

SECOND REGULAR SESSION  
[PERFECTED WITH PERFECTING AMENDMENT]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1554**  
**99TH GENERAL ASSEMBLY**

5285H.04D

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 191.480, 192.945, 192.947, 195.207, 261.265, and 263.250, RSMo, and to enact in lieu thereof six new sections relating to the use of investigational drugs, with penalty provisions.

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

Section A. Sections 191.480, 192.945, 192.947, 195.207, 261.265, and 263.250, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 191.480, 192.945, 192.947, 195.207, 261.265, and 263.250, to read as follows:

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

(1) **"Dispensing organization"**, an entity licensed under chapter 261 to distribute **medical cannabis**;

(2) "Eligible patient", a person who meets all of the following:

(a) Has a terminal illness;

(b) Has considered all other treatment options currently approved by the ~~United States~~ **federal** Food and Drug Administration and all relevant clinical trials conducted in this state;

(c) Has received a prescription or recommendation from the person's physician for an investigational drug, biological product, or device;

(d) Has given written informed consent which shall be at least as comprehensive as the consent used in clinical trials for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient's behalf; and

(e) Has documentation from the person's physician that the person has met the requirements of this subdivision;

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.

16           ~~[(2)]~~ (3) "Investigational drug, biological product, or device", a drug, biological product,  
17 or device, any of which are used to treat the patient's terminal illness, that has successfully  
18 completed phase one of a clinical trial but has not been approved for general use by the ~~[United~~  
19 ~~States]~~ **federal** Food and Drug Administration and remains under investigation in a clinical trial.  
20 The term shall not include Schedule I controlled substances **except for medical cannabis. The**  
21 **term shall include medical cannabis from a dispensing organization;**

22           ~~[(3)]~~ (4) "Terminal illness", a disease that without life-sustaining procedures will result  
23 in death in the near future or a state of permanent unconsciousness from which recovery is  
24 unlikely.

25           2. A **dispensing organization or** manufacturer of an investigational drug, biological  
26 product, or device may make available the **dispensing organization's or** manufacturer's  
27 investigational drug, biological product, or device to eligible patients under this section. This  
28 section does not require that a **dispensing organization or** manufacturer make available an  
29 investigational drug, biological product, or device to an eligible patient. A **dispensing**  
30 **organization or** manufacturer may:

31           (1) Provide an investigational drug, biological product, or device to an eligible patient  
32 without receiving compensation; or

33           (2) Require an eligible patient to pay the costs of or associated with the manufacture of  
34 the investigational drug, biological product, or device.

35           3. This section does not require a health care insurer to provide coverage for the cost of  
36 any investigational drug, biological product, or device. A health care insurer may provide  
37 coverage for an investigational drug, biological product, or device.

38           4. This section does not require the department of corrections to provide coverage for  
39 the cost of any investigational drug, biological product, or device.

40           5. Notwithstanding any other provision of law to the contrary, no state agency or  
41 regulatory board shall revoke, fail to renew, or take any other action against a physician's license  
42 issued under chapter 334 based solely on the physician's recommendation to an eligible patient  
43 regarding prescription for or treatment with an investigational drug, biological product, or  
44 device. Action against a health care provider's Medicare certification based solely on the health  
45 care provider's recommendation that a patient have access to an investigational drug, biological  
46 product, or device is prohibited.

47           6. ~~[If a provision of this section or its application to any person or circumstance is held~~  
48 ~~invalid, the invalidity does not affect other provisions or applications of this section that can be~~  
49 ~~given effect without the invalid provision or application, and to this end the provisions of this~~  
50 ~~section are severable]~~ **Notwithstanding any other provision of law to the contrary, no state**  
51 **agency or regulatory board shall revoke, fail to renew, or take any other action against a**

52 **dispensing organization's license issued under chapter 261 based solely on the dispensing**  
53 **organization's sale of medical cannabis to an eligible patient under this section.**

54 7. If the clinical trial is closed due to lack of efficacy or toxicity, the drug shall not be  
55 offered. If notice is given on a drug, product, or device taken by a patient outside of a clinical  
56 trial, the pharmaceutical company or patient's physician shall notify the patient of the information  
57 from the safety committee of the clinical trial.

