

regulations;

(3) To use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors;

(4)(a) To sell medical cannabis to a person not licensed under sections 195.900 to 195.985 or to a person not able to produce a valid patient registry identification card. Notwithstanding any provision in this paragraph to the contrary, a person under twenty-one years of age shall not be employed to sell or dispense medical cannabis at a medical cannabis center or grow or cultivate medical cannabis at a medical cannabis cultivation and production facility;

(b) If a licensee or a licensee's employee has reasonable cause to believe that a person is exhibiting a fraudulent patient registry identification card in an attempt to obtain medical cannabis, the licensee or employee shall be authorized to confiscate the fraudulent patient registry identification card, if possible, and shall, within seventy-two hours after the confiscation, turn it over to the department of health and senior services or local law enforcement agency. The failure to confiscate the fraudulent patient registry identification card or to turn it over to the department or a state or local law enforcement agency within seventy-two hours after the confiscation shall not constitute a criminal offense;

(5) To offer for sale or solicit an order for medical cannabis in person except within the licensed premises;

(6) To have in possession or upon the licensed premises any medical cannabis, the sale of which is not permitted by the license;

(7) To buy medical cannabis from a person not licensed to sell as provided by sections 195.900 to 195.985;

(8) To sell medical cannabis except in the permanent location specifically designated in the license for sale;

(9) To require a medical cannabis center or medical cannabis cultivation and production facility to make delivery to any premises other than the specific licensed premises where the medical cannabis is to be sold, except as otherwise provided under sections 195.900 to 195.985; or

(10) To sell, serve, or distribute medical cannabis at any time other than between the hours of 8:00 a.m. and 7:00 p.m. Monday through Sunday.

4. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for:

(1) A medical cannabis center or medical cannabis cultivation and production facility to sell, deliver, or cause to be delivered to a licensee any medical cannabis not grown upon its licensed premises; or

(2) A medical cannabis center or medical cannabis cultivation and production facility to sell, possess, or permit sale of medical cannabis not grown upon its licensed premises. A violation of this subsection by a licensee shall be grounds for the immediate revocation of the license granted under sections 195.900 to 195.985.

5. It shall be unlawful for a physician who makes patient referrals to a licensed medical cannabis center to receive anything of value from the medical cannabis center licensee or its agents, servants, officers, or owners or anyone financially interested in the licensee, and it shall be unlawful for a licensee licensed under sections 195.900 to 195.985 to offer anything of value to a physician for making patient referrals to the licensed medical cannabis center.

6. A person who commits any acts that are unlawful under this section is guilty of a class A misdemeanor, 195.981.1. As used in this section, the following terms shall mean:

(1) "Bona fide physician-patient relationship" for purposes of the medical cannabis program;

(a) A physician and a patient have a treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient's medical history and current medical condition, including an appropriate personal physical examination;

(b) The physician has consulted with the patient with respect to the patient's qualifying medical condition before the patient applies for a registry identification card; and

(c) The physician is available to or offers to provide follow-up care and treatment to the patient, including, but not limited to, patient examinations, to determine the efficacy of the use of medical cannabis as a treatment of the patient's qualifying medical condition.

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

(3) "Director", the director of the department of health and senior services.

(4) "In good standing", with respect to a physician's license:

(a) The physician holds a doctor of medicine or doctor of osteopathic medicine degree from an accredited medical school;

(b) The physician holds a valid license to practice medicine in Missouri that does not contain a restriction or condition that prohibits the recommendation of medical cannabis; and

(c) The physician has a valid and unrestricted United States Department of Justice Federal Drug Enforcement Administration controlled substances registration.

(5) "Medical cannabis program", the program established under sections 195.900 to 195.985.

(6) "Nonresident cardholder", a person who: (1) has been diagnosed with a qualifying medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a qualifying medical condition; (2) is not a resident of Missouri; (3) was issued a currently valid registry

identification card or its equivalent under the laws of another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and (4) has submitted documentation required by the department and has received confirmation of registration.

