

FIRST REGULAR SESSION

SENATE BILL NO. 56

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0594S.02I

AN ACT

To amend chapter 579, RSMo, by adding thereto five new sections relating to medical marijuana, with penalty provisions.

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

Section A. Chapter 579, RSMo, is amended by adding thereto five new sections, to be known as sections 579.250, 579.255, 579.260, 579.265, and 579.270, to read as follows:

579.250. 1. For purposes of sections 579.250 to 579.270, the following terms mean:

(1) "Administer", the direct application of marijuana to a qualifying patient by way of any of the following methods:

(a) Ingestion of capsules, teas, oils, and other marijuana-infused products;

(b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;

(c) Application of ointments or balms;

(d) Transdermal patches and suppositories;

(e) Consuming marijuana-infused food products; or

(f) Any other method recommended by a qualifying patient's physician;

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

(3) "Entity", a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other entity;

(4) "Flowering plant", a marijuana plant from the time it exhibits

21 the first signs of sexual maturity through harvest;

22 (5) "Marijuana", *Cannabis indica*, *Cannabis sativa*, and *Cannabis*
23 *ruderalis*, hybrids of such species, and any other strains commonly
24 understood within the scientific community to constitute marijuana, as
25 well as resin extracted from the plant and marijuana-infused
26 products. "Marijuana" does not include industrial hemp containing a
27 crop-wide average tetrahydrocannabinol concentration that does not
28 exceed three-tenths of one percent on a dry weight basis, or
29 commodities or products manufactured from industrial hemp;

30 (6) "Marijuana-infused products", products that are infused with
31 marijuana or an extract thereof and are intended for use or
32 consumption other than by smoking, including but not limited to edible
33 products, ointments, and tinctures;

34 (7) "Medical marijuana cultivation facility", a facility licensed by
35 the department to acquire, cultivate, process, transport, and sell
36 marijuana to a medical marijuana dispensary facility or to a medical
37 marijuana-infused products manufacturing facility;

38 (8) "Medical marijuana dispensary facility", a facility licensed by
39 the department to acquire, sell, transport, and deliver marijuana,
40 marijuana-infused products, and drug paraphernalia used to administer
41 marijuana as provided for in this section;

42 (9) "Medical marijuana-infused products manufacturing facility",
43 a facility licensed by the department to acquire, manufacture,
44 transport, and sell marijuana-infused products to a medical marijuana
45 dispensary facility;

46 (10) "Medical use", the production, possession, delivery,
47 distribution, transportation, or administration of marijuana or a
48 marijuana-infused product, or drug paraphernalia used to administer
49 marijuana or a marijuana-infused product, for the benefit of a
50 qualifying patient to mitigate the symptoms or effects of the patient's
51 qualifying medical condition;

52 (11) "Physician", an individual who is licensed and in good
53 standing to practice medicine or osteopathy under chapter 334;

54 (12) "Physician certification", a document, whether handwritten,
55 electronic, or in another commonly used format, signed by a physician,
56 which states that, in the physician's professional opinion, the patient
57 suffers from a qualifying medical condition and is likely to receive

58 therapeutic or palliative benefit from the medical use of marijuana to
59 treat or alleviate the patient's qualifying medical condition or
60 symptoms associated with the qualifying medical condition;

61 (13) "Primary caregiver", an individual twenty-one years of age
62 or older who has significant responsibility for managing the well-being
63 of a qualifying patient and who is designated as such on the primary
64 caregiver's application for an identification card under this section or
65 in other written notification to the department;

66 (14) "Qualifying medical condition", the condition of, symptoms
67 related to, or side-effects from the treatment of:

68 (a) Cancer;

69 (b) Epilepsy;

70 (c) Glaucoma;

71 (d) Intractable migraines unresponsive to other treatments;

72 (e) A chronic medical condition that causes severe, persistent
73 pain or persistent muscle spasms, including but not limited to those
74 associated with multiple sclerosis, seizures, Parkinson's disease, and
75 Tourette's syndrome;

76 (f) Debilitating psychiatric disorders, including but not limited
77 to post-traumatic stress disorder, if diagnosed by a state licensed
78 psychiatrist;

79 (g) Human immunodeficiency virus or acquired immune
80 deficiency syndrom;

81 (h) A chronic medical condition that is normally treated with a
82 prescription medication that could lead to physical or psychological
83 dependence, when a physician determines that medical use of
84 marijuana could be effective in treating that condition and would serve
85 as a safer alternative to the prescription medication;

86 (i) Any terminal illness; or

87 (j) In the professional judgment of a physician, any other
88 chronic, debilitating, or otherwise equivalent condition, including but
89 not limited to hepatitis C, amyotrophic lateral sclerosis, inflammatory
90 bowel disease, agitation of Alzheimer's disease, cachexia, and wasting
91 syndrome;

92 (15) "Qualifying patient", a Missouri resident diagnosed with at
93 least one qualifying medical condition.

