introducing
138 into the human body a controlled substance or an imitation
139 controlled substance in violation of this chapter or chapter
140 579. It includes, but is not limited to:

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

145 (b) Kits used, intended for use, or designed for use
146 in manufacturing, compounding, converting, producing,
147 processing, or preparing controlled substances or imitation
148 controlled substances;

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

153 (d) Testing equipment used, intended for use, or
154 designed for use in identifying, or in analyzing the
155 strength, effectiveness or purity of controlled substances
156 or imitation controlled substances;

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

160 (f) Dilutents and adulterants, such as quinine
161 hydrochloride, mannitol, mannite, dextrose and lactose,
162 used, intended for use, or designed for use in cutting
163 controlled substances or imitation controlled substances;

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

167 (h) Blenders, bowls, containers, spoons and mixing
168 devices used, intended for use, or designed for use in
169 compounding controlled substances or imitation controlled
170 substances;

171 (i) Capsules, balloons, envelopes and other containers
172 used, intended for use, or designed for use in packaging
173 small quantities of controlled substances or imitation
174 controlled substances;

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

178 (k) Hypodermic syringes, needles and other objects
179 used, intended for use, or designed for use in parenterally
180 injecting controlled substances or imitation controlled
181 substances into the human body;

182 (l) Objects used, intended for use, or designed for
183 use in ingesting, inhaling, or otherwise introducing
184 marijuana, cocaine, hashish, or hashish oil into the human
185 body, such as:

- 186 a. Metal, wooden, acrylic, glass, stone, plastic, or
- 187 ceramic pipes with or without screens, permanent screens,
- 188 hashish heads, or punctured metal bowls;
- 189 b. Water pipes;
- 190 c. Carburetion tubes and devices;
- 191 d. Smoking and carburetion masks;
- 192 e. Roach clips meaning objects used to hold burning
- 193 material, such as a marijuana cigarette, that has become too
- 194 small or too short to be held in the hand;
- 195 f. Miniature cocaine spoons and cocaine vials;
- 196 g. Chamber pipes;
- 197 h. Carburetor pipes;
- 198 i. Electric pipes;
- 199 j. Air-driven pipes;
- 200 k. Chillums;
- 201 l. Bongs;
- 202 m. Ice pipes or chillers;

203 (m) Substances used, intended for use, or designed for
204 use in the manufacture of a controlled substance.

205 In determining whether an object, product, substance or
206 material is drug paraphernalia, a court or other authority
207 should consider, in addition to all other logically relevant
208 factors, the following:

- 209 a. Statements by an owner or by anyone in control of
- 210 the object concerning its use;
- 211 b. Prior convictions, if any, of an owner, or of
- 212 anyone in control of the object, under any state or federal

213 law relating to any controlled substance or imitation
214 controlled substance;

215 c. The proximity of the object, in time and space, to
216 a direct violation of this chapter or chapter 579;

217 d. The proximity of the object to controlled
218 substances or imitation controlled substances;

219 e. The existence of any residue of controlled
220 substances or imitation controlled substances on the object;

221 f. Direct or circumstantial evidence of the intent of
222 an owner, or of anyone in control of the object, to deliver
223 it to persons who he or she knows, or should reasonably
224 know, intend to use the object to facilitate a violation of
225 this chapter or chapter 579; the innocence of an owner, or
226 of anyone in control of the object, as to direct violation
227 of this chapter or chapter 579 shall not prevent a finding
228 that the object is intended for use, or designed for use as
229 drug paraphernalia;

230 g. Instructions, oral or written, provided with the
231 object concerning its use;

232 h. Descriptive materials accompanying the object which
233 explain or depict its use;

234 i. National or local advertising concerning its use;

235 j. The manner in which the object is displayed for
236 sale;

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

241 l. Direct or circumstantial evidence of the ratio of
242 sales of the object to the total sales of the business
243 enterprise;

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

246 n. Expert testimony concerning its use;
247 o. The quantity, form or packaging of the product,
248 substance or material in relation to the quantity, form or
249 packaging associated with any legitimate use for the
250 product, substance or material;