(7) "Caregiver", the same meaning as such term is defined in section 195.900.

(8) "Registry identification card", the nontransferable confidential registry identification card issued by the department to patients and caregivers under this section.

2. The department of health and senior services shall establish, revise, and amend rules and regulations as follows:

(1) To ensure that patients suffering from qualifying medical conditions are able to safely gain access to medical cannabis and to ensure that such patients:

(a) Are not subject to criminal prosecution for their use of medical cannabis in accordance with this section, and the rules of the department; and

(b) Are able to establish an affirmative defense to their use of medical cannabis in accordance with this section, and the rules of the department.

(2) To prevent persons who do not suffer from qualifying medical conditions from using this section as a means to sell, acquire, possess, produce, use, or transport cannabis in violation of state and federal laws;

(3) The establishment and maintenance of a confidential registry of patients who have applied for and are entitled to receive a registry identification card;

(4) The development by the department of an application form and making such form available to residents of this state seeking to be listed on the confidential registry of patients who are entitled to receive a registry identification card;

(5) The verification by the department of medical information concerning patients who have applied for a confidential registry card or for renewal of a registry identification card;

(6) The development by the department of a written certification form that shall be used by a physician to certify that a patient has a qualifying medical condition;

(7) The conditions for issuance and renewal, and the form, of the registry identification cards issued to patients, including, but not limited to, standards for ensuring that the department issues a registry identification card to a patient only if such patient has a bona fide physician-patient relationship with a physician in good standing and licensed to practice medicine in the state of Missouri;

(8) Communications with law enforcement officials about registry identification cards that have been suspended when a patient is no longer diagnosed as having a qualifying medical condition;

(9) A waiver process to allow a homebound patient who is on the registry to have a caregiver transport the patient's medical cannabis from a licensed medical cannabis center to the patient; and

(10) To regulate and control the manufacturing of medical cannabis-infused products.

3. The department shall conduct a public review hearing to receive public input on any emergency rules adopted by the department and be provided with an update from the industry, caregivers, patients, and other stakeholders regarding the industry's current status. The department shall provide at least five business days' notice prior to the hearing.

4. Within one hundred eighty days of the effective date of this section, the department shall make available to the public application forms and application instructions for qualifying patient and caregiver identification cards. Within two hundred ten days of the effective date of this section, the department shall begin accepting applications for qualifying patient and caregiver identification cards.

5. A physician who certifies a qualifying medical condition for an applicant to the medical cannabis program shall comply with all of the following requirements:

(1) The physician shall have a valid and active license to practice medicine in this state, which license is in good standing;

(2) After a physician, who has a bona fide physician-patient relationship with the patient, determines that the patient has a qualifying medical condition, the physician shall certify to the department that the patient has a qualifying medical condition after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's qualifying medical condition, and conducted a physical examination. The physician shall specify the qualifying medical condition and, if known, the cause or source of the qualifying medical condition;

(3) The physician shall maintain a record-keeping system for all patients for whom the physician has determined have a qualifying medical condition;

(4) A physician shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to a caregiver, distributor, or any other provider of medical cannabis;

(b) Offer a discount or any other thing of value to a patient who uses or agrees to use a particular caregiver, distributor, or other provider of medical cannabis to procure medical cannabis;

(c) Examine a patient for purposes of diagnosing a qualifying medical condition at a location where medical cannabis is sold or distributed;

(d) Hold an economic interest in an enterprise that provides or

distributes medical cannabis if the physician certifies the qualifying medical condition of a patient for participation in the medical cannabis program; or

(e) Issue a certification for the medical use of cannabis for a non-emancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient registry identification card on behalf of a non-emancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such registry identification card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as caregiver for a non-emancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical cannabis for a non-emancipated qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical cannabis to a non-emancipated qualifying patient under the age of eighteen.