579.255. 1. In carrying out the implementation of sections

2 579.250 to 579.270, the department shall have the authority to:

3 (1) Grant or refuse state licenses for the cultivation,
4 manufacture, distribution, and sale of marijuana for medical use;
5 suspend, fine, restrict, or revoke such licenses upon a violation of
6 sections 579.250 to 579.270 or a rule promulgated under said sections;
7 and impose any administrative penalty authorized by sections 579.250
8 to 579.270 or any rule promulgated under said sections;

9 (2) Promulgate rules and emergency rules necessary for the
10 proper regulation and control of the cultivation, manufacture,
11 distribution, and sale of marijuana for medical use and for the
12 enforcement of sections 579.250 to 579.270;

13 (3) Develop such forms, licenses, identification cards, and
14 applications as are necessary or convenient in the discretion of the
15 department for the administration of sections 579.250 to 579.270 or any
16 of the rules promulgated under said sections;

17 (4) Require a seed-to-sale tracking system that tracks medical
18 marijuana from either the seed or immature plant stage until the
19 medical marijuana or medical marijuana-infused product is sold to a
20 qualifying patient or primary caregiver at a medical marijuana
21 dispensary facility to ensure that no medical marijuana grown by a
22 medical marijuana cultivation facility or manufactured by a medical
23 marijuana-infused products manufacturing facility is sold or otherwise
24 transferred except by a medical marijuana dispensary facility. If it
25 creates a seed-to-sale tracking system, the department shall certify, if
26 possible, at least two commercially available systems to license as
27 compliant with its tracking standards and issue standards for the
28 creation or use of other systems by licensees;

29 (5) Prepare and transmit annually a publicly available report
30 accounting to the governor for the efficient discharge of all
31 responsibilities assigned to the department under sections 579.250 to
32 579.270.

33 2. The department may issue any rules or emergency rules
34 necessary for the implementation and enforcement of sections 579.250
35 to 579.270 and to ensure the right to, availability of, and safe use of
36 marijuana for medical use by qualifying patients. In developing such
37 rules or emergency rules, the department may consult with other public
38 agencies. In addition to any other rules or emergency rules necessary

39 to carry out the mandates of sections 579.250 to 579.270, the department
40 may promulgate rules or emergency rules relating to the following
41 subjects:

42 (1) Compliance with, enforcement of, or violation of any
43 provision of sections 579.250 to 579.270 or any rule issued under said
44 sections, including procedures and grounds for denying, suspending,
45 fining, restricting, or revoking a state license issued under sections
46 579.250 to 579.270;

47 (2) Specifications of duties of officers and employees of the
48 department;

49 (3) Instructions or guidance for local authorities and law
50 enforcement officers;

51 (4) Requirements for inspections, investigations, searches,
52 seizures, and such additional enforcement activities as may become
53 necessary from time to time;

54 (5) Creation of a range of administrative penalties for use by the
55 department;

56 (6) Prohibition of misrepresentation and unfair practices;

57 (7) Control of informational and product displays on licensed
58 premises;

59 (8) Development of individual identification cards for owners,
60 officers, managers, contractors, employees, and other support staff of
61 entities licensed under sections 579.250 to 579.270, including a
62 fingerprint-based federal and state criminal record check in
63 accordance with U.S. Public Law 92-544, or its successor provisions, as
64 may be required by the department prior to issuing a card and
65 procedures to ensure that cards for new applicants are issued within
66 fourteen days;

67 (9) Security requirements for any premises licensed under
68 sections 579.250 to 579.270, including, at a minimum, lighting, physical
69 security, video, alarm requirements, and other minimum procedures for
70 internal control as deemed necessary by the department to properly
71 administer and enforce the provisions of sections 579.250 to 579.270,
72 including reporting requirements for changes, alterations, or
73 modifications to the premises;

74 (10) Regulation of the storage of, warehouses for, and
75 transportation of marijuana for medical use;

76 (11) Sanitary requirements, including but not limited to sanitary
77 requirements for the preparation of medical marijuana-infused
78 products;

79 (12) The specification of acceptable forms of picture
80 identification that a medical marijuana dispensary facility may accept
81 when verifying a sale;

82 (13) Labeling and packaging standards;

83 (14) Records to be kept by licensees and the required availability
84 of the records;

85 (15) State licensing procedures, including procedures for
86 renewals, reinstatements, initial licenses, and the payment of licensing
87 fees;

88 (16) The reporting and transmittal of tax payments;

89 (17) Authorization for the department of revenue to have access
90 to licensing information to ensure tax payment and the effective
91 administration of sections 579.250 to 579.270; and

92 (18) Such other matters as are necessary for the fair, impartial,
93 stringent, and comprehensive administration of sections 579.250 to
94 579.270.