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

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

255 (21) "Hospital", a place devoted primarily to the
256 maintenance and operation of facilities for the diagnosis,
257 treatment or care, for not less than twenty-four hours in
258 any week, of three or more nonrelated individuals suffering
259 from illness, disease, injury, deformity or other abnormal
260 physical conditions; or a place devoted primarily to
261 provide, for not less than twenty-four consecutive hours in
262 any week, medical or nursing care for three or more
263 nonrelated individuals. The term hospital does not include
264 convalescent, nursing, shelter or boarding homes as defined
265 in chapter 198;

266 [(21) "Illegal industrial hemp":

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

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

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

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

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

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

284 (23) "Imitation controlled substance", a substance
285 that is not a controlled substance, which by dosage unit
286 appearance (including color, shape, size and markings), or
287 by representations made, would lead a reasonable person to
288 believe that the substance is a controlled substance. In
289 determining whether the substance is an imitation controlled
290 substance the court or authority concerned should consider,
291 in addition to all other logically relevant factors, the
292 following:

293 (a) Whether the substance was approved by the federal
294 Food and Drug Administration for over-the-counter
295 (nonprescription or nonlegend) sales and was sold in the
296 federal Food and Drug Administration-approved package, with
297 the federal Food and Drug Administration-approved labeling
298 information;

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

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

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

307 (e) The proximity of the substances to controlled
308 substances;

309 (f) Whether the consideration tendered in exchange for
310 the noncontrolled substance substantially exceeds the
311 reasonable value of the substance considering the actual

312 chemical composition of the substance and, where applicable,
313 the price at which over-the-counter substances of like
314 chemical composition sell. An imitation controlled
315 substance does not include a placebo or registered
316 investigational drug either of which was manufactured,
317 distributed, possessed or delivered in the ordinary course
318 of professional practice or research;

319 (24) "Industrial hemp"[:

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

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

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

335 (25) "Initial prescription", a prescription issued to
336 a patient who has never previously been issued a
337 prescription for the drug or its pharmaceutical equivalent
338 or who was previously issued a prescription for the drug or
339 its pharmaceutical equivalent, but the date on which the
340 current prescription is being issued is more than five
341 months after the date the patient last used or was
342 administered the drug or its equivalent;

343 (26) "Laboratory", a laboratory approved by the
344 department of health and senior services as proper to be

345 entrusted with the custody of controlled substances but does
346 not include a pharmacist who compounds controlled substances
347 to be sold or dispensed on prescriptions;

348 (27) "Manufacture", the production, preparation,
349 propagation, compounding or processing of drug paraphernalia
350 or of a controlled substance, or an imitation controlled
351 substance, either directly or by extraction from substances
352 of natural origin, or independently by means of chemical
353 synthesis, or by a combination of extraction and chemical
354 synthesis, and includes any packaging or repackaging of the
355 substance or labeling or relabeling of its container. This
356 term does not include the preparation or compounding of a
357 controlled substance or an imitation controlled substance or
358 the preparation, compounding, packaging or labeling of a
359 narcotic or dangerous drug:

360 (a) By a practitioner as an incident to his or her
361 administering or dispensing of a controlled substance or an
362 imitation controlled substance in the course of his or her
363 professional practice; or

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

368 (28) "Marijuana", all parts of the plant genus
369 Cannabis in any species or form thereof, including, but not
370 limited to *Cannabis Sativa L.*, except industrial hemp,
371 Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and
372 Cannabis Gigantea, whether growing or not, the seeds
373 thereof, the resin extracted from any part of the plant; and
374 every compound, manufacture, salt, derivative, mixture, or
375 preparation of the plant, its seeds or resin. It does not
376 include the mature stalks of the plant, fiber produced from
377 the stalks, oil or cake made from the seeds of the plant,

378 any other compound, manufacture, salt, derivative, mixture
379 or preparation of the mature stalks (except the resin
380 extracted therefrom), fiber, oil or cake, or the sterilized
381 seed of the plant which is incapable of germination;

382 (29) "Methamphetamine precursor drug", any drug
383 containing ephedrine, pseudoephedrine, phenylpropanolamine,
384 or any of their salts, optical isomers, or salts of optical
385 isomers;

386 (30) "Narcotic drug", any of the following, whether
387 produced directly or indirectly by extraction from
388 substances of vegetable origin, or independently by means of
389 chemical synthesis, or by a combination of extraction and
390 chemical analysis:

391 (a) Opium, opiate, and any derivative, of opium or
392 opiate, including their isomers, esters, ethers, salts, and
393 salts of isomers, esters, and ethers, whenever the existence
394 of the isomers, esters, ethers, and salts is possible within
395 the specific chemical designation. The term does not
396 include the isoquinoline alkaloids of opium;

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

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

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

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

407 (31) "Official written order", an order written on a
408 form provided for that purpose by the United States
409 Commissioner of Narcotics, under any laws of the United
410 States making provision therefor, if such order forms are

411 authorized and required by federal law, and if no such order
412 form is provided, then on an official form provided for that
413 purpose by the department of health and senior services;

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

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

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

427 (35) "Person", an individual, corporation, government
428 or governmental subdivision or agency, business trust,
429 estate, trust, partnership, joint venture, association, or
430 any other legal or commercial entity;

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

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

442 (38) "Possessed" or "possessing a controlled
443 substance", a person, with the knowledge of the presence and

444 nature of a substance, has actual or constructive possession
445 of the substance. A person has actual possession if he has
446 the substance on his or her person or within easy reach and
447 convenient control. A person who, although not in actual
448 possession, has the power and the intention at a given time
449 to exercise dominion or control over the substance either
450 directly or through another person or persons is in
451 constructive possession of it. Possession may also be sole
452 or joint. If one person alone has possession of a substance
453 possession is sole. If two or more persons share possession
454 of a substance, possession is joint;

455 (39) "Practitioner", a physician, dentist,
456 optometrist, podiatrist, veterinarian, scientific
457 investigator, pharmacy, hospital or other person licensed,
458 registered or otherwise permitted by this state to
459 distribute, dispense, conduct research with respect to or
460 administer or to use in teaching or chemical analysis, a
461 controlled substance in the course of professional practice
462 or research in this state, or a pharmacy, hospital or other
463 institution licensed, registered, or otherwise permitted to
464 distribute, dispense, conduct research with respect to or
465 administer a controlled substance in the course of
466 professional practice or research;

467 (40) "Production", includes the manufacture, planting,
468 cultivation, growing, or harvesting of drug paraphernalia or
469 of a controlled substance or an imitation controlled
470 substance;

471 (41) "Registry number", the number assigned to each
472 person registered under the federal controlled substances
473 laws;

474 (42) "Sale", includes barter, exchange, or gift, or
475 offer therefor, and each such transaction made by any

476 person, whether as principal, proprietor, agent, servant or
477 employee;

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

482 (44) "Synthetic cannabinoid", includes unless
483 specifically excepted or unless listed in another schedule,
484 any natural or synthetic material, compound, mixture, or
485 preparation that contains any quantity of a substance that
486 is a cannabinoid receptor agonist, including but not limited
487 to any substance listed in paragraph (11) of subdivision (4)
488 of subsection 2 of section 195.017 and any analogues;
489 homologues; isomers, whether optical, positional, or
490 geometric; esters; ethers; salts; and salts of isomers,
491 esters, and ethers, whenever the existence of the isomers,
492 esters, ethers, or salts is possible within the specific
493 chemical designation, however, it shall not include any
494 approved pharmaceutical authorized by the United States Food
495 and Drug Administration;

496 (45) "Ultimate user", a person who lawfully possesses
497 a controlled substance or an imitation controlled substance
498 for his or her own use or for the use of a member of his or
499 her household or immediate family, regardless of whether
500 they live in the same household, or for administering to an
501 animal owned by him or by a member of his or her household.
502 For purposes of this section, the phrase "immediate family"
503 means a husband, wife, parent, child, sibling, stepparent,
504 stepchild, stepbrother, stepsister, grandparent, or
505 grandchild;

506 (46) "Wholesaler", a person who supplies drug
507 paraphernalia or controlled substances or imitation
508 controlled substances that he himself has not produced or

509 prepared, on official written orders, but not on
510 prescriptions.