(5) If the department has reasonable cause to believe that a physician has violated subdivision (1), (2), or (3) of subsection 4 of this section, or the rules promulgated by the department, the department may refer the matter to the state board of registration for the healing arts.

6. (1) A caregiver shall not delegate to any other person his or her authority to provide medical cannabis to a patient nor may a caregiver engage others to assist in providing medical cannabis to a patient.

(2) A caregiver shall not cultivate cannabis. Only a medical cannabis cultivation and production facility may cultivate cannabis and only for medical use.

(3) A caregiver shall provide to a law enforcement agency, upon inquiry, the registry identification card number of each of his or her patients. The department shall maintain a registry of such information and make it available twenty-four hours per day and seven days a week to law enforcement for verification purposes.

7. A registered patient or caregiver shall not:

(1) Purchase medical cannabis from unauthorized sources; or

(2) Obtain medical cannabis from other registered patients or caregivers.

8. (1) To be considered in compliance with this section and the rules of the department, a patient or caregiver shall have his or her registry identification card in his or her possession at all times that he or she is in possession of any form of medical cannabis and produce the same upon request of a law enforcement officer to demonstrate that the patient or caregiver is not in violation of the law. A person who violates this section or the rules promulgated by the department may be subject to criminal prosecution.

(2) The department shall maintain a registry of such information and make available twenty-four hours a day and seven days a week to law enforcement for verification purposes. Authorized employees of state or local law enforcement agencies shall be granted access to the information contained within the state health agency's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to a state or local law enforcement official is lawfully in possession of such card. The department may promulgate rules to implement this subsection.

(3) The department may deny a patient's application for a registry identification card or revoke the card if the department determines that the physician who diagnosed the patient's qualifying medical condition, the patient, or the caregiver violated this section, or the rules promulgated by the department under this section; except that, when a physician's violation is the basis for adverse action, the department may only deny or revoke a patient's application or registry identification card when the physician's violation is related to the issuance of a medical cannabis recommendation.

(4) A registry identification card shall be valid for one year and shall contain a unique identification number. It shall be the responsibility of the patient to apply to renew his or her registry identification card prior to the date on which the card expires. The department shall develop a form for a patient to use in renewing his or her registry identification card.

(5) If the department grants a patient a waiver to allow a caregiver to transport the patient's medical cannabis from a medical cannabis center to the patient, the department shall designate the waiver on the patient's registry identification card.

(6) A homebound patient who receives a waiver from the department to allow a caregiver to transport the patient's medical cannabis to the patient from a medical cannabis center shall provide the caregiver with the patient's registry identification card, which the caregiver shall carry when the caregiver is transporting the medical cannabis. A medical cannabis center may provide the medical cannabis to the caregiver for transport to the patient if the caregiver produces the patient's registry identification card.

9. (I) The State of Missouri and the medical cannabis centers in this State which hold valid medical cannabis center licenses will recognize a nonresident card under the following circumstances: (a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of cannabis;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the person has a qualifying medical condition recognized by the state of Missouri;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the division and medical cannabis centers in this State to access the database described in paragraph (d);

(f) The division determines that the database described in paragraph (d) is able to provide to medical cannabis centers in this State information that is sufficiently accurate, current and specific as to allow those centers to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of cannabis for medical purposes in this State, as set forth in 195.900.3(1).

(2) For the purposes of the reciprocity described in this section:

(a) The amount of medical cannabis that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is irrelevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess cannabis for medical purposes in excess of the limits set forth in 195.900.3(1).

(3) As used in this section, "nonresident card" means a card or other identification that: (a) is issued by a state or jurisdiction other than Missouri; and (b) is the functional equivalent of a registry identification card or letter of approval, as determined by the division.

10. (1) The use of medical cannabis is allowed under state law to the extent that it is carried out in accordance with sections 195.900 to 195.985 and the rules of the department.

