

HOUSE BILL NO. 2238

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (50) (Sponsor), JONES (110), DIEHL, HUMMEL,
MCCANN BEATTY AND COLONA (Co-sponsors).

6436H.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 192, 195, and 261, RSMo, by adding thereto four new sections relating to hemp, with an emergency clause.

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

Section A. Chapters 192, 195, and 261, RSMo, are amended by adding thereto four new sections, to be known as sections 192.945, 195.207, 261.265, and 261.267, to read as follows:

192.945. 1. As used in this section, the following terms shall mean:

(1) “Department”, the department of health and senior services;

(2) “Hemp extract”, as such term is defined in section 192.207;

(3) “Hemp extract registration card”, a card issued by the department under this section;

(4) “Intractable epilepsy”, epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;

(5) “Neurologist”, a physician who is licensed under chapter 334 and board certified in neurology;

(6) “Parent”, a parent or legal guardian of a minor who is responsible for the minor’s medical care;

(7) “Registrant”, an individual to whom the department issues a hemp extract registration card under this section.

2. The department shall issue a hemp extract registration card to an individual who:

(1) Is eighteen years of age or older;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 **(2) Is a Missouri resident;**
- 18 **(3) Provides the department with a statement signed by a neurologist that:**
- 19 **(a) Indicates that the individual suffers from intractable epilepsy and may benefit**
20 **from treatment with hemp extract; and**
- 21 **(b) Is consistent with a record from the neurologist concerning the individual**
22 **contained in the database described in subsection 9 of this section;**
- 23 **(4) Pays the department a fee in an amount established by the department under**
24 **subsection 6 of this section; and**
- 25 **(5) Submits an application to the department on a form created by the department**
26 **that contains:**
- 27 **(a) The individual's name and address;**
- 28 **(b) A copy of the individual's valid photo identification; and**
- 29 **(c) Any other information the department considers necessary to implement the**
30 **provisions of this section.**
- 31 **3. The department shall issue a hemp extract registration card to a parent who:**
- 32 **(1) Is eighteen years of age or older;**
- 33 **(2) Is a Missouri resident;**
- 34 **(3) Provides the department with a statement signed by a neurologist that:**
- 35 **(a) Indicates that a minor in the parent's care suffers from intractable epilepsy and**
36 **may benefit from treatment with hemp extract; and**
- 37 **(b) Is consistent with a record from the neurologist concerning the minor contained**
38 **in the database described in subsection 9 of this section;**
- 39 **(4) Pays the department a fee in an amount established by the department under**
40 **subsection 6 of this section; and**
- 41 **(5) Submits an application to the department on a form created by the department**
42 **that contains:**
- 43 **(a) The parent's name and address;**
- 44 **(b) The minor's name;**
- 45 **(c) A copy of the parent's valid photo identification; and**
- 46 **(d) Any other information the department considers necessary to implement the**
47 **provisions of this section.**
- 48 **4. The department shall maintain a record of the name of each registrant and the**
49 **name of each minor receiving care from a registrant.**
- 50 **5. The department shall promulgate rules to implement the provisions of this**
51 **section including establishing the information the applicant is required to provide to the**

52 department and establishing in accordance with recommendations from the department
53 of public safety the form and content of the hemp extract registration card.

54 6. The department shall establish fees that are no greater than the amount
55 necessary to cover the cost the department incurs to implement the provisions of this
56 section.

57 7. The registration cards issued under this section shall be valid for one year and
58 renewable if at the time of renewal the registrant meets the requirements of either
59 subsection 2 or 3 of this section.

60 8. The neurologist who signs the statement described in subsection 2 or 3 of this
61 section shall:

62 (1) Keep a record of the neurologist's evaluation and observation of a patient who
63 is a registrant or minor under a registrant's care including the patient's response to hemp
64 extract; and

65 (2) Transmit the record described in subdivision (1) of this subsection to the
66 department.

67 9. The department shall maintain a database of the records described in subsection
68 8 of this section and treat the records as identifiable health data.

69 10. The department may share the records described in subsection 9 of this section
70 with a higher education institution for the purpose of studying hemp extract.

195.207. 1. As used in section 192.945 and this section, the term "hemp extract"
2 shall mean an extract from a cannabis plant or a mixture or preparation containing
3 cannabis plant material that:

4 (1) Is composed of no more than three tenths percent tetrahydrocannabinol by
5 weight;

6 (2) Is composed of at least five percent cannabidiol by weight; and

7 (3) Contains no other psychoactive substance.

