

SECOND REGULAR SESSION

# HOUSE BILL NO. 1851

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARINGER.

4391H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to CBD oil products, with penalty provisions.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.1173, to read as follows:

**196.1173. 1. This section shall be known and may be cited as the "CBD Product Labeling Act".**

**2. As used in this section, the following terms mean:**

**(1) "CBD", cannabidiol;**

**(2) "CBD oil product", a food product or dietary ingredient containing an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:**

**(a) Is composed of no more than three-tenths of one percent tetrahydrocannabinol by weight;**

**(b) Is composed of at least one-half of one percent cannabidiol by weight; and**

**(c) Contains no other psychoactive substance;**

**(3) "Dealer", a person who sells, prepares, or maintains CBD oil products or advertises, represents, or holds oneself out as selling, preparing, or maintaining CBD oil products. Such person may include, but shall not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;**

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.

- 18           (4) "Department", the department of health and senior services;
- 19           (5) "Director", the director of the department or the director's designee;
- 20           (6) "Food", a food, food product, food ingredient, dietary ingredient, dietary  
21 supplement, or beverage for human consumption;
- 22           (7) "THC", tetrahydrocannabinol.
- 23           3. The general assembly hereby occupies and preempts the entire field of  
24 regulating CBD oil products as provided in this section to the complete exclusion of any  
25 order, ordinance, or regulation by any political subdivision of this state. Any existing or  
26 future orders, ordinances, or regulations relating to CBD oil products as provided in  
27 this section are hereby void.
- 28           4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is  
29 represented to be a CBD oil product shall disclose on the product label the factual basis  
30 upon which that representation is made.
- 31           (2) A dealer shall not prepare, distribute, sell, or expose for sale a food  
32 represented to be a CBD oil product that does not conform to the disclosure  
33 requirement under subdivision (1) of this subsection.
- 34           5. (1) No CBD oil product shall be prepared, distributed, sold, or exposed for  
35 sale without a label containing the following information:
- 36           (a) The processor's business or trade name;
- 37           (b) The business or trade name of any entity that packaged the product if  
38 different from the processor;
- 39           (c) The product identity that correctly identifies the CBD as either a concentrate  
40 or extract;
- 41           (d) The date the concentrate or extract was made;
- 42           (e) The net weight or volume in U.S. customary and metric units;
- 43           (f) The serving size and number of servings per container;
- 44           (g) The amount, in milligrams, of THC and CBD in each serving and in the  
45 container;
- 46           (h) A statement that reads: "This product is not approved by the FDA to treat,  
47 cure, or prevent any disease."; and
- 48           (i) A warning that states: "For use only by adults 21 and older. Keep out of  
49 reach of children."
- 50           (2) This subsection shall not be construed to prohibit the inclusion of other  
51 information on any CBD oil product package.
- 52           6. A dealer shall not prepare, distribute, sell, or expose for sale any of the  
53 following:

54           **(1) A CBD oil product that is adulterated with a dangerous noncannabidiol**  
55 **substance. A CBD oil product shall be considered to be adulterated with a dangerous**  
56 **noncannabidiol substance if the CBD oil product is mixed or packed with a**  
57 **noncannabidiol substance and that substance affects the quality or strength of the**  
58 **CBD oil product to such a degree as to render the CBD oil product injurious to a**  
59 **consumer;**

60           **(2) A CBD oil product that is contaminated with a dangerous noncannabidiol**  
61 **substance. A CBD oil product shall be considered to be contaminated with a dangerous**  
62 **noncannabidiol substance if the CBD oil product contains a poisonous or otherwise**  
63 **deleterious noncannabidiol ingredient including, but not limited to, any substance listed**  
64 **in section 195.017.**

65           **7. A dealer shall not distribute, sell, or expose for sale a CBD oil product to an**  
66 **individual under twenty-one years of age.**

67           **8. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the**  
68 **director may, after notice and hearing, impose a fine on the dealer of no more than five**  
69 **hundred dollars for the first offense and no more than one thousand dollars for the**  
70 **second or subsequent offense.**

71           **(2) A dealer who violates subdivision (2) of subsection 4 of this section or**  
72 **subsection 5, 6, or 7 of this section is guilty of a class D misdemeanor.**

73           **(3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this**  
74 **section or subsection 5 or 6 of this section may, in addition to and distinct from any**  
75 **other remedy at law or in equity, bring a private cause of action in a court of competent**  
76 **jurisdiction for damages resulting from that violation including, but not limited to,**  
77 **economic, noneconomic, and consequential damages.**

78           **(4) A dealer shall not be deemed to have violated subdivision (2) of subsection 4**  
79 **of this section or subsection 5 or 6 of this section if a preponderance of the evidence**  
80 **shows that the dealer relied in good faith upon the representations of a manufacturer,**  
81 **processor, packer, or distributor of food represented to be a CBD oil product.**

82           **9. This section shall not apply to any hemp extract for which a registration card**  
83 **has been issued under sections 192.945 to 192.947 or section 195.207.**

84           **10. The department shall promulgate rules to implement the provisions of this**  
85 **section including, but not limited to, the requirements for the format, size, and**  
86 **placement of the disclosure label required under subdivision (1) of subsection 4 of this**  
87 **section and for the information to be included in the disclosure label. Any rule or**  
88 **portion of a rule, as that term is defined in section 536.010, that is created under the**  
89 **authority delegated in this section shall become effective only if it complies with and is**  
90 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**

91 **section and chapter 536 are nonseverable, and if any of the powers vested with the**  
92 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
93 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
94 **rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be**  
95 **invalid and void.**

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