

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2623

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

5019H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 195.815 and 210.493, RSMo, and to enact in lieu thereof two new sections relating to certain required background checks.

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

Section A. Sections 195.815 and 210.493, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 195.815 and 210.493, to read as follows:

195.815. 1. The department of health and senior services shall require all ~~[officers,~~
2 ~~managers, contractors, employees, and other support staff of licensed or certified]~~ **employees,**
3 **contractors, owners, and volunteers of** medical marijuana facilities ~~[, and all owners of such~~
4 ~~medical marijuana facilities who will have access to the facilities or to the facilities' medical~~
5 ~~marijuana;]~~ to submit fingerprints to the Missouri state highway patrol for the purpose of
6 conducting a state and federal fingerprint-based criminal background check.

7 2. The department may require that such fingerprint submissions be made as part of a
8 medical marijuana facility application ~~[for licensure or certification]~~, a medical marijuana
9 facility **renewal** application ~~[for renewal of licensure or certification]~~, and an individual's
10 application for **licensure and issuance of** an identification card authorizing that individual to
11 be an **employee, contractor, owner,** ~~[officer, manager, contractor, employee, or other support~~
12 ~~staff]~~ **or volunteer** of a medical marijuana facility.

13 3. Fingerprint cards and any required fees shall be sent to the Missouri state highway
14 patrol's central repository. The fingerprints shall be used for searching the state criminal
15 records repository and shall also be forwarded to the Federal Bureau of Investigation for a
16 federal criminal records search under section 43.540. The Missouri state highway patrol shall

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 notify the department of any criminal history record information or lack of criminal history
18 record information discovered on the individual. Notwithstanding the provisions of section
19 610.120 to the contrary, all records related to any criminal history information discovered
20 shall be accessible and available to the department.

21 4. As used in this section, the following words shall mean:

22 (1) **"Contractor", a person performing work or service of any kind for a medical**
23 **marijuana facility in accordance with a contract with that facility;**

24 (2) "Employee", ~~[any]~~ a person performing work or service of any kind or character
25 for hire in a medical marijuana facility;

26 ~~[(2)]~~ (3) "Medical marijuana facility", an entity licensed or certified by the
27 department of health and senior services~~[-, or its successor agency,]~~ to acquire, cultivate,
28 process, manufacture, test, store, sell, transport, or deliver medical marijuana~~[-;~~

29 ~~(3) "Other support staff", any person performing work or service of any kind or~~
30 ~~character, other than employees, on behalf of a medical marijuana facility if such a person~~
31 ~~would have access to the medical marijuana facility or its medical marijuana or related~~
32 ~~equipment or supplies].~~

210.493. 1. Officers, managers, contractors, volunteers with access to children, **and**
2 employees~~[-, and other support staff]~~ of licensed residential care facilities and licensed child
3 placing agencies in accordance with sections 210.481 to 210.536; owners of such residential
4 care facilities who will have access to the facilities; and owners of such child placing agencies
5 who will have access to children shall submit fingerprints and any information that the
6 department requires to complete the background checks, as specified in regulations
7 established by the department, to the Missouri state highway patrol for the purpose of
8 conducting state and federal fingerprint-based background checks.

9 2. Officers, managers, contractors, volunteers with access to children, **and** employees
10 ~~[-, and other support staff]~~ of residential care facilities subject to the notification requirements
11 under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at
12 or on the property of such residential care facility; any person who has unsupervised contact
13 with a resident of the residential care facility; and owners of such residential care facilities
14 who will have access to the facilities shall submit fingerprints and any information that the
15 department requires to complete the background checks, as specified in regulations
16 established by the department, to the Missouri state highway patrol for the purpose of
17 conducting state and federal fingerprint-based background checks.

