

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 54

AN ACT

To amend chapters 144 and 195, RSMo, by adding thereto twenty-two new sections relating to cannabis, with penalty provisions.

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

Section A. Chapters 144 and 195, RSMo, are amended by adding thereto twenty-two new sections, to be known as sections 144.028, 195.800, 195.819, 195.900, 195.2540, 195.2550, 195.2555, 195.2560, 195.2563, 195.2565, 195.2575, 195.2580, 195.2585, 195.2590, 195.2595, 195.2600, 195.2605, 195.2607, 195.2610, 195.2615, 195.2617, and 195.2620, to read as follows:

144.028. 1. As used in this section, the term "hemp-derived consumable beverage product" shall have the same meaning given to the term in section 195.2550.

2. For all tax years beginning on or after January 1, 2026, an excise tax is hereby levied and imposed upon the retail sale of hemp-derived consumable beverage products to consumers within this state. The rate of tax shall be two percent of the retail purchase price paid or charged and shall be in addition to any tax imposed under any other provision of federal, state, or local law.

3. The revenue derived from the two percent rate levied under this section shall be used exclusively for the funding of veterans' programs, drug abuse prevention and education programs, and first responder programs.

4. The tax imposed under this section is intended to be passed on to and borne by the purchaser of the hemp-derived consumable beverage products. The tax is a debt from the purchaser to the retailer until paid and is

recoverable at law by the retailer in the same manner as other debts. A retailer is considered to act as a trustee on behalf of the state when it collects tax from the purchaser on a taxable transaction. The tax shall be stated and charged separately on any documentation provided to the purchaser by the retailer at the time of the transaction.

195.800. 1. Notwithstanding any other provision of law to the contrary, no state agency, including employees therein, shall disclose to the federal government, any federal government employee, or any unauthorized third party the statewide list or any individual information of persons who have applied for or obtained a qualifying patient identification card, a qualifying patient cultivation identification card, or a primary caregiver identification card, as those cards are described in Article XIV, Section 1 of the Constitution of Missouri relating to the right to access medical marijuana.

2. Any person who knowingly violates the provisions of this section shall be guilty of a class E felony.

195.819. Marijuana dispensary facilities, as described in Article XIV of the Constitution of Missouri, shall not create or retain any record containing the consumer's identifying information; provided, that a facility may create or retain such records if the consumer affirmatively agrees to such, in writing, and if the facility does not refuse to provide services or sell goods to the consumer if he or she does not agree to the creation or retention of such records. The provisions of this section shall not apply to any record-keeping requirements relating to qualifying patients and primary caregivers under Article XIV, Section 1 of the Constitution of Missouri. Any dispensary facility that violates the provisions of this

section shall be assessed a five-hundred-dollar fine per occurrence.

195.900. 1. This section shall be known and may be cited as the "Intoxicating Cannabinoid Control Act".

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

(1) "Cannabinoid", any of the ligands that are plant-derived, synthetic, or semisynthetic and that have an affinity for and activity at cannabinoid receptors;

(2) "CBD", cannabidiol, a nonintoxicating cannabinoid found in cannabis and hemp;

(3) "Department", the department of health and senior services;

(4) "Hemp", the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry-weight basis;

(5) "Hemp-derived consumable beverage product", the same meaning given to the term in section 195.2550;

(6) "Intoxicating cannabinoid":

(a) Any cannabinoid, however derived or created, that has an intoxicating effect when consumed or otherwise ingested, regardless of whether the cannabinoid was created or developed through natural means or through chemical conversion, isomerization, synthetic derivation, heat, or any other process by which molecules may be manipulated including, but not limited to, tetrahydrocannabinolic acid (THCA); and

(b) Any cannabinoid, semisynthetic or synthetic cannabinoid, or precursor to an intoxicating cannabinoid that may become intoxicating when heated, decarboxylated, or

otherwise manipulated, excluding, without limitation, CBD and hemp-derived consumable beverage products.

The term "intoxicating cannabinoid" shall be construed to conform to, and be included in, the definition of "marijuana" under Article XIV of the Constitution of Missouri, but shall not be construed to conform to or be included in the definition of "hemp" in this section or in the definition of "industrial hemp" in section 195.010. The term "intoxicating cannabinoid" shall not include any hemp-derived consumable beverage product;

(7) "Marijuana", the same meaning given to the term in Article XIV of the Constitution of Missouri. The term "marijuana" shall not be construed to conform to or be included in the definition of "hemp" in this section.

3. Hemp, industrial hemp, hemp-derived consumable beverage products, and hemp-derived products that do not contain intoxicating cannabinoids shall not be considered marijuana and shall not be subject to the legal framework contained in Article XIV of the Constitution of Missouri. Nothing in this section shall be interpreted to regulate hemp, industrial hemp, hemp-derived consumable beverage products, or products that do not contain intoxicating cannabinoids, and the provisions of this section shall not be interpreted in a manner that would conflict with or otherwise preempt the Agriculture Improvement Act of 2018, P.L. 115-334.