(2) A patient or caregiver shall not:

(a) Engage in the medical use of cannabis in a way that endangers the health and well-being of a person;

(b) Engage in the medical use of cannabis in plain view or in a place open to the general public;

(c) Undertake any task while under the influence of medical cannabis, when doing so would constitute negligence or professional malpractice;

(d) Possess medical cannabis or otherwise engage in the use of medical cannabis in or on the grounds of a school or in a school bus;

(e) Engage in the use of medical cannabis while:

a. In a correctional facility;

b. Subject to a sentence to incarceration; or

c. In a vehicle, aircraft, or motorboat.

(f) Operate, navigate, or be in actual physical control of any vehicle, aircraft, or motorboat while under the influence of medical cannabis; or

(g) Use medical cannabis if the person does not have a qualifying medical condition as diagnosed by the person's physician in the course of a bona fide physician-patient relationship that has been certified to the department.

(3) A person shall not establish a business to permit patients to congregate and smoke medical cannabis.

11. Only licensed medical cannabis cultivation and production facilities may cultivate medical cannabis.

12. If a patient raises an affirmative defense to prosecution under sections 195.900 to 195.985, the patient's physician shall certify the specific amounts in excess of an adequate supply that are necessary to address the patient's qualifying medical condition and why such amounts are necessary. A patient who asserts this affirmative defense shall waive confidentiality privileges related to the condition or conditions. If a patient, caregiver, or physician raises an exception to the state criminal laws, the patient, caregiver, or physician waives the confidentiality of his or her records related to the qualifying medical condition or conditions maintained by the department for the medical cannabis program. Upon request of a law enforcement agency for such records, the department shall only provide records pertaining to the individual raising the exception, and shall redact all other patient, caregiver, or physician identifying information.

13. (1) Except as provided in subdivision (2) of this subsection, the department shall establish a basic fee that shall be paid at the time of service of any subpoena upon the department, plus a fee for meals and a fee for mileage at the rate prescribed for state officers and employees, for each mile actually and necessarily traveled in going to and returning from the place named in the subpoena. If the person named in the subpoena is required to attend the place named in the subpoena for more than one day, there shall be paid, in advance, a sum to be established by the department for each day of attendance to cover the expenses of the person named in the subpoena.

(2) The subpoena fee established under subdivision (1) of the subsection shall not be applicable to any federal, state, or local governmental agency.

14. The department may collect fees from patients who apply to

the medical cannabis program for a cannabis registry identification card for the purpose of offsetting the department's direct and indirect costs of administering the program. The amount of such fees shall be set by rule of the department. The amount of the fees set under this section shall reflect the actual direct and indirect costs of the department in the administration and enforcement of this section. All fees collected by the department through the medical cannabis program shall be transferred to the state treasurer who shall credit the same to the medical cannabis program account within the medical cannabis license cash fund created in section 195.963.

195.982. 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or employee or agent of the health care facility, in its normal course of business and within its applicable licenses and regulations, certifies a qualifying medical condition for an applicant to the medical cannabis program under sections 195.900 to 195.985.

2. A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri State Board of Registration for the Healing Arts, or its successor agency, for issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

3. A health care provider shall not be subject to civil or criminal prosecution, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing health care services that involve the medical use of cannabis consistent with this section and legal standards of professional conduct.

4. A testing laboratory shall not be subject to civil or criminal prosecution, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of cannabis consistent with this section and otherwise meeting legal standards of professional conduct.

5. A caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering cannabis for medical use by a qualifying patient under the provisions of sections 195.900 to 195.985.

6. An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for providing legal assistance to prospective or licensed medical cannabis cultivation and productive facilities, medical cannabis centers, medical cannabis testing facilities, qualifying patients, caregivers, physicians, health care providers, or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.

7. Actions and conduct by duly registered or licensed qualifying patients, caregivers, medical cannabis cultivation and production facilities, medical cannabis centers, and medical cannabis testing facilities or their employees or agents, as permitted by this section and in compliance with division and department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

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

9. It is the public policy of the state of Missouri that contracts related to cannabis for medical use that are entered into by qualifying patients, caregivers, medical cannabis cultivation and production facilities, medical cannabis centers, or medical cannabis testing facilities and those who allow property to be used by those entities, shall be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, caregivers, medical cannabis cultivation and production facilities, medical cannabis testing facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical cannabis may be prohibited by federal law.

