

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 764

100TH GENERAL ASSEMBLY

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Reported from the Committee on Health and Pensions, March 5, 2020, with recommendation that the Senate Committee Substitute do pass.

3136S.04C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To amend chapter 195, RSMo, by adding thereto three new sections relating to medical marijuana.

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

Section A. Chapter 195, RSMo, is amended by adding thereto three new sections, to be known as sections 195.805, 195.810, and 195.830, to read as follows:

**195.805. 1. No edible marijuana-infused product sold in Missouri pursuant to Article XIV of the Missouri Constitution shall be designed, produced, or marketed in a manner that is designed to appeal to persons under eighteen years of age, including, but not limited to, the following:**

**(1) Candies, including gummies, lollipops, cotton candy, or any product using the word "candy" or "candies" on the label; or**

**(2) Products in the shape of a human, animal, or fruit, including realistic, artistic, caricature, or cartoon renderings. However, geometric shapes, including, but not limited to, circles, squares, rectangles, and triangles, shall be permitted.**

**2. Any licensed or certified entity regulated by the department of health and senior services pursuant to Article XIV of the Missouri Constitution found to have violated the provisions of this section shall be subject to department sanctions, including an administrative penalty, in accordance with the regulations promulgated by the department pursuant to Article XIV of the Missouri Constitution.**

**3. The department shall promulgate rules and regulations regarding edible marijuana-infused products designed to appeal to**

20 persons under eighteen years of age, as well as promulgate rules and  
21 regulations to establish a process by which a licensed or certified  
22 entity may seek approval of an edible product design, package, or label  
23 prior to such product's manufacture or sale in order to determine  
24 compliance with the provisions of this section and any rules  
25 promulgated pursuant to this section. Any rule or portion of a rule, as  
26 that term is defined in section 536.010, that is created under the  
27 authority delegated in this section shall become effective only if it  
28 complies with and is subject to all of the provisions of chapter 536 and,  
29 if applicable, section 536.028. This section and chapter 536 are  
30 nonseverable and if any of the powers vested with the general assembly  
31 pursuant to chapter 536 to review, to delay the effective date, or to  
32 disapprove and annul a rule are subsequently held unconstitutional,  
33 then the grant of rulemaking authority and any rule proposed or  
34 adopted after August 28, 2020, shall be invalid and void.

195.810. 1. Physicians shall submit patient certifications for  
2 medical marijuana under Article XIV of the Missouri Constitution  
3 electronically through a web-based system provided by the department  
4 of health and senior services. In the event of system unavailability, the  
5 department shall arrange to accept physician certifications in an  
6 alternative, department-provided format and shall notify the public of  
7 those arrangements through its website.

8 2. Physician certifications for patients shall be issued no earlier  
9 than thirty days before the date the patient applies for a patient  
10 identification card or the renewal of a patient identification card.

11 3. Physician certifications for patients shall include at least the  
12 following information:

13 (1) The physician's name, as it appears in the records of the  
14 Missouri board of registration for the healing arts;

15 (2) The physician's license number;

16 (3) Whether the physician is licensed to practice medicine or  
17 osteopathy;

18 (4) The physician's business address, telephone number, and  
19 email address;

20 (5) The qualifying patient's name, date of birth, and Social  
21 Security number;

22 (6) The qualifying patient's qualifying medical condition, as

23 defined in Article XIV of the Missouri Constitution;

24 (7) The physician's recommendation for the amount of medical  
25 marijuana the qualifying patient should be allowed to purchase in a  
26 thirty-day-period, if the recommended amount is more than four ounces  
27 of dried, unprocessed marijuana or its equivalent;

28 (8) Statements confirming the following:

29 (a) In the case of a nonemancipated qualifying patient under the  
30 age of eighteen, before certifying the qualifying patient for use of  
31 medical marijuana, the physician received the written consent of a  
32 parent or legal guardian who asserts he or she shall serve as a primary  
33 caregiver for the qualifying patient;

34 (b) The physician met with and examined the qualifying patient  
35 in-person, reviewed the qualifying patient's medical records or medical  
36 history, reviewed the qualifying patient's current medications and  
37 allergies to medications, discussed the qualifying patient's current  
38 symptoms, and created a medical record for the qualifying patient  
39 regarding the meeting;

40 (c) In the opinion of the physician, the qualifying patient suffers  
41 from the qualifying medical condition; and

42 (d) The physician discussed with the qualifying patient risks  
43 associated with medical marijuana, including known contraindications  
44 applicable to the patient, risks of medical marijuana use to unborn  
45 children, and risks of medical marijuana use to breastfeeding infants;  
46 and

47 (9) The signature of the physician and date on which the  
48 physician signed.

49 4. The department may request to interview any physician who  
50 chooses to certify individuals as qualifying patients. If such a request  
51 is made, the physician shall arrange for the interview to occur as soon  
52 as possible, but no later than thirty days after the department makes  
53 the request.

54 5. Physicians who violate this section shall be subject to  
55 discipline by the board of registration for the healing arts under  
56 chapter 334.

195.830. 1. The department of health and senior services shall  
2 require all officers, managers, contractors, employees, and other  
3 support staff of licensed or certified medical marijuana facilities, and

4 all owners of such medical marijuana facilities who will have access to  
5 the facilities or to the facilities' medical marijuana, to submit  
6 fingerprints to the Missouri state highway patrol for the purpose of  
7 conducting a state and federal fingerprint-based criminal background  
8 check.

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

16       3. Fingerprint cards and any required fees shall be sent to the  
17 Missouri state highway patrol's central repository. The fingerprints  
18 shall be used for searching the state criminal records repository and  
19 shall also be forwarded to the Federal Bureau of Investigation for a  
20 federal criminal records search under section 43.540. The Missouri  
21 state highway patrol shall notify the department of any criminal  
22 history record information or lack of criminal history record  
23 information discovered on the individual. Notwithstanding the  
24 provisions of section 610.120 to the contrary, all records related to any  
25 criminal history information discovered shall be accessible and  
26 available to the department.

27       4. For purposes of this section, a "medical marijuana facility"  
28 shall include a medical marijuana cultivation facility, a medical  
29 marijuana dispensary facility, a medical marijuana-infused products  
30 manufacturing facility, and a medical marijuana testing facility, as  
31 such terms are defined in Section 1 of Article XIV of the Missouri  
32 Constitution, or any facility licensed or certified by the department  
33 under the authority of Article XIV.

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