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

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

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

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

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

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

6 (2) "Division", the division of alcohol and tobacco
7 control within the department of public safety;

8 (3) "Hemp", the plant *Cannabis sativa L.* and any part
9 of that plant, including the seeds thereof, and all
10 derivatives, extracts, cannabinoids, isomers, acids, salts,
11 and salts of isomers, whether growing or not, with a total
12 tetrahydrocannabinol concentration, including
13 tetrahydrocannabinolic acid, of not more than three-tenths
14 of one percent on a dry-weight basis. "Hemp" shall include
15 industrial hemp but shall not include the following:

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

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

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

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

27 c. More than three-tenths of one percent on a dry-
28 weight basis of a combined total of tetrahydrocannabinols,
29 including tetrahydrocannabinolic acid, and any other
30 cannabinoids that have similar effects or are marketed as
31 having similar effects on humans or animals as a
32 tetrahydrocannabinol, as determined by the U.S. Secretary of
33 Health and Human Services;

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

37 (d) Any final hemp-derived cannabinoid products
38 containing:

39 a. Cannabinoids that are not capable of being
40 naturally produced by a *Cannabis sativa L.* plant;
41 b. Cannabinoids that are capable of being naturally
42 produced by a *Cannabis sativa L.* plant but that were
43 synthesized or manufactured outside the plant; or
44 c. Greater than four-tenths of one milligram combined
45 total per container of tetrahydrocannabinols, including
46 tetrahydrocannabinolic acid, and any other cannabinoids that
47 have similar effects or are marketed as having similar
48 effects on humans or animals as a tetrahydrocannabinol, as
49 determined by the U.S. Secretary of Health and Human
50 Services;
51 (4) "Hemp-derived cannabinoid product", any
52 intermediate or final product derived from hemp, other than
53 industrial hemp, that contains cannabinoids in any form and
54 is intended for human or animal use through any means of
55 application or administration including, but not limited to,
56 inhalation, ingestion, or topical application. "Hemp-
57 derived cannabinoid product" shall not include a drug that
58 is the subject of an application approved under subsection
59 (c) or (j) of Section 505 of the Federal Food, Drug, and
60 Cosmetic Act, 21 U.S.C. Section 355, as amended;
61 (5) "Industrial hemp", hemp that is:
62 (a) Grown for the use of the stalk of the plant, fiber
63 produced from such a stalk, or any other noncannabinoid
64 compound, derivative, mixture, preparation, or manufacture
65 of such a stalk;
66 (b) Grown for the use of the whole grain, oil, cake,
67 nut, hull, or any other noncannabinoid compound, derivative,
68 mixture, preparation, or manufacture of the seeds of such
69 plant;
70 (c) Grown for the purpose of producing microgreens or
71 other edible hemp leaf products intended for human

72 consumption that are derived from an immature hemp plant
73 that is grown from seeds that do not exceed the threshold
74 for total tetrahydrocannabinol concentration under paragraph
75 (a) of subdivision (3) of this subsection;

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

81 (e) Grown for the use of a viable seed of the plant
82 produced solely for the production or manufacture of any
83 material described in paragraphs (a) to (d) of this
84 subdivision;

85 (6) "Intermediate hemp-derived cannabinoid product", a
86 hemp-derived cannabinoid product that is:

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

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

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

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

100 3. The cultivation, production, manufacturing,
101 testing, transportation, and retail sale of all hemp-derived
102 cannabinoid products within this state shall be conducted
103 solely by entities licensed by the department under Article
104 XIV of the Constitution of Missouri. Hemp-derived

105 cannabinoid products shall be considered marijuana and shall
106 be subject to the legal framework contained in Article XIV
107 of the Constitution of Missouri under which the purchase,
108 possession, consumption, use, delivery, manufacturing, and
109 sale of marijuana is regulated by the department.

110 4. The term "hemp-derived cannabinoid product" shall
111 be construed to conform to, and be included in, the
112 definition of "marijuana" under Article XIV of the
113 Constitution of Missouri but shall not be construed to
114 conform to or be included in the definition of "hemp" in
115 this section or in the definition of "industrial hemp" in
116 this section.

117 5. Hemp and industrial hemp shall not be considered
118 marijuana and shall not be subject to the legal framework
119 contained in Article XIV of the Constitution of Missouri or
120 in this section. Nothing in this section shall be construed
121 to regulate hemp, industrial hemp, or products that do not
122 fall within the definition of hemp-derived cannabinoid
123 products, and the provisions of this section shall not be
124 construed to conflict with or otherwise preempt the
125 Agriculture Improvement Act of 2018, Pub. L. 115-334, as
126 amended.