18 3. A background check shall include:

19 (1) A **state and** Federal Bureau of Investigation fingerprint check; **and**

20 (2) ~~[A search of the National Crime Information Center's National Sex Offender~~
21 ~~Registry; and~~

22 ~~(3)~~] A search of the following registries, repositories, or databases in Missouri, the
23 state where the applicant resides, and each state where such applicant resided during the
24 preceding five years:

25 (a) The state criminal registry or repository, with the use of fingerprints being
26 required in the state where the applicant resides and optional in other states;

27 (b) The state sex offender registry or repository;

28 (c) The state family care safety registry; and

29 (d) The state-based child abuse and neglect registry and database.

30 4. For the purposes this section and notwithstanding any other provision of law,
31 "department" means the department of social services.

32 5. The department shall be responsible for background checks as part of a residential
33 care facility or child placing agency application for licensure, renewal of licensure, or for
34 license monitoring.

35 6. The department shall be responsible for background checks for residential care
36 facilities subject to the notification requirements of sections 210.1250 to 210.1286.

37 7. Fingerprint cards and any required fees shall be sent to the Missouri state highway
38 patrol's central repository. The fingerprints shall be used for searching the state criminal
39 records repository and shall also be forwarded to the Federal Bureau of Investigation for a
40 federal criminal records search under section 43.540. The Missouri state highway patrol shall
41 notify the department of any criminal history record information or lack of criminal history
42 record information discovered on the individual. Notwithstanding the provisions of section
43 610.120, all records related to any criminal history information discovered shall be accessible
44 and available to the department.

45 8. Fingerprints submitted to the Missouri state highway patrol for the purpose of
46 conducting state and federal fingerprint-based background checks under this section shall be
47 valid for a period of five years.

48 9. The department shall provide the results of the background check to the applicant
49 in a statement that indicates whether the applicant is eligible or ineligible for employment or
50 presence at the licensed residential care facility or licensed child placing agency. The
51 department shall not reveal to the residential care facility or the child placing agency any
52 disqualifying offense or other related information regarding the applicant. The applicant shall
53 have the opportunity to appeal an ineligible finding.

54 10. The department shall provide the results of the background check to the applicant
55 in a statement that indicates whether the applicant is eligible or ineligible for employment or
56 presence at the residential care facility subject to the notification requirements of sections
57 210.1250 to 210.1286. The department shall not reveal to the residential care facility any

58 disqualifying offense or other related information regarding the applicant. The applicant shall
59 have the opportunity to appeal an ineligible finding.

60 11. An applicant shall be ineligible if the applicant:

61 (1) Refuses to consent to the background check as required by this section;

62 (2) Knowingly makes a materially false statement in connection with the background
63 check as required by this section;

64 (3) Is registered, or is required to be registered, on a state sex offender registry or
65 repository [~~or the National Sex Offender Registry~~];

66 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
67 210.183 or any other finding of child abuse or neglect based on any other state's registry or
68 database; or

69 (5) Has pled guilty or nolo contendere to or been found guilty of:

70 (a) Any felony for an offense against the person as defined in chapter 565;

71 (b) Any other offense against the person involving the endangerment of a child as
72 prescribed by law;

73 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

74 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
75 568;

76 (e) Burglary in the first degree as defined in section 569.160;

77 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

78 (g) Any misdemeanor or felony for pornography or related offense as defined in
79 chapter 573;

80 (h) Any felony for arson as defined in chapter 569;

81 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
82 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
83 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

84 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
85 574.125;

86 (k) A felony drug-related offense committed during the preceding five years; or

87 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of
88 which the department has knowledge.

89 12. Any person aggrieved by a decision of the department shall have the right to seek
90 an administrative review. The review shall be filed with the department within fourteen days
91 from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

92 13. Any required fees shall be paid by the individual applicant, facility, or agency.

93 14. The department is authorized to promulgate rules, including emergency rules, to
94 implement the provisions of this section. Any rule or portion of a rule, as that term is defined

95 in section 536.010, that is created under the authority delegated in this section shall become
96 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
97 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
98 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
99 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
100 the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall
101 be invalid and void.

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