58 8. Except in the case of gross negligence or willful misconduct, any person who  
59 manufactures, imports, distributes, prescribes, dispenses, or administers an investigational drug  
60 or device to an eligible patient with a terminal illness in accordance with this section shall not  
61 be liable in any action under state law for any loss, damage, or injury arising out of, relating to,  
62 or resulting from:

63 (1) The design, development, clinical testing and investigation, manufacturing, labeling,  
64 distribution, sale, purchase, donation, dispensing, prescription, administration, or use of the drug  
65 or device; or

66 (2) The safety or effectiveness of the drug or device.

67 **9. Any official, employee, or agent of this state who blocks or attempts to block**  
68 **access of an eligible patient to an investigational drug, biological product, or device is**  
69 **guilty of a class A misdemeanor.**

70 **10. If any provision of this section or its application to any person or circumstance**  
71 **is held invalid, such determination shall not affect the provisions or applications of this**  
72 **section which may be given effect without the invalid provision or application, and to that**  
73 **end the provisions of this section are severable.**

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

2 **(1) "Debilitating medical condition", one or more of the following:**

3 **(a) Cancer, glaucoma, positive status for human immunodeficiency virus (HIV),**  
4 **acquired immune deficiency syndrome, amyotrophic lateral sclerosis (ALS), Crohn's**  
5 **disease, Parkinson's disease and the symptoms thereof, ulcerative colitis, agitation of**  
6 **Alzheimer's disease, epilepsy, multiple sclerosis, post-traumatic stress disorder, or the**  
7 **treatment of such conditions;**

8 **(b) Any other debilitating medical condition or its treatment that is added by the**  
9 **department of health and senior services by rule provided that the department receives a**  
10 **petition signed by no less than ten physicians, having a valid and active license to practice**  
11 **medicine in this state, asking for such addition;**

12 ~~(1)~~ (2) "Department", the department of health and senior services;

13 ~~(2)~~ (3) "Hemp extract", as such term is defined in section 195.207;

14           ~~[(3)]~~ (4) "Hemp extract registration card", a card issued by the department under this  
15 section;

16           ~~[(4)]~~ (5) "Intractable epilepsy", epilepsy that as determined by a neurologist does not  
17 respond to three or more treatment options overseen by the neurologist;

18           (6) **"Medical cannabis", as such term is defined in section 195.207;**

19           (7) **"Medical cannabis registration card", a card issued by the department under  
20 this section;**

21           ~~[(5)]~~ (8) "Neurologist", a physician who is licensed under chapter 334 and board certified  
22 in neurology;

23           ~~[(6)]~~ (9) "Parent", a parent or legal guardian of a minor who is responsible for the minor's  
24 medical care;

25           ~~[(7)]~~ (10) "Registrant", an individual to whom the department issues a hemp extract **or**  
26 **medical cannabis** registration card under this section;

27           (11) **"Terminal illness", a disease or condition as defined in section 191.480.**

28           2. The department shall issue a hemp extract **or medical cannabis** registration card to  
29 an individual who:

30           (1) Is eighteen years of age or older;

31           (2) Is a Missouri resident;

32           (3) Provides the department with a statement signed by a neurologist **or physician** that:

33           (a) Indicates that the individual suffers from intractable epilepsy and may benefit from  
34 treatment with hemp extract **or that the individual suffers from a terminal illness or**  
35 **debilitating medical condition and may benefit from treatment with medical cannabis at**  
36 **the same dosage and with the same method of smokeless administration used in a clinical**  
37 **trial; [and]**

38           (b) **Indicates that the individual has considered all other treatment options**  
39 **currently approved by the federal Food and Drug Administration and all relevant clinical**  
40 **trials conducted in this state; and**

41           (c) Is consistent with a record from the neurologist **or physician** concerning the  
42 individual contained in the database described in subsection ~~[9]~~ **10** of this section;

43           (4) Pays the department a fee in an amount established by the department under  
44 subsection ~~[6]~~ **7** of this section; and

45           (5) Submits an application to the department on a form created by the department that  
46 contains:

47           (a) The individual's name and address;

48           (b) A copy of the individual's valid photo identification; and

49 (c) Any other information the department considers necessary to implement the  
50 provisions of this section.