127 6. Nothing in this section shall be construed to
128 prohibit the interstate commerce of hemp or the
129 transportation or shipment of hemp through this state.

130 7. Notwithstanding any provision of law to the
131 contrary, all hemp-derived cannabinoid products are
132 marijuana and shall be subject to the jurisdiction of the
133 department and the office of the attorney general consistent
134 with Article XIV of the Constitution of Missouri and the
135 provisions of this section. The department and the office
136 of the attorney general shall be authorized to enforce the
137 provisions of this section in such a manner as to ensure

138 that no hemp-derived cannabinoid products are cultivated,
139 manufactured, tested, transported, or sold within this state
140 outside of a licensed comprehensive facility, medical
141 facility, marijuana testing facility, or marijuana
142 microbusiness facility, as such terms are defined in Article
143 XIV of the Constitution of Missouri.

144 8. No person or entity engaged in the sale of products
145 that contain cannabidiol, hemp, marijuana, or cannabinoids;
146 hemp-derived cannabinoid products; or paraphernalia to aid
147 in the human or animal consumption of such products, other
148 than a comprehensive marijuana dispensary facility, medical
149 marijuana dispensary facility, or microbusiness dispensary
150 facility, as such terms are defined in Article XIV of the
151 Constitution of Missouri, shall carry on, conduct, or
152 transact business under a name that contains as part of the
153 name the word "dispensary" or any word of similar import.

154 9. (1) The office of the attorney general, the
155 department, the department of public safety, the division,
156 the Missouri state highway patrol, and any other state
157 agency deemed necessary by the office of the attorney
158 general to aid in the enforcement of this section shall
159 concurrently be authorized to enforce the provisions of this
160 section including, but not limited to, the prohibition of
161 the cultivation, manufacturing, testing, transportation, and
162 retail sale of hemp-derived cannabinoid products outside of
163 licensed comprehensive facilities, medical facilities,
164 marijuana testing facilities, or marijuana microbusiness
165 facilities, as such terms are defined in Article XIV of the
166 Constitution of Missouri.

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

170 (a) Utilizing a multijurisdictional enforcement
171 approach including, but not limited to, direct coordination
172 with the department, the department of public safety, the
173 division, the Missouri state highway patrol, prosecuting and
174 circuit attorneys, and any other state agency deemed
175 necessary by the office of the attorney general;

176 (b) Collaborating and coordinating with local county
177 and municipal governments and other political subdivisions;
178 and

179 (c) Utilizing the department's reference laboratory.

180 10. Any person or entity that violates the provisions
181 of this section shall be subject to a fine of five thousand
182 dollars per transaction and shall be guilty of a class D
183 felony.

184 11. (1) The provisions of this section shall become
185 effective November 12, 2026, for:

186 (a) Hemp-derived cannabinoid products that:

187 a. Contain cannabinoids that are not capable of being
188 naturally produced by a *Cannabis sativa L.* plant;

189 b. Contain cannabinoids that are capable of being
190 naturally produced by a *Cannabis sativa L.* plant but that
191 were synthesized or manufactured outside the plant;

192 c. Are sold, distributed, or marketed to a consumer as
193 a product that can be smokable or vapeable in the form of
194 raw plant material, flower, or bud material and that contain
195 any amount of tetrahydrocannabinolic acid; or

196 d. Are sold, distributed, or marketed to a consumer in
197 the form of any solid candy, gummy, chewable product,
198 tablet, capsule, oil, baked good, or other solid edible
199 product and that contain delta-9 tetrahydrocannabinol
200 derived from hemp in any amount that exceeds naturally
201 occurring concentrations in the source hemp plant material;
202 and

203 (b) Except as provided in subdivision (2) of this
204 subsection, all other hemp-derived cannabinoid products not
205 described in paragraph (a) of this subdivision.

206 (2) For all other hemp-derived cannabinoid products
207 not described in paragraph (a) of subdivision (1) of this
208 subsection, the provisions of this section shall become
209 effective November 12, 2026, except that if Congress delays
210 the effective date of federal hemp restrictions under 7
211 U.S.C. Section 1639o on or before November 12, 2026, this
212 section shall apply to such products only during any period
213 in which such federal restrictions prohibit such products;
214 provided, that such products shall not be sold, distributed,
215 or marketed to any person under the age of twenty-one.