

HJR 106 -- PRODUCTS DERIVED FROM CANNABIS PLANTS
SPONSOR: Overcast

Upon voter approval, this constitutional amendment will repeal the existing constitutional provisions regulating the medicinal and recreational use of marijuana, and adopt new standards and regulations for the use of medicinal marijuana by qualified patients over the age of 18 and the recreational use of marijuana for adult-use consumers 21 years of age and older.

This amendment allows a qualifying patient to obtain, purchase, possess, and use marijuana or hemp for medical purposes if a medical identification card (card), as defined in the resolution, is issued to the patient following certification of the qualifying patient's medical need, as defined in the resolution.

The General Assembly will provide standards to govern the issuance of cards. If a physician or nurse practitioner prescribes or certifies the medical need of marijuana or hemp, this amendment will constitute sufficient evidence for issuance of a card. In addition, the General Assembly can allow patients to self-certify their medical need, but cards for qualifying minors must be issued only to parents, legal guardians, or primary caregivers.

Cards will be valid for a minimum of five years, with options for a ten-year or lifetime card, and patient and caregiver information must remain confidential. Any fees for cards will be waived for veterans and low-income qualifying patients.

This amendment places no limitation on the purchase or possession of marijuana, hemp, THC, or their derivatives but a retailer must not sell any of these products unless the purchaser presents either a government-issued photo ID or a card.

Primary caregivers can purchase, transport, administer, or cultivate marijuana or hemp for qualifying patients, including qualifying minors, without criminal or civil liability. However, the primary caregiver must receive written parental or guardian consent for a qualifying minor and must supervise the administration of marijuana or hemp for the qualifying minor.

Qualifying patients and primary caregivers can cultivate up to:

- (1) Ten flowering marijuana or hemp plants;
- (2) Ten nonflowering plants over 14 inches; and

(3) Ten clones under 14 inches.

Two or more qualifying patients can share one enclosed, locked cultivation facility. Adult-use consumers without a card can cultivate under the same limits and restrictions as qualifying patients. Qualifying patients and adult-use consumers can legally gift or share marijuana or hemp without restriction to other qualifying patients and adult-use consumers.

Qualifying patients and adult-use consumers must not be discriminated against for lawful marijuana or hemp use. Employers can prohibit the use of marijuana or hemp during work hours, but employers will not discriminate against qualifying patients or adult-use consumers for lawful off-premises, non-working hours use of marijuana or hemp.

Possession, use, cultivation, or distribution of marijuana or hemp for personal or medical purposes by qualifying patients, primary caregivers, or adult-use consumers must not be a criminal offense, so long as a State or Federal IDs or a card is presented.

Lawful marijuana or hemp use must not:

- (1) Result in arrest, criminal or civil liability under Missouri law;
- (2) Be the basis for parole, probation, or supervised release violations;
- (3) Justify searches without specific evidence of unlawful activity;
- (4) Affect individuals on probation or parole with a valid card;
- (5) Be maintained on any schedule of controlled substances by the state; or
- (6) Constitute child abuse, neglect, unfitness, or endangerment nor be the sole basis for restricting parental rights.

Any person convicted of a nonviolent criminal offense related to the possession, sale, or distribution of marijuana or hemp before August 28, 2027, will have such offenses expunged. Any person currently incarcerated for an expungeable offense as of August

28, 2027, will enter a retroactive release program that must ensure their release before January 1, 2030.

Physicians and nurse practitioners can recommend or prescribe marijuana or hemp without facing criminal, civil, or professional sanctions. Physicians and nurse practitioners, or any licensed professional can own, operate, or advise licensed marijuana or hemp facilities without penalty.

Marijuana or hemp contracts will be enforceable under Missouri law, and any property used for lawful marijuana or hemp activities is not subject to asset forfeiture.

The General Assembly can prohibit marijuana or hemp use in jails or correctional facilities, or during the operation of vehicles or other machinery. Civil penalties of no more than \$10,000 can be established for violations of these prohibitions.

The General Assembly will enact laws to regulate the production, quality control, distribution, transportation, taxation, and sale of consumable marijuana and hemp by August 28, 2027. However, the General Assembly must not impose limits on licenses and licensing, as described in the bill.

The Department of Health and Human Services and the Department of Public Safety (Departments) will oversee the regulations enacted by the General Assembly, including fees for retail licenses, and restrictions on certain applicants.

No limitation will be imposed by the General Assembly regarding the number of licenses for marijuana and hemp cultivation, manufacturing, or retail. The Departments must register independent testing facilities to ensure product safety, potency, and accurate labeling for products manufactured in this State. Further laboratory testing regulations and licensing procedures are described in the bill.

A tax will be levied upon the retail sale of marijuana and hemp. However, the combined rate of tax by State and local law must not exceed 11% of the retail sales price. Further tax regulations are described in the bill. The General Assembly will set the tax rate to begin on August 28, 2037.

This amendment creates the "Community Development Fund", which will consist of taxes and fees established by this Resolution. The State Treasurer must serve as custodian of the Fund. Distributions from the fund will be made as follows:

(1) As determined by appropriations, an amount necessary to the Departments to maintain and promulgate regulations;

(2) The remaining Fund balance must be distributed as follows:

- a. One-third to the Missouri Veteran's Commission; and
- b. One-third to the Departments to provide a variety of community-oriented benefits; and
- c. One-third to the Missouri Public Defender.

Taxpayers will be allowed to deduct expenses that are not allowed under Federal law for Missouri tax purposes.