51 3. The department shall issue a hemp extract **or medical cannabis** registration card to  
52 a parent who:

53 (1) Is eighteen years of age or older;

54 (2) Is a Missouri resident;

55 (3) Provides the department with a statement signed by a neurologist **or physician** that:

56 (a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may  
57 benefit from treatment with hemp extract **or suffers from a terminal illness or debilitating**  
58 **medical condition and may benefit from medical cannabis at the same dosage and with the**  
59 **same method of smokeless administration used in a clinical trial; [and]**

60 (b) **Indicates that the individual has considered all other treatment options**  
61 **currently approved by the federal Food and Drug Administration and all relevant clinical**  
62 **trials conducted in this state; and**

63 (c) Is consistent with a record from the neurologist **or physician** concerning the minor  
64 contained in the database described in subsection [9] **10** of this section;

65 (4) Pays the department a fee in an amount established by the department under  
66 subsection [6] **7** of this section; and

67 (5) Submits an application to the department on a form created by the department that  
68 contains:

69 (a) The parent's name and address;

70 (b) The minor's name;

71 (c) A copy of the parent's valid photo identification; and

72 (d) Any other information the department considers necessary to implement the  
73 provisions of this section.

74 4. The department shall maintain a record of the name of each registrant and the name  
75 of each minor receiving care from a registrant.

76 5. The department shall promulgate rules to:

77 (1) Implement the provisions of this section including establishing the information the  
78 applicant is required to provide to the department and establishing in accordance with  
79 recommendations from the department of public safety the form and content of the hemp extract  
80 **and medical cannabis** registration [~~card~~] **cards**; and

81 (2) Regulate the distribution of hemp extract from a cannabidiol oil care center **and**  
82 **medical cannabis from a cannabis care center, as defined in section 261.265**, to a registrant,  
83 which shall be in addition to any other state or federal regulations[; ~~and~~] .

84           6. The department may promulgate rules to authorize clinical trials involving hemp  
85 extract **and medical cannabis**.

86           ~~[6.]~~ 7. The department shall establish fees that are no greater than the amount necessary  
87 to cover the cost the department incurs to implement the provisions of this section.

88           ~~[7.]~~ 8. The registration cards issued under this section shall be valid for one year and  
89 renewable if at the time of renewal the registrant meets the requirements of either subsection 2  
90 or 3 of this section.

91           ~~[8.]~~ 9. The neurologist **or physician** who signs the statement described in subsection 2  
92 or 3 of this section shall:

93           (1) Keep a record of the neurologist's **or physician's** evaluation and observation of a  
94 patient who is a registrant or minor under a registrant's care including the patient's response to  
95 hemp extract **or medical cannabis**; and

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

97           ~~[9.]~~ 10. The department shall maintain a database of the records described in subsection  
98 ~~[8]~~ 9 of this section and treat the records as identifiable health data.

99           ~~[10.]~~ 11. The department may share the records described in subsection ~~[9]~~ 10 of this  
100 section with a higher education institution for the purpose of studying hemp extract **or medical**  
101 **cannabis**.

102           ~~[11.]~~ 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
103 created under the authority delegated in this section shall become effective only if it complies  
104 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
105 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
106 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
107 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
108 any rule proposed or adopted after July 14, 2014, shall be invalid and void.

192.947. 1. No individual or health care entity organized under the laws of this state  
2 shall be subject to any adverse action by the state or any agency, board, or subdivision thereof,  
3 including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil  
4 or administrative penalty or sanction, or disciplinary action by any accreditation or licensing  
5 board or commission if such individual or health care entity, in its normal course of business and  
6 within its applicable licenses and regulations, acts in good faith upon or in furtherance of any  
7 order or recommendation by a neurologist **or physician** authorized under section 192.945  
8 relating to the medical use and administration of hemp extract **or medical cannabis** with respect  
9 to an eligible patient.

10           2. The provisions of subsection 1 of this section shall apply to the recommendation,  
11 possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract

12 **and medical cannabis**, including any act in preparation of such dispensing or administration.  
13 3. This section shall not be construed to limit the rights provided under law for a patient  
14 to bring a civil action for damages against a physician, hospital, registered or licensed practical  
15 nurse, pharmacist, any other individual or entity providing health care services, or an employee  
16 of any entity listed in this subsection.

195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term  
2 [~~"hemp extract"~~] **"medical cannabis"** shall mean [aa] **a noncombustible** extract from a  
3 cannabis plant or a **noncombustible** mixture or preparation containing cannabis plant material.  
4 **"Hemp extract"** shall mean the same, except that it:

- 5 (1) Is composed of no more than three-tenths percent tetrahydrocannabinol by 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 has been  
9 issued a valid hemp extract **or medical cannabis** registration card under section 192.945, or is  
10 a minor under a registrant's care, and possesses or uses hemp extract **or medical cannabis** is not  
11 subject to the penalties described in this chapter for possession or use of the hemp extract **or**  
12 **medical cannabis** if the individual:

13 (1) Possesses or uses the hemp extract only to treat intractable epilepsy **or medical**  
14 **cannabis only to treat a terminal illness or debilitating medical condition**, as such terms are  
15 defined in section 192.945;

16 (2) Originally obtained the hemp extract **or medical cannabis** from a sealed container  
17 with a label indicating the hemp extract's **or medical cannabis'** place of origin and a number that  
18 corresponds with a certificate of analysis **and a warning label with all possible side effects**;

19 (3) Possesses, in close proximity to the hemp extract **or medical cannabis**, a certificate  
20 of analysis that:

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

23 (b) Indicates the hemp extract's **or medical cannabis'** ingredients including its  
24 percentages of tetrahydrocannabinol and cannabidiol **and all other cannabinoid compounds,**  
25 **terpenes, and solvents** by weight;

26 (c) Is created by a laboratory that is not affiliated with the producer of the hemp extract  
27 **or medical cannabis** and is licensed in the state where the hemp extract **or medical cannabis**  
28 was produced; and

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

30 (4) Has a current hemp extract **or medical cannabis** registration card issued by the  
31 department of health and senior services under section 192.945.

32           3. Notwithstanding any other provision of this chapter, an individual who possesses  
33 hemp extract **or medical cannabis** lawfully under subsection 2 of this section and administers  
34 hemp extract **or medical cannabis** to a minor suffering from intractable epilepsy **or a terminal**  
35 **illness or debilitating medical condition** is not subject to the penalties described in this chapter  
36 for administering the hemp extract **or medical cannabis** to the minor if:

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

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

40           4. An individual who has been issued a valid hemp extract **or medical cannabis**  
41 registration card under section 192.945, or is a minor under a registrant's care, may possess up  
42 to twenty ounces of hemp extract **or medical cannabis** pursuant to this section. Subject to any  
43 rules or regulations promulgated by the department of health and senior services, an individual  
44 may apply for a waiver if a physician provides a substantial medical basis in a signed, written  
45 statement asserting that, based on the patient's medical history, in the physician's professional  
46 judgment, twenty ounces is an insufficient amount to properly alleviate the patient's medical  
47 condition or symptoms associated with such medical condition.

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

2           (1) "Cannabidiol oil care center", the premises specified in an application for a  
3 cultivation and production facility license in which the licensee is authorized to distribute  
4 processed hemp extract to persons possessing a hemp extract registration card issued under  
5 section 192.945;

6           (2) "**Cannabis care center**", the premises specified in an application for a  
7 **cultivation and production facility license in which the licensee is authorized to distribute**  
8 **processed medical cannabis to persons possessing a medical cannabis registration card**  
9 **issued under section 192.945;**

10           (3) "**Cannabis cultivation and production facility**", the land and premises in which  
11 **the licensee is authorized to distribute processed medical cannabis to persons possessing**  
12 **a medical cannabis registration card issued under section 192.945;**

13           (4) "**Cannabis cultivation and production facility license**", a license that authorizes  
14 **the licensee to grow, cultivate, process, and possess medical cannabis;**

15           (5) "**Cannabis grower**", an entity issued a cultivation and production facility license  
16 **by the department of agriculture that produces medical cannabis for the treatment of**  
17 **terminal illnesses or debilitating medical conditions;**

18           (6) "**Department**", the department of agriculture;

19           (7) "**Hemp**":

20 (a) All nonseed parts and varieties of the cannabis sativa plant, whether growing  
21 or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that  
22 does not exceed the lesser of:

- 23 a. Three-tenths of one percent on a dry weight basis; or
- 24 b. The percent based on a dry weight basis determined by the federal Controlled  
25 Substances Act under 21 U.S.C. Section 801, et seq.; and

26 (b) Any cannabis sativa seed that is:

- 27 a. Part of a growing crop;
- 28 b. Retained by a grower for future planting; or
- 29 c. For processing into or use as agricultural hemp seed.