95 3. The department shall issue rules or emergency rules for a
96 medical marijuana and medical marijuana-infused products
97 independent testing and certification program for medical marijuana
98 licenses. The rules shall require licensees to test medical marijuana
99 using an impartial, independent laboratory to ensure, at a minimum,
100 that products sold for human consumption do not contain contaminants
101 that are injurious to health and to ensure correct labeling.

102 4. The department shall maintain the confidentiality of reports
103 or other information obtained from an applicant or licensee containing
104 any individual data, information, patient information, or records
105 related to the licensee or its operation, including sales information,
106 financial records, tax returns, credit reports, cultivation information,
107 testing results, and security information and plans, or any other
108 records that are exempt from public inspection under state or federal
109 law. Such reports or other information may be used only for a purpose
110 authorized by sections 579.250 to 579.270. Any information released
111 related to patients may be used only for a purpose authorized by
112 federal law and sections 579.250 to 579.270, including verifying that a

113 person who presented a patient identification card to a state or local
114 law enforcement official is lawfully in possession of such card.

115 5. Within ninety days of the effective date of sections 579.250 to
116 579.270, the department shall make available to the public license
117 application forms and application instructions for medical marijuana
118 cultivation facilities, medical marijuana dispensary facilities, and
119 medical marijuana-infused products manufacturing facilities.

120 6. Within ninety days of the effective date of sections 579.250 to
121 579.270, the department shall make available to the public application
122 forms and application instructions for qualifying patient, qualifying
123 patient cultivation, and primary caregiver identification cards. Within
124 one hundred fifty days of the effective date of sections 579.250 to
125 579.270, the department shall begin accepting applications for such
126 identification cards.

127 7. An entity may apply to the department for and obtain a license
128 to grow marijuana as a medical marijuana cultivation facility. Each
129 facility in operation shall require a separate license. Each indoor
130 facility utilizing artificial lighting may be limited by the department to
131 thirty thousand square feet of flowering plant canopy space. Each
132 outdoor facility utilizing natural lighting may be limited by the
133 department to two thousand eight hundred flowering plants. Each
134 greenhouse facility using a combination of natural and artificial
135 lighting may be limited by the department, at the election of the
136 licensee, to two thousand eight hundred flowering plants or thirty
137 thousand square feet of flowering plant canopy space. The license shall
138 be valid for three years from its date of issuance and shall be
139 renewable, except for good cause. The department shall charge each
140 applicant a nonrefundable fee of three thousand dollars per license
141 application or renewal. Once granted, the department shall charge
142 each licensee an annual fee of twenty thousand dollars per facility
143 license. Application and license fees shall be increased or decreased
144 each year by the percentage of increase or decrease from the end of the
145 previous calendar year of the Consumer Price Index, or successor index
146 as published by the U.S. Department of Labor, or its successor agency.
147 No more than three medical marijuana cultivation facility licenses shall
148 be issued to any entity under substantially common control, ownership,
149 or management.

150 8. An entity may apply to the department for and obtain a license
151 to operate a medical marijuana dispensary facility. Each facility in
152 operation shall require a separate license. A license shall be valid for
153 three years from its date of issuance and shall be renewable, except for
154 good cause. The department shall charge each applicant a
155 nonrefundable fee of three thousand dollars per license application or
156 renewal. Once granted, the department shall charge each licensee an
157 annual fee of ten thousand dollars per facility license. Application and
158 license fees shall be increased or decreased each year by the
159 percentage of increase or decrease from the end of the previous
160 calendar year of the Consumer Price Index, or successor index as
161 published by the U.S. Department of Labor, or its successor agency. No
162 more than six medical marijuana dispensary facility licenses shall be
163 issued to any entity under substantially common control, ownership, or
164 management.

165 9. An entity may apply to the department for and obtain one or
166 more licenses to operate a medical marijuana-infused products
167 manufacturing facility. Each facility in operation shall require a
168 separate license. A license shall be valid for three years from its date
169 of issuance and shall be renewable, except for good cause. The
170 department shall charge each applicant a nonrefundable fee of three
171 thousand dollars per license application or renewal. Once granted, the
172 department shall charge each licensee an annual fee of ten thousand
173 dollars per facility license. Application license fees shall be increased
174 or decreased each year by the percentage of increase or decrease from
175 the end of the previous calendar year of the Consumer Price Index, or
176 successor index as published by the U.S. Department of Labor, or its
177 successor agency. No more than five medical marijuana-infused
178 products manufacturing facility licenses shall be issued to any entity
179 under substantially common control, ownership, or management.