8 2. Notwithstanding any other provision of this chapter, an individual who possesses
9 or uses hemp extract is not subject to the penalties described in this chapter for possession
10 or use of the hemp extract if the individual:

11 (1) Possesses or uses the hemp extract only to treat intractable epilepsy as defined
12 in section 192.945;

13 (2) Originally obtained the hemp extract from a sealed container with a label
14 indicating the hemp extract's place of origin and a number that corresponds with a
15 certificate of analysis;

16 (3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:

17 (a) Has a number that corresponds with the number on the label described in
18 subdivision (2) of this subsection;

19 (b) Indicates the hemp extract's ingredients including its percentages of
20 tetrahydrocannabinol and cannabidiol by weight;

21 (c) Is created by a laboratory that is not affiliated with the producer of the hemp
22 extract and is licensed in the state where the hemp extract was produced; and

23 (d) Is transmitted by the laboratory to the department of health and senior services;
24 and

25 (4) Has a current hemp extract registration card issued by the department of health
26 and senior services under section 192.945.

27 3. Notwithstanding any other provision of this chapter, an individual who possesses
28 hemp extract lawfully under subsection 2 of this section and administers hemp extract to
29 a minor suffering from intractable epilepsy is not subject to the penalties described in this
30 chapter for administering the hemp extract to the minor if:

31 (1) The individual is the minor's parent or legal guardian; and

32 (2) The individual is registered with the department of health and senior services
33 as the minor's parent under section 192.945.

34 4. Notwithstanding any other provision of this chapter, an individual who possesses
35 up to twenty ounces of hemp extract is not subject to the penalties described in this chapter
36 for possession or use of hemp extract. Subject to any rules or regulations promulgated by
37 the department of health and senior services, an individual may apply for a waiver if a
38 physician provides a substantial medical basis in a signed, written statement asserting that,
39 based on the patient's medical history, in the physician's professional judgment, twenty
40 ounces is an insufficient amount to properly alleviate the patient's medical condition or
41 symptoms associated with such medical condition.

261.265. 1. For purposes of this section, the following terms shall mean:

2 (1) "Department", the department of agriculture;

3 (2) "Industrial hemp", any part of a cannabis plant, whether growing or not, with
4 a concentration of less than three tenths percent tetrahydrocannabinol by weight;

5 (3) "Industrial hemp certificate", a certificate issued by the department to a higher
6 education institution to grow or cultivate industrial hemp under this section.

7 2. The department may import the seed, root, or any other part of the cannabis
8 plant used to make hemp extract as defined in subsection 1 of section 195.207, or any other
9 item necessary for the production of hemp extract. The department may grow or cultivate
10 such plant or industrial hemp on its property for the purpose of agricultural or academic
11 research. The department may produce, manufacture, and distribute hemp extract as

12 defined in section 195.207 for the treatment of persons suffering from intractable epilepsy
13 as defined in section 192.945 consistent with any and all state or federal regulations
14 regarding the production, manufacture, or distribution of such product. The department
15 of agriculture and the department of health and senior services shall establish rules and
16 regulations regarding the manufacture, storage, transportation, and distribution of hemp
17 extract under this section which shall be in addition to any other state or federal
18 regulations.

19 3. The department shall certify a higher education institution to grow or cultivate
20 the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207
21 or industrial hemp on its property for the purpose of agricultural or academic research if
22 the higher education institution submits to the department:

23 (1) The location where the higher education institution intends to grow or cultivate
24 industrial hemp;

25 (2) The higher education institution's research plan; and

26 (3) The name of an employee of the higher education institution who will supervise
27 the industrial hemp growth, cultivation, and research.

28 4. The department shall maintain a list of industrial hemp certificate holders.

29 5. The department shall promulgate rules to implement the provisions of this
30 section to ensure any industrial hemp project meets the standards of an agricultural pilot
31 project, as defined by Section 7606 of the Agricultural Act of 2014. Any rule or portion of
32 a rule, as that term is defined in section 536.010, that is created under the authority
33 delegated in this section shall become effective only if it complies with and is subject to all
34 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
35 chapter 536 are nonseverable, and if any of the powers vested with the general assembly
36 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
37 are subsequently held unconstitutional, then the grant of rulemaking authority and any
38 rule proposed or adopted after August 28, 2014, shall be invalid and void.

261.267. The department of agriculture shall adopt rules and regulations requiring
2 any hemp extract received from a legal source to be submitted to a testing facility
3 designated by the department to ensure that such hemp extract complies with the
4 provisions of section 195.207 and to ensure that the hemp extract does not contain any
5 pesticides. Any hemp extract that is not submitted for testing or which after testing is
6 found not to comply with the provisions of section 195.207 shall not be distributed or used
7 and shall be submitted to the department for destruction. Any rule or portion of a rule,
8 as that term is defined in section 536.010, that is created under the authority delegated in
9 this section shall become effective only if it complies with and is subject to all of the

10 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
11 **are nonseverable, and if any of the powers vested with the general assembly under chapter**
12 **536 to review, to delay the effective date, or to disapprove and annul a rule are**
13 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
14 **proposed or adopted after August 28, 2014, shall be invalid and void.**

Section B. Because immediate action is necessary to provide individuals suffering from
2 epilepsy with access to medical treatment, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be
5 in full force and effect upon its passage and approval.

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