30

31 This term shall not include industrial hemp commodities or products;

32 (8) "Hemp cultivation and production facility", the land and premises specified in an  
33 application for a cultivation and production facility license on which the licensee is authorized  
34 to grow, cultivate, process, and possess hemp and hemp extract;

35 ~~[(3)]~~ (9) "Hemp cultivation and production facility license", a license that authorizes the  
36 licensee to grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp  
37 extract to its cannabidiol oil care centers;

38 ~~[(4) "Department", the department of agriculture;~~

39 ~~—(5)]~~ (10) "Hemp grower", a nonprofit entity issued a cultivation and production facility  
40 license by the department of agriculture that produces hemp extract for the treatment of  
41 intractable epilepsy;

42 ~~[(6) "Hemp";~~

43 ~~—(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not,  
44 that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed  
45 the lesser of:~~

- 46 ~~— a. Three-tenths of one percent on a dry weight basis; or~~
- 47 ~~— b. The percent based on a dry weight basis determined by the federal Controlled  
48 Substances Act under 21 U.S.C. Section 801, et seq.;~~

49 ~~—(b) Any cannabis sativa seed that is:~~

- 50 ~~— a. Part of a growing crop;~~
- 51 ~~— b. Retained by a grower for future planting; or~~
- 52 ~~— c. For processing into or use as agricultural hemp seed.~~

53

54 This term shall not include industrial hemp commodities or products;]

55           ~~[(7)]~~ **(11)** "Hemp monitoring system", an electronic tracking system that includes, but  
56 is not limited to, testing and data collection established and maintained by the cultivation and  
57 production facility and is available to the department for the purposes of documenting the hemp  
58 extract production and retail sale of the hemp extract;

59           **(12) "Medical cannabis":**

60           **(a) All nonseed parts and varieties of the cannabis plant, whether growing or not;**  
61 **and**

62           **(b) Any cannabis seed that is:**

63           **a. Part of a growing crop;**

64           **b. Retained by a grower for future planting; or**

65           **c. For processing into or use as agricultural cannabis seed.**

66           **2. The department shall issue a cultivation and production facility license to an**  
67 **entity to grow or cultivate the cannabis plant used to make medical cannabis, as defined**  
68 **in subsection 1 of section 195.207, on the entity's property if the entity has submitted to the**  
69 **department an application as required by the department under subsection 9 of this section**  
70 **and the entity meets all requirements of this section and the department's rules.**

71           **3. A cannabis grower may produce, manufacture, and distribute medical cannabis**  
72 **as defined in section 195.207 for the treatment of persons suffering from a terminal illness**  
73 **or debilitating medical condition consistent with any and all state and local regulations**  
74 **regarding the production, manufacture, or distribution of such product.**

75           **4. The department shall issue a hemp cultivation and production facility license to a**  
76 **nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract as defined in**  
77 **subsection 1 of section 195.207 or hemp on the entity's property if the entity has submitted to the**  
78 **department an application as required by the department under subsection ~~[7]~~ 9 of this section~~;~~**  
79 **and the entity meets all requirements of this section and the department's rules~~;~~ ~~and there are~~**  
80 **~~fewer than two licensed cultivation and production facilities operating in the state.~~**

81           ~~[3-]~~ **5. A hemp grower may produce and manufacture hemp and hemp extract, and**  
82 **distribute hemp extract as defined in section 195.207 for the treatment of persons suffering from**  
83 **intractable epilepsy as defined in section 192.945 consistent with any and all state or federal**  
84 **regulations regarding the production, manufacture, or distribution of such product. ~~[The~~**  
85 **~~department shall not issue more than two cultivation and production facility licenses for the~~**  
86 **~~operation of such facilities at any one time.]~~**

87           ~~[4-]~~ **6. The department shall maintain a list of growers.**

88           ~~[5-]~~ **7. All growers shall keep records in accordance with rules adopted by the**  
89 **department. Upon at least three days' notice, the director of the department may audit the**

90 required records during normal business hours. The director may conduct an audit for the  
91 purpose of ensuring compliance with this section.

92 ~~[6.]~~ **8.** In addition to an audit conducted in accordance with subsection ~~[5]~~ 7 of this  
93 section, the director may inspect independently, or in cooperation with the state highway patrol  
94 or a local law enforcement agency, any hemp **or medical cannabis** crop during the crop's growth  
95 phase and take a representative composite sample for field analysis. If a **hemp** crop contains an  
96 average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

97 (1) Three-tenths of one percent on a dry weight basis; or

98 (2) The percent based on a dry weight basis determined by the federal Controlled  
99 Substances Act under 21 U.S.C. Section 801, et seq.,

100

101 the director may detain, seize, or embargo the **hemp** crop.