180 10. Except for good cause, a qualifying patient or his or her
181 primary caregiver may obtain an identification card from the
182 department to cultivate up to six flowering marijuana plants for the
183 exclusive use of that qualifying patient. The card shall be valid for
184 twelve months from its date of issuance and shall be renewable with
185 the annual submittal of a new or updated physician's certification. The
186 department shall charge an annual fee for the card of one hundred

187 dollars, with such rate to be increased or decreased each year by the
188 percentage of increase or decrease from the end of the previous
189 calendar year of the Consumer Price Index, or successor index as
190 published by the U.S. Department of Labor, or its successor agency.

191 11. The department may set a limit on the amount of marijuana
192 that may be purchased by or on behalf of a single qualifying patient in
193 a thirty day period, provided that limit is not less than six ounces of
194 dried, unprocessed marijuana, or its equivalent. Any such limit shall
195 not apply to a qualifying patient with written certification from two
196 independent physicians that there are compelling reasons why the
197 qualifying patient needs a greater amount than the limit established by
198 the department.

199 12. The department may set a limit on the amount of marijuana
200 that may be possessed by or on behalf of each qualifying patient,
201 provided that limit is not less than a sixty day supply of dried,
202 unprocessed marijuana, or its equivalent. A primary caregiver may
203 possess a separate legal limit for each qualifying patient under his or
204 her care and a separate legal limit for himself or herself if the
205 caregiver is a qualifying patient. Qualifying patients cultivating
206 marijuana for medical use may possess up to a ninety day supply, so
207 long as the supply remains on property under their control. Any such
208 limit shall not apply to a qualifying patient with written certification
209 from two independent physicians that there are compelling reasons for
210 additional amounts. Possession of more than the legal limit and up to
211 twice the legal limit shall subject the possessor to department
212 sanctions, including an administrative penalty and loss of the
213 possessor's patient identification card for up to one year. Purposefully
214 possessing amounts in excess of twice the legal limit shall be
215 punishable by imprisonment of up to one year and a fine of up to two
216 thousand dollars.

217 13. The department may restrict the aggregate number of
218 licenses granted for medical marijuana cultivation facilities, provided,
219 however, that the number may not be limited to fewer than one license
220 per every eighty thousand inhabitants, or any portion thereof, of the
221 state of Missouri, according to the most recent census of the United
222 States. In any year, if the number of qualifying applicants and any
223 renewals exceed such a restriction, the department shall, after

224 renewing all qualifying licenses, rank new applicants using the
225 following factors: site security; capacity or experience with
226 agriculture, horticulture, health care, or a legal cannabis market;
227 acceptance in the site community; potential for positive economic
228 impact in the site community; and maintaining competitiveness in the
229 marijuana for medical use marketplace. In ranking applicants and
230 awarding licenses, the department may consult or contract with other
231 public agencies with relevant expertise regarding these factors. The
232 department shall lift or ease any limit on the number of medical
233 marijuana cultivation facilities to meet the demand for medical
234 marijuana by qualifying patients.

235 14. The department may restrict the aggregate number of
236 licenses granted for marijuana-infused products manufacturing
237 facilities, provided, however, that the number may not be limited to
238 fewer than one license per every fifty thousand inhabitants, or any
239 portion thereof, of the state of Missouri, according to the most recent
240 census of the United States. In any year, if the number of qualifying
241 applicants and any renewals exceed such a restriction, the department
242 shall, after renewing all qualifying licenses, rank new applicants using
243 the following factors: site security; experience or capacity with health
244 care or a legal cannabis market; acceptance in the site community;
245 potential for positive economic impact in the site community; and
246 maintaining competitiveness in the marijuana for medical use
247 marketplace. In ranking applicants and awarding licenses, the
248 department may consult or contract with other public agencies with
249 relevant expertise regarding these factors.

250 15. If a county has restricted the number of licenses for medical
251 marijuana dispensary facilities, then, in any year that the number of
252 qualifying applicants and any renewals exceed such restriction, the
253 department shall, after renewing all qualifying licenses, rank new
254 applicants using the following factors: site security; experience or
255 capacity with health care or a legal cannabis market; acceptance in the
256 site community; potential for positive economic impact in the site
257 community; and maintaining competitiveness in the marijuana for
258 medical use marketplace. In ranking applicants and awarding licenses,
259 the department may consult or contract with other public agencies with
260 relevant expertise regarding these factors.