10. Real property used in the cultivation, manufacture, testing, distribution, sale, possession and administration of cannabis for medical use shall not be subject to asset forfeiture solely because of that use.

195.984.1. (1) The division of alcohol and tobacco control may summarily suspend a license issued under sections 195.900 to 195.985 prior to a hearing in order immediately to stop or restrict operations by a licensee to protect the public health, safety, or welfare. The division may rescind or amend a summary suspension.

(2) If, based upon inspection, affidavits, or other evidence, the division determines that a licensee or the products prepared by a licensee pose an immediate or serious threat to the public health, safety, or welfare, the division may summarily suspend a license:

(a) Requiring cessation or restriction of any or all licensee operations and prohibiting the use of medical cannabis produced by such licensee; or

(b) Placing restrictions on a licensee to the extent necessary to avert a continued threat, pending final investigation results.

(3) The requirements of the summary suspension shall remain in effect until the division rescinds or amends such requirements or until such time as the division takes final action on any related pending complaint and issues a final decision.

2. The department of health and senior services may summarily suspend any registration issued under section 195.981, pending further proceedings for denial of renewal or revocation of a registration, whenever the department finds that the continued registration poses an imminent danger to the public health, safety, or welfare.

195.985. 1. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 195.900 to 195.985 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 195.900 to 195.985 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after November 6, 2018, shall be invalid and void.

2. If any provision of sections 195.900 to 195.985 or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 195.900 to 195.985 which can be given full effect without the invalid provision or application, and to this end the provisions of sections 195.900 to 195.985 are severable.

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days' notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.

3. The provisions of this section shall not apply to the authorized cultivation and production of cannabis plants for purposes of providing medical cannabis under sections 195.900 to 195.985.

311.610. 1. For the purpose of carrying out the provisions of this chapter [and], the liquor control law, and sections 195.900 to 195.985 the governor, by and with the advice and consent of the senate, shall appoint some suitable person of good moral character over the age of thirty years, who has been a qualified elector in the state of Missouri for at least five years next before the date of his appointment, as supervisor of liquor control. The supervisor of liquor control shall serve at the pleasure and under the supervision and direction of the governor.

2. The supervisor of liquor control shall devote his entire time to the duties of his office and, with the approval of the governor, appoint and employ all agents, assistants, deputies, inspectors and employees necessary for the proper enforcement and administration of the provisions of the liquor control law whose salaries shall be fixed by the governor, but no salary shall be greater than that paid to employees in other state departments for similar work, except that no salary of an agent directly engaged in the enforcement of the liquor control law shall be less than eight thousand dollars a year. In addition to his salary, the supervisor of liquor control and each of the agents, assistants, deputies, inspectors and employees shall be reimbursed for all expenses necessarily incurred in the discharge of their duties. No expenses shall be allowed for sustenance to any supervisor, agent, assistant, deputy, inspector or employee while in the city or town of his residence.

3. Before entering upon the discharge of his duties, the supervisor of liquor control shall take and subscribe to an oath to support the Constitution of the United States and of this state, and faithfully demean himself in office, and shall also execute bond to the state of Missouri in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the governor and deposited with the secretary of state and kept in his office; the premiums of the bond shall be paid by the state out of funds appropriated for that purpose.

4. The supervisor of liquor control shall issue licenses for the manufacture and sale of ardent spirits, malt, vinous, fermented and every class of liquors used as beverages. The supervisor of liquor control shall keep a record of all intoxicating liquor manufactured, brewed or sold in this state by every brewery, distiller, manufacturer, distributor or wholesaler, and make a complete report of the same to the governor at the end of each calendar year, or as soon thereafter as possible.