102 ~~[7.]~~ **9.** The department shall promulgate rules including, but not limited to:

103 (1) Application requirements for licensing, including requirements for the submission  
104 of fingerprints and the completion of a criminal background check;

105 (2) Security requirements for cultivation and production facility premises, including, at  
106 a minimum, lighting, physical security, video and alarm requirements;

107 (3) Rules relating to hemp **and cannabis** monitoring systems as defined in this section;

108 (4) Other procedures for internal control as deemed necessary by the department to  
109 properly administer and enforce the provisions of this section, including reporting requirements  
110 for changes, alterations, or modifications of the premises;

111 (5) Requirements that any hemp extract **or medical cannabis** received from a legal  
112 source be submitted to a testing facility designated by the department to ensure that such hemp  
113 extract **or medical cannabis** complies with the provisions of section 195.207 and to ensure that  
114 the hemp extract **or medical cannabis** does not contain any pesticides. **The department shall  
115 only designate testing facilities that maintain internal standard operating procedures,  
116 maintain quality control and quality assurance programs, and are certified by the  
117 International Organization for Standardization and agree to have the inspections and  
118 reports of the International Organization for Standardization made available to the  
119 department. The department or an independent third party authorized by the department  
120 may conduct an inspection of the practices, procedures, and programs adopted, followed,  
121 and maintained pursuant to this subdivision and inspect all records of the independent  
122 testing facility that are related to the inspection.** Any hemp extract **or medical cannabis** that  
123 is not submitted for testing or which after testing is found not to comply with the provisions of  
124 section 195.207 shall not be distributed or used and shall be submitted to the department for  
125 destruction; ~~and]~~

126           **(6) Requirements that each independent testing facility shall:**

127           **(a) Follow the most recent version of the Cannabis Inflorescence: Standards of**  
128 **Identity, Analysis, and Quality Control monograph published by the American Herbal**  
129 **Pharmacopoeia; or**

130           **(b) Notify the department of the alternative testing methodology that the facility**  
131 **is following for each quality assurance test it conducts. The department may require the**  
132 **independent testing facility to have the testing methodology followed under this paragraph**  
133 **validated by an independent third party to ensure that the methodology followed by the**  
134 **facility produces scientifically accurate results before the facility may use the methodology**  
135 **when conducting testing services;**

136           **(7) Rules for an independent testing facility to have its basic proficiency to execute**  
137 **correctly the analytical testing methodologies used by the facility validated and monitored**  
138 **on an ongoing basis by an independent third party; and**

139           ~~[(6)]~~ **(8) Rules regarding the manufacture, storage, and transportation of hemp, [and]**  
140 **hemp extract, and medical cannabis, which shall be in addition to any other state or federal**  
141 **regulations.**

142           ~~[8-]~~ **10.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
143 created under the authority delegated in this section shall become effective only if it complies  
144 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
145 This section and chapter 536 are nonseverable, and if any of the powers vested with the general  
146 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a  
147 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
148 proposed or adopted after July 14, 2014.

149           ~~[9-]~~ **11.** All hemp **and cannabis** waste from the production of hemp extract **or medical**  
150 **cannabis** shall either be destroyed, recycled by the licensee at the hemp **or medical cannabis**  
151 cultivation and production facility, or donated to the department or an institution of higher  
152 education for research purposes, and shall not be used for commercial purposes.

153           ~~[10-]~~ **12.** In addition to any other liability or penalty provided by law, the director may  
154 revoke or refuse to issue or renew a cultivation and production facility license and may impose  
155 a civil penalty on a grower for any violation of this section, or section 192.945 or 195.207. The  
156 director may not impose a civil penalty under this section that exceeds two thousand five  
157 hundred dollars.

158           **13.** Notwithstanding any other provision of law to the contrary, a person who  
159 **commits any acts that are unlawful under section 191.480, 192.945, 192.947, 195.207,**  
160 **261.265, or 263.250 with the intent to distribute medical cannabis to minors shall be guilty**  
161 **of a class D felony.**

162           **14. Any manufacturing, storage, or testing of medical cannabis or any medical**  
163 **cannabis product shall meet all requirements of the department of health and senior**  
164 **services and all local health departments.**

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby  
2 declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants  
3 growing upon their land. Any person who knowingly allows such plants to grow on his land or  
4 refuses to destroy such plants after being notified to do so shall allow any sheriff or such other  
5 persons as designated by the county commission to enter upon any land in this state and destroy  
6 such plants.

7           2. Entry to such lands shall not be made, by any sheriff or other designated person to  
8 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or  
9 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In  
10 all such instances, the county commission shall bear the cost of destruction and notification.

11           **3. The provisions of this section shall not apply to the licensed production of hemp**  
12 **oil or medical cannabis under chapter 261.**

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