261 **16. The department shall begin accepting license applications for**
262 **medical marijuana dispensary facilities, medical marijuana cultivation**
263 **facilities, and medical marijuana-infused products manufacturing**
264 **facilities no later than one hundred fifty days after the effective date**
265 **of sections 579.250 to 579.270. Applications for licenses under this**
266 **section shall be approved or denied by the department no later than**
267 **one hundred fifty days after their submission. If the department fails**
268 **to carry out its nondiscretionary duty to approve or deny an**
269 **application within one hundred fifty days of submission, an applicant**
270 **may immediately seek a court order compelling the department to**
271 **approve or deny the application.**

272 **17. Qualifying patients under this section shall obtain and**
273 **annually renew an identification card or cards from the**
274 **department. The department shall charge a fee of twenty-five dollars**
275 **per year per card with such fee to be increased or decreased each year**
276 **by the percentage of increase or decrease from the end of the previous**
277 **calendar year of the Consumer Price Index, or successor index as**
278 **published by the U.S. Department of Labor, or its successor**
279 **agency. Upon receiving an application for a qualifying patient**
280 **identification card or qualifying patient cultivation identification card,**
281 **the department shall, within thirty days, either issue the card or**
282 **provide a written explanation for its denial. If the department fails to**
283 **issue a card to an eligible qualifying patient within thirty days, then**
284 **the patient's physician certification shall serve as his or her patient**
285 **identification card or qualifying patient cultivation identification card**
286 **for up to one year from the date of physician certification. All initial**
287 **applications for or renewals of a qualifying patient identification card**
288 **or qualifying patient cultivation identification card shall be**
289 **accompanied by a physician certification that is less than thirty days**
290 **old.**

291 **18. Primary caregivers under this section shall obtain and**
292 **annually renew an identification card from the department. The**
293 **department shall charge a fee of twenty-five dollars per year, with such**
294 **fee to be increased or decreased each year by the percentage of**
295 **increase or decrease from the end of the previous calendar year of the**
296 **Consumer Price Index, or successor index as published by the U.S.**
297 **Department of Labor, or its successor agency. Upon receiving an**

298 application for a primary caregiver identification card, the department
299 shall, within thirty days, either issue the card or provide a written
300 explanation for its denial.

301 19. All marijuana for medical use sold in Missouri shall be
302 cultivated in a licensed medical marijuana cultivation facility located
303 in Missouri.

304 20. All marijuana-infused products for medical use sold in the
305 state of Missouri shall be manufactured in a medical marijuana-infused
306 products manufacturing facility.

307 21. The denial of a license, license renewal, or identification card
308 by the department shall be appealable to the administrative hearing
309 commission. Following the exhaustion of administrative review, denial
310 of a license, license renewal, or identification card by the department
311 shall be subject to judicial review as provided by chapter 536.

312 22. No elected official shall interfere directly or indirectly with
313 the department's obligations and activities under sections 579.250 to
314 579.270.

579.260. 1. A tax is levied upon the retail sale of marijuana for
2 medical use sold at medical marijuana dispensary facilities within the
3 state. The tax shall be at a rate of four percent of the retail price. The
4 tax shall be collected by each licensed medical marijuana dispensary
5 facility and paid to the department of revenue. After retaining no more
6 than five percent for its actual collection costs, amounts generated by
7 the tax levied in this section shall be deposited by the department of
8 revenue into the Missouri Veterans' Health and Care Fund. Licensed
9 entities making retail sales within the state shall be allowed approved
10 credit for returns provided the tax was paid on the returned item and
11 the purchaser was given the refund or credit.

12 2. There is hereby created in the state treasury the "Missouri
13 Veterans' Health and Care Fund" which shall consist of taxes and fees
14 collected under sections 579.250 to 579.270. The state treasurer shall be
15 custodian of the fund, and he or she shall invest moneys in the fund in
16 the same manner as other funds are invested. Any interest and moneys
17 earned on such investments shall be credited to the
18 fund. Notwithstanding any other provision of law to the contrary, any
19 moneys remaining in the fund at the end of a biennium shall not revert
20 to the credit of the general revenue fund. The commissioner of

21 administration is authorized to make cash operating transfers to the
22 fund for purposes of meeting the cash requirements of the department
23 in advance of it receiving annual application, licensing, and tax
24 revenue, with any such transfers to be repaid as provided by law. The
25 fund shall be a dedicated fund and shall stand appropriated without
26 further legislative action as follows:

27 (1) First, to the department, an amount necessary for the
28 department to carry out this section, including repayment of any cash
29 operating transfers, payments made through contract or agreement
30 with other state and public agencies necessary to carry out sections
31 579.250 to 579.270, and a reserve fund to maintain a reasonable working
32 cash balance for the purpose of carrying out this section;

33 (2) Next, the remainder of such funds shall be transferred to the
34 Missouri veterans commission for health and care services for military
35 veterans, including the following purposes: operations, maintenance
36 and capital improvements of the Missouri Veteran's Homes, the
37 Missouri Service Officer's Program, and other services for veterans
38 approved by the commission, including but not limited to health care
39 services, mental health services, drug rehabilitation services, housing
40 assistance, job training, tuition assistance, and housing assistance to
41 prevent homelessness. The Missouri veterans commission shall
42 contract with other public agencies for the delivery of services beyond
43 its expertise.

