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.

05948.021

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...
the first signs of sexual maturity through harvest;

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

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

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

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

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

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

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

(12) "Physician certification", a document, whether handwritten, electronic, or in another commonly used format, signed by a physician, which states that, in the physician's professional opinion, the patient suffers from a qualifying medical condition and is likely to receive...
therapeutic or palliative benefit from the medical use of marijuana to
treat or alleviate the patient's qualifying medical condition or
symptoms associated with the qualifying medical condition;

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

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

(a) Cancer;
(b) Epilepsy;
(c) Glaucoma;
(d) Intractable migraines unresponsive to other treatments;
(e) A chronic medical condition that causes severe, persistent
pain or persistent muscle spasms, including but not limited to those
associated with multiple sclerosis, seizures, Parkinson's disease, and
Tourette's syndrome;
(f) Debilitating psychiatric disorders, including but not limited
to post-traumatic stress disorder, if diagnosed by a state licensed
psychiatrist;
(g) Human immunodeficiency virus or acquired immune
deficiency syndrom;
(h) A chronic medical condition that is normally treated with a
prescription medication that could lead to physical or psychological
dependence, when a physician determines that medical use of
marijuana could be effective in treating that condition and would serve
as a safer alternative to the prescription medication;
(i) Any terminal illness; or
(j) In the professional judgment of a physician, any other
chronic, debilitating, or otherwise equivalent condition, including but
not limited to hepatitis C, amyotrophic lateral sclerosis, inflammatory
bowel disease, agitation of Alzheimer's disease, cachexia, and wasting
syndrome;

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

579.255. 1. In carrying out the implementation of sections
579.250 to 579.270, the department shall have the authority to:

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

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

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

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

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

2. The department may issue any rules or emergency rules necessary for the implementation and enforcement of sections 579.250 to 579.270 and to ensure the right to, availability of, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary
to carry out the mandates of sections 579.250 to 579.270, the department
may promulgate rules or emergency rules relating to the following
subjects:

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

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

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

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

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

(6) Prohibition of misrepresentation and unfair practices;

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

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

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

(10) Regulation of the storage of, warehouses for, and
transportation of marijuana for medical use;
(11) Sanitary requirements, including but not limited to sanitary requirements for the preparation of medical marijuana-infused products;

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

(13) Labeling and packaging standards;

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

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

(16) The reporting and transmittal of tax payments;

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

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

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

4. The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individual data, information, patient information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or any other records that are exempt from public inspection under state or federal law. Such reports or other information may be used only for a purpose authorized by sections 579.250 to 579.270. Any information released related to patients may be used only for a purpose authorized by federal law and sections 579.250 to 579.270, including verifying that a
person who presented a patient identification card to a state or local
law enforcement official is lawfully in possession of such card.

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

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

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

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

10. Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants for the exclusive use of that qualifying patient. The card shall be valid for twelve months from its date of issuance and shall be renewable with the annual submittal of a new or updated physician's certification. The department shall charge an annual fee for the card of one hundred
dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

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

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

13. The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities, provided, however, that the number may not be limited to fewer than one license per every eighty thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. In any year, if the number of qualifying applicants and any renewals exceed such a restriction, the department shall, after
renewing all qualifying licenses, rank new applicants using the following factors: site security; capacity or experience with agriculture, horticulture, health care, or a legal cannabis market; acceptance in the site community; potential for positive economic impact in the site community; and maintaining competitiveness in the marijuana for medical use marketplace. In ranking applicants and awarding licenses, the department may consult or contract with other public agencies with relevant expertise regarding these factors. The department shall lift or ease any limit on the number of medical marijuana cultivation facilities to meet the demand for medical marijuana by qualifying patients.

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

15. If a county has restricted the number of licenses for medical marijuana dispensary facilities, then, in any year that the number of qualifying applicants and any renewals exceed such restriction, the department shall, after renewing all qualifying licenses, rank new applicants using the following factors: site security; experience or capacity with health care or a legal cannabis market; acceptance in the site community; potential for positive economic impact in the site community; and maintaining competitiveness in the marijuana for medical use marketplace. In ranking applicants and awarding licenses, the department may consult or contract with other public agencies with relevant expertise regarding these factors.
16. The department shall begin accepting license applications for medical marijuana dispensary facilities, medical marijuana cultivation facilities, and medical marijuana-infused products manufacturing facilities no later than one hundred fifty days after the effective date of sections 579.250 to 579.270. Applications for licenses under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out its nondiscretionary duty to approve or deny an application within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the department to approve or deny the application.

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

18. Primary caregivers under this section shall obtain and annually renew an identification card from the department. The department shall charge a fee of twenty-five dollars per year, with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an
application for a primary caregiver identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial.

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

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

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

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

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

2. There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund" which shall consist of taxes and fees collected under sections 579.250 to 579.270. The state treasurer shall be custodian of the fund, and he or she shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law to the contrary, any moneys remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of
administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

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

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

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

4. The tax levied under this section is separate from and in addition to any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as
provided by chapter 144.

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

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

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

3. 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 for issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with sections 579.250 to 579.270 and legal standards of professional conduct.

4. 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 marijuana consistent with sections 579.250 to 579.270 and legal standards of professional conduct.

5. 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 that relates to the medical use of marijuana consistent with sections 579.250 to 579.270 and otherwise meets legal standards of professional conduct.
6. A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by nonemancipated qualifying patients under eighteen years of age in a manner consistent with sections 579.250 to 579.270 and with consent of a parent or guardian.

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

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

9. Actions and conduct by qualifying patients, primary caregivers, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities licensed or registered with the department, or their employees or agents, as permitted by sections 579.250 to 579.270 and in compliance with 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 sections 579.250 to 579.270.

10. 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 marijuana.

11. It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or
medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary 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 marijuana may be prohibited by federal law.

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

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

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

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

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

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

   (1) The person's conviction was for the medical use of marijuana
or assisting in the medical use of marijuana; or

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

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

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

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

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

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

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

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

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

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

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

12. No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall assign, sell, give, lease, sublicense, or otherwise transfer its license to any other entity without the express consent of the department, not to be unreasonably withheld.
13. Unless allowed by the local government, no new medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child daycare center, or church. No local government shall prohibit medical marijuana cultivation facilities, medical marijuana dispensary facilities, or medical marijuana-infused products manufacturing facilities, either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with sections 579.250 to 579.270, or with regulations enacted under said sections, governing the time, place, and manner of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, manner of operation of a medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility that may operate in such locality.

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

15. A physician shall not issue a certification for the medical use of marijuana for a nonemancipated 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 patient identification card on behalf of a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such 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 a primary caregiver for a nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical
marijuana for a nonemancipated patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a nonemancipated patient under the age of eighteen.

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

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