

HCS HB 2641 -- CANNABIS (Hinman)

COMMITTEE OF ORIGIN: Standing Committee on Crime and Public Safety

This bill modifies the definition of "industrial hemp" and adds a definition of "hemp", as provided in the bill.

The bill states that no state agency or state employee will disclose any personally identifying information of persons who have applied for or obtained a qualifying patient identification card, a qualifying patient cultivation identification card, or primary caregiver identification card for medical marijuana to the Federal government or any Federal employee, or other unauthorized third party, unless required to do so pursuant to a subpoena or court order issued by a court. Any person who knowingly violates these provisions will be guilty of a class E felony (Section 195.800, RSMo).

Upon the written request of a consumer, a marijuana dispensary must not create or retain any record containing a consumer's identifying information. This provision will not apply to any constitutionally-mandated record-keeping requirements relating to qualifying patients and primary caregivers. Dispensary facilities that violate the provisions of this bill will be assessed a \$2,500 fine per occurrence (Section 195.819).

This bill establishes the "Intoxicating Cannabinoid Control Act". All hemp-derived cannabinoid products must be construed to conform to, and be included in, the definition of "marijuana" under the Missouri Constitution. The cultivation, production, manufacturing, testing, transportation, and retail sale of all hemp-derived cannabinoid products in Missouri must be conducted solely by entities that are licensed by the Department of Health and Senior Services, and are subject to the legal framework contained in the Missouri Constitution. The Attorney General, the Department of Health and Senior Services, the Department of Public Safety, prosecuting and circuit attorneys, and other state agencies will collaborate to enforce these provisions, as specified in the bill.

"Hemp" and "industrial hemp", as those terms are defined in the bill, are not considered marijuana and therefore are not subject to the legal framework contained in the Missouri Constitution.

No person or entity engaged in the sale of cannabidiol (CBD), hemp, marijuana, cannabinoids, hemp-derived cannabinoid products,

or related paraphernalia, other than a comprehensive or medical marijuana dispensary facility or a micro-business dispensary facility, will carry on, conduct, or transact business under a name that contains, as part of the name, the word "dispensary".

The Attorney General will have primary jurisdiction to enforce these provisions, but must coordinate such efforts with other state departments and agencies, as specified in the bill.

Any person or entity in violation of these provisions will be guilty of a class D felony and subject to a fine of \$5,000 per transaction.

The provisions of this bill related to certain hemp-derived cannabinoid products, specified in the bill, will become effective on November 12, 2026. As they relate to other hemp-derived cannabinoid products not specified in the bill, the provisions will become effective on November 12, 2026, or, if Congress delays the effective date of federal hemp restrictions, the provisions will apply only during any period in which the federal restrictions prohibit those products (Section 195.900).