44 3. For all retail sales of marijuana for medical use, a record shall
45 be kept by the seller which identifies by secure and encrypted patient
46 number issued by the seller to the qualifying patient involved in the
47 sale, all amounts and types of marijuana involved in the sale and the
48 total amount of money involved in the sale, all amounts and types of
49 marijuana involved in the sale and the total amount of money involved
50 in the sale, including itemizations, taxes collected, and grand total sale
51 amounts. All such records shall be kept on the premises in a readily
52 available format and be made available for review by the department
53 and the department of revenue upon request. Such records shall be
54 retained for five years from the date of the sale.

55 4. The tax levied under this section is separate from and in
56 addition to any general state and local sales and use taxes that apply
57 to retail sales, which shall continue to be collected and distributed as

58 provided by chapter 144.

59 5. Except as authorized in this section, no additional taxes shall
60 be imposed on the sale of marijuana for medical use.

579.265. 1. Except as provided in this section, the possession of
2 marijuana in quantities less than the limits of this section or
3 established by the department and transportation of marijuana from a
4 medical marijuana dispensary facility to the qualifying patient
5 residence shall not subject the possessor to arrest, criminal or civil
6 liability, or sanctions under Missouri law, provided that the possessor
7 produces on demand to the appropriate authority a valid qualifying
8 patient identification card; a valid patient cultivation identification
9 card; a valid physician certification while making application for an
10 identification card; or a valid primary caregiver identification
11 card. Production of the respective equivalent identification card or
12 authorization issued by another state or political subdivision of
13 another state shall also meet the requirements of this subsection.

14 2. No patient shall be denied access to or priority for an organ
15 transplant because the patient holds a qualifying patient identification
16 card or uses marijuana for medical use.

17 3. A physician shall not be subject to criminal or civil liability or
18 sanctions under Missouri law or discipline by the Missouri state board
19 of registration for the healing arts for issuing a physician certification
20 to a patient diagnosed with a qualifying medical condition in a manner
21 consistent with sections 579.250 to 579.270 and legal standards of
22 professional conduct.

23 4. A health care provider shall not be subject to civil or criminal
24 prosecution, denial of any right or privilege, civil or administrative
25 penalty or sanction, or disciplinary action by any accreditation or
26 licensing board or commission for providing health care services that
27 involve the medical use of marijuana consistent with sections 579.250
28 to 579.270 and legal standards of professional conduct.

29 5. A testing laboratory shall not be subject to civil or criminal
30 prosecution, denial of any right or privilege, civil or administrative
31 penalty or sanction, or disciplinary action by any accreditation or
32 licensing board or commission for providing laboratory testing that
33 relates to the medical use of marijuana consistent with sections 579.250
34 to 579.270 and otherwise meets legal standards of professional conduct.

35 6. A health care provider shall not be subject to mandatory
36 reporting requirements for the medical use of marijuana by
37 nonemancipated qualifying patients under eighteen years of age in a
38 manner consistent with sections 579.250 to 579.270 and with consent of
39 a parent or guardian.

40 7. A primary caregiver shall not be subject to criminal or civil
41 liability or sanctions under Missouri law for purchasing, transporting,
42 or administering marijuana for medical use by a qualifying patient or
43 participating in the patient cultivation of up to six flowering marijuana
44 plants per patient in a manner consistent with sections 579.250 to
45 579.270 and generally established legal standards of personal or
46 professional conduct.

47 8. An attorney shall not be subject to the disciplinary action by
48 the state bar association or other professional licensing body for
49 providing legal assistance to prospective or licensed medical marijuana
50 cultivation facilities, medical marijuana dispensary facilities, medical
51 marijuana-infused products manufacturing facilities, qualifying
52 patients, primary caregivers, physicians, health care providers or
53 others related to activity that is no longer subject to criminal penalties
54 under state law under this section.

55 9. Actions and conduct by qualifying patients, primary
56 caregivers, medical marijuana cultivation facilities, medical marijuana-
57 infused products manufacturing facilities, or medical marijuana
58 dispensary facilities licensed or registered with the department, or
59 their employees or agents, as permitted by sections 579.250 to 579.270
60 and in compliance with department regulations and other standards of
61 legal conduct, shall not be subject to criminal or civil liability or
62 sanctions under Missouri law, except as provided for by sections
63 579.250 to 579.270.

64 10. Nothing in this section shall provide immunity for
65 negligence, either common law or statutorily created, nor criminal
66 immunities for operating a vehicle, aircraft, dangerous device, or
67 navigating a boat under the influence of marijuana.

68 11. It is the public policy of the state of Missouri that contracts
69 related to marijuana for medical use that are entered into by qualifying
70 patients, primary caregivers, medical marijuana cultivation facilities,
71 medical marijuana-infused products manufacturing facilities, or

72 medical marijuana dispensary facilities and those who allow property
73 to be used by those entities, should be enforceable. It is the public
74 policy of the state of Missouri that no contract entered into by
75 qualifying patients, primary caregivers, medical marijuana cultivation
76 facilities, medical marijuana-infused products manufacturing facilities,
77 or medical marijuana dispensary facilities, or by a person who allows
78 property to be used for activities that are exempt from state criminal
79 penalties by this section, shall be unenforceable on the basis that
80 activities related to medical marijuana may be prohibited by federal
81 law.

579.270. 1. Nothing in sections 579.250 to 579.270 permits a
2 person to:

3 (1) Consume marijuana for medical use in a jail or correctional
4 facility; or

5 (2) Undertake any task under the influence of marijuana when
6 doing so would constitute negligence or professional malpractice; or

7 (3) Operate, navigate, or be in actual physical control of any
8 dangerous device or motor vehicle, aircraft, or motorboat while under
9 the influence of marijuana; or

10 (4) Bring a claim against any employer, former employer, or
11 prospective employer for wrongful discharge, discrimination, or any
12 similar cause of action or remedy, based on the employer, former
13 employer, or prospective employer prohibiting the employee, former
14 employee, or prospective employee from being under the influence of
15 marijuana while at work or disciplining the employee or former
16 employee, up to and including termination from employment, for
17 working or attempting to work while under the influence of marijuana.

18 2. No medical marijuana cultivation facility, medical marijuana
19 dispensary facility, or medical marijuana-infused products
20 manufacturing facility shall be owned in whole or in part, or have as
21 an officer, director, board member, manager, or employee, any
22 individual with a disqualifying felony offense. A "disqualifying felony
23 offense" is a violation of, and conviction or guilty plea to, state or
24 federal law that is, or would have been, a felony under Missouri law,
25 regardless of the sentence imposed, unless the department determines
26 that:

27 (1) The person's conviction was for the medical use of marijuana

28 or assisting in the medical use of marijuana; or

29 (2) The person's conviction was for a nonviolent crime for which
30 he or she was not incarcerated and that is more than five years old; or

31 (3) More than five years have passed since the person was
32 released from parole or probation, and he or she has not been found
33 guilty of any subsequent criminal offenses.

34 3. The department may consult with and rely on the records,
35 advice, and recommendations of the attorney general and the
36 department of public safety, or their successor entities, in applying this
37 section.

38 4. All medical marijuana cultivation facility, medical marijuana
39 dispensary facility, or medical marijuana-infused products
40 manufacturing facility licenses shall be held by entities that are
41 majority owned by natural persons who have been residents of the state
42 of Missouri for at least one year prior to the application for such
43 license or licenses. Notwithstanding the forgoing, entities outside the
44 state of Missouri may own a minority stake in such entities.

45 5. A county may require a site permit for a medical marijuana
46 dispensary facility utilizing generally applicable permitting standards.
47 In addition, by February 1, 2018, a county may limit the number of site
48 permits to be granted for medical marijuana dispensary facilities,
49 provided however, that the number may not be limited to fewer than
50 one site for every thirty thousand inhabitants, or any portion thereof,
51 in such county, according to the most recent census of the United
52 States. After a county's initial site permit limit notification, a county
53 shall notify the department of any change to its site permit limit within
54 ten days of such decision; however, the number of site permits shall not
55 be less than the number of licenses previously issued by the
56 department for that county.

57 6. No medical marijuana cultivation facility, medical marijuana
58 dispensary facility, or medical marijuana-infused products
59 manufacturing facility shall manufacture, package, or label marijuana
60 or marijuana-infused products in a false or misleading manner. No
61 person shall sell any product in a manner designed to cause confusion
62 between a marijuana or marijuana-infused product and any product not
63 containing marijuana. A violation of this subsection shall be
64 punishable by an appropriate and proportional department sanction,

65 up to and including loss of license.

66 7. All edible marijuana-infused products shall be sold in
67 individual, child-resistant containers that are labeled with dosage
68 amounts, instructions for use, and estimated length of effectiveness. All
69 marijuana and marijuana-infused products shall be sold in containers
70 clearly and conspicuously labeled, in a font size at least as large as the
71 largest other font size used on the package, as containing "marijuana",
72 or a "marijuana-infused product". Violation of this subsection shall
73 subject the violator to department sanctions, including an
74 administrative penalty.

75 8. No individual shall serve as the primary caregiver for more
76 than three qualifying patients.

77 9. No qualifying patient shall consume marijuana for medical use
78 in a public place. Violation of this subsection shall be subject to the
79 penalty in section 579.015.

80 10. No person shall extract resins from marijuana using
81 dangerous materials or combustible gasses without a medical
82 marijuana-infused products manufacturing facility license. Violation
83 of this prohibition shall subject the violator to department sanctions,
84 including an administrative penalty and loss of their identification
85 card or license for up to one year.

86 11. All patient cultivation shall take place in an enclosed, locked
87 facility that is equipped with security devices that permit access only
88 by the qualifying patient or by such patient's primary caregiver. Two
89 qualifying patients, who both hold valid patient cultivation
90 identification cards, may share one enclosed, locked facility. No more
91 than twelve patient or primary caregiver cultivated flowering
92 marijuana plants may be cultivated in a single, enclosed, locked
93 facility, except when a primary caregiver also holds a patient
94 cultivation identification card, in which case no more than eighteen
95 flowering marijuana plants may be cultivated in a single, enclosed,
96 locked facility.

97 12. No medical marijuana cultivation facility, medical marijuana
98 dispensary facility, or medical marijuana-infused products
99 manufacturing facility shall assign, sell, give, lease, sublicense, or
100 otherwise transfer its license to any other entity without the express
101 consent of the department, not to be unreasonably withheld.

102 13. Unless allowed by the local government, no new medical
103 marijuana cultivation facility, medical marijuana dispensary facility,
104 or medical marijuana-infused products manufacturing facility shall be
105 initially sited within one thousand feet of any then-existing elementary
106 or secondary school, child daycare center, or church. No local
107 government shall prohibit medical marijuana cultivation facilities,
108 medical marijuana dispensary facilities, or medical marijuana-infused
109 products manufacturing facilities, either expressly or through the
110 enactment of ordinances or regulations that make their operation
111 unduly burdensome in the jurisdiction. However, local governments
112 may enact ordinances or regulations not in conflict with sections
113 579.250 to 579.270, or with regulations enacted under said sections,
114 governing the time, place, and manner of such facilities in the locality.
115 A local government may establish civil penalties for violation of an
116 ordinance or regulations governing the time, place, manner of
117 operation of a medical marijuana cultivation facility, medical
118 marijuana dispensary facility, or medical marijuana-infused products
119 manufacturing facility that may operate in such locality.

120 14. Unless superseded by federal law, a physician shall not
121 recommend the medical use of marijuana to a patient by any means
122 other than providing a physician certification for the patient, whether
123 handwritten, electronic, or in another commonly used format. In any
124 year, no physician shall issue more physician certifications than a
125 number equivalent to twenty-five percent of his or her total number of
126 prescriptions for other drugs. A qualifying patient shall obtain a new
127 physician certification at least annually.

128 15. A physician shall not issue a certification for the medical use
129 of marijuana for a nonemancipated qualifying patient under the age of
130 eighteen without the written consent of the qualifying patient's parent
131 or legal guardian. The department shall not issue a patient
132 identification card on behalf of a nonemancipated qualifying patient
133 under the age of eighteen without the written consent of the qualifying
134 patient's parent or legal guardian. Such card shall be issued to one of
135 the parents or guardians and not directly to the patient. Only a parent
136 or guardian may serve as a primary caregiver for a nonemancipated
137 qualifying patient under the age of eighteen. Only the qualifying
138 patient's parent or guardian shall purchase or possess medical

139 marijuana for a nonemancipated patient under the age of eighteen. A
140 parent or guardian shall supervise the administration of medical
141 marijuana to a nonemancipated patient under the age of eighteen.

142 16. Nothing in sections 579.250 to 579.270 shall be construed as
143 mandating health insurance coverage of medical marijuana for
144 qualifying patient use;

145 17. Real and personal property used in the cultivation,
146 manufacture, transport, testing, distribution, sale, and administration
147 of marijuana for medical use or for activities otherwise in compliance
148 with sections 579.250 to 579.270 shall not be subject to asset forfeiture
149 solely because of that use.

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Bill

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