4. Nothing in this section shall be construed to prohibit the interstate commerce of hemp or the transportation or shipment of hemp through this state.

5. Notwithstanding any provision of law to the contrary, all intoxicating cannabinoid products are marijuana and shall be regulated by the department in the same manner as the department regulates marijuana under

Article XIV of the Constitution of Missouri including, but not limited to, requiring intoxicating cannabinoid products to be subject to the same growing, manufacturing, dispensing, transportation, advertising, marketing, testing, packaging, and labeling requirements as marijuana and requiring all intoxicating cannabinoid products to be cultivated, manufactured, and sold only at a licensed comprehensive facility, medical facility, or marijuana microbusiness facility, as such terms are defined in Article XIV of the Constitution of Missouri. The department shall regulate all intoxicating cannabinoid products consistent with, and in addition to, other natural marijuana products in accordance with its constitutionally-mandated requirement to regulate marijuana within the framework of Article XIV of the Constitution of Missouri.

6. No person or entity engaged in the sale of products that contain CBD, hemp, marijuana, cannabinoids, or intoxicating cannabinoids or in the sale of paraphernalia to aid in the human consumption of such products, other than a comprehensive marijuana dispensary facility, medical marijuana dispensary facility, or microbusiness dispensary facility, as such terms are defined in Article XIV of the Constitution of Missouri, shall carry on, conduct, or transact business under a name that contains as part of the name the word "dispensary" or any word of similar import.

7. The department shall collaborate with the department of public safety and all other pertinent law enforcement agencies in this state to ensure the provisions of this section are enforced.

8. The department of health and senior services shall promulgate all rules and regulations necessary to implement the provisions of this section. The department and the department of public safety shall actively and aggressively

enforce the provisions of this section and all department rules and regulations promulgated under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

195.2540. Sections 195.2540 to 195.2620 shall be known and may be cited as the "Hemp-Derived Consumable Beverage Products Act".

195.2550. As used in sections 195.2540 to 195.2620, unless the context otherwise requires, the following terms mean:

(1) "Batch", a specific quantity of hemp-derived consumable beverage product that is manufactured at the same time and using the same methods, equipment, and ingredients; that is uniform and intended to meet specifications for identity, strength, purity, and composition; and that is manufactured, packaged, and labeled according to a single batch production record executed and documented;

(2) "Batch number", a unique numeric or alphanumeric identifier assigned to a batch of hemp-derived consumable beverage products;

(3) "Business", any of the following licensed under sections 195.2540 to 195.2620:

(a) A distributor;

(b) A retailer; or

- (c) A manufacturer;
- (4) "Department", the department of health and senior services;
- (5) "Distributor", a person or entity that purchases hemp-derived consumable beverage products from manufacturers and sells them to retailers;
- (6) "Division", the division of alcohol and tobacco control of the department of public safety;
- (7) "Food service establishment", an establishment where food is prepared and served on the premises;
- (8) "Franchise", a written or oral arrangement for a definite or indefinite period, in which a person grants to another person a license to use a trade name, trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, at retail, by lease, by agreement, or otherwise including, but not limited to, a commercial relationship of definite duration or continuing indefinite duration between a hemp-derived consumable beverage product manufacturer and a hemp-derived consumable beverage product distributor wherein a hemp-derived consumable beverage product distributor is granted the right to offer, sell, and distribute within this state or any designated area thereof some or all of the hemp-derived consumable beverage product manufacturer's hemp-derived consumable beverage products to hemp-derived consumable beverage product retailers;
- (9) "Hemp", the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry-weight basis;

(10) "Hemp-derived cannabinoid", any cannabinoid naturally occurring in, and originating from, the hemp plant including, but not limited to, delta-9 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), and delta-8 tetrahydrocannabinol (delta-8 THC). The term "hemp-derived cannabinoid" also includes any synthetic cannabinoid or semisynthetic cannabinoid with the same molecular structure as a cannabinoid naturally occurring in the hemp plant as long as such cannabinoid was derived from the hemp plant;

(11) "Hemp-derived consumable beverage product", a hemp-derived consumable product that:

(a) Is a liquid intended for ingestion in which naturally derived delta-9 THC is the only hemp-derived cannabinoid in the product;

(b) Contains no more than five milligrams of naturally derived delta-9 THC per serving; and

(c) Either:

a. Is sold in a single-use package with no more than five milligrams of naturally derived delta-9 THC and no more than sixty milligrams of naturally derived delta-9 THC in a multi-unit package of single-use units; or

b. Is sold in a multi-serving package that contains no more than eighty-five milligrams of naturally derived delta-9 THC, provided that:

(i) The package is resealable;

(ii) The package contains serving sizes of not more than five milligrams of naturally derived delta-9 THC and clearly indicates the serving size on the package; and

(iii) The volume of the final product for the package is a minimum of seven hundred fifty milliliters, in the aggregate;

(12) "Hemp-derived consumable product", a hemp product that is a finished good intended for human ingestion or inhalation and that does not contain a total THC concentration measured post-decarboxylation of more than three-tenths of one percent on a dry-weight basis. Total THC concentration shall be calculated as the sum of:

(a) The measured delta-9 THC; and

(b) The product of the measured THCA multiplied by eight hundred seventy-seven thousandths;

(13) "Hemp product", any product that contains a hemp-derived cannabinoid. The term "hemp product" shall not include:

(a) Any hemp-derived product intended for topical application;

(b) Any hemp-derived animal feed product; or

(c) Any hemp seeds or hemp-seed-derived ingredients that are generally recognized as safe by the U.S. Food and Drug Administration;

(14) "Ingestion", the process of consuming a hemp-derived consumable product through the mouth by swallowing into the gastrointestinal system or through tissue absorption;

(15) "License", a license issued in accordance with sections 195.2540 to 195.2620;

(16) "Manufacture", to compound, blend, extract, infuse, or otherwise make or prepare products containing a hemp-derived cannabinoid, including the processes of extraction, infusion, packaging, repackaging, labeling, and relabeling of products containing a hemp-derived cannabinoid;

(17) "Manufacturer", any person who engages in the process of manufacturing, preparing, or packaging hemp-derived consumable beverage products;

(18) "On-premises retailer", a retailer, other than a food service establishment, that sells hemp-derived consumable beverage products for on-site consumption;

(19) "Proof of age", a valid driver's license or other government-issued identification card that contains a photograph of the person and confirms the person's age as twenty-one years of age or older;

(20) "Retail establishment", a place of business open to the general public for the sale of goods or services;

(21) "Retailer", a person or entity that sells hemp-derived consumable beverage products for consumption and not for resale. The term "retailer" shall include on-premises retailers and any food service establishments engaged in such sales;

(22) "Serving", the amount of a hemp-derived consumable beverage product the manufacturer suggests be consumed at a single time.

195.2555. 1. A person shall not knowingly:

(1) Sell or distribute a hemp-derived consumable beverage product to a person who is under twenty-one years of age;

(2) Purchase a hemp-derived consumable beverage product on behalf of a person who is under twenty-one years of age;

(3) Persuade, entice, send, or assist a person who is under twenty-one years of age to purchase, acquire, receive, or attempt to purchase a hemp-derived consumable beverage product;

(4) Distribute free samples of a hemp-derived consumable beverage product in or on a public street, sidewalk, or park;

(5) Sell hemp-derived consumable beverage products in or on a public street, sidewalk, or park without obtaining a temporary event permit from the division; or

(6) Sell or distribute a hemp-derived consumable beverage product without having first obtained proof of age from the prospective purchaser or recipient unless an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient is not under twenty-one years of age.

2. A person under twenty-one years of age shall not knowingly:

(1) Purchase, possess, or accept receipt of a hemp-derived consumable beverage product; or

(2) Present purported proof of age that is false or fraudulent or that does not actually identify the person for the purpose of purchasing or receiving a hemp-derived consumable beverage product.

3. Any hemp-derived consumable beverage product, including those in cases or boxes, offered for retail sale shall be merchandised in such a manner, which may include, but shall not be limited to, signage, shelf-talkers, and stickers on cooler doors, so as to clearly indicate to consumers the products contain hemp-derived cannabinoids and are for sale only to persons twenty-one years of age or older.

4. Any person who violates any provision of this section shall be subject to a fine not to exceed two hundred fifty dollars for a first violation to be paid into the state school moneys fund established under section 166.051 as provided by law for other fines and penalties. The

penalty for any second or subsequent violation shall be a class D misdemeanor.

5. The division shall enforce sections 195.2540 to 195.2620 in a manner that may reasonably be expected to reduce the extent to which hemp-derived consumable beverage products are sold or distributed to persons under twenty-one years of age and shall conduct inspections at locations where such products are sold or distributed to ensure compliance with sections 195.2540 to 195.2620.

6. Nothing in this section shall prohibit law enforcement from using the following persons to enforce the provisions of this section:

(1) Any minor under eighteen years of age if the minor's parent or legal guardian has consented to the minor's involvement in the enforcement effort; and

(2) Any person eighteen years of age or older and under twenty-one years of age if the person has consented to his or her involvement in the enforcement effort.

7. Notwithstanding the provisions of this chapter or chapter 579 or any other provision of law to the contrary other than the provisions of subsection 8 of this section, any purchase, possession, consumption, use, manufacture, transportation, or distribution of any hemp-derived consumable beverage product that complies with the provisions of sections 195.2540 to 195.2620 shall be lawful.

8. If the sale of hemp-derived consumable beverage products becomes illegal under federal law, the following provisions shall apply:

(1) The sale of hemp-derived consumable beverage products in this state shall be prohibited;

(2) Any license issued by the division under sections 195.2540 to 195.2620 shall be revoked; and

(3) The division shall not begin, or shall stop, issuing any licenses under sections 195.2540 to 195.2620.

195.2560. 1. A person or entity that is in the business of hemp-derived consumable beverage products in this state, including any manufacturer, distributor, or retailer, shall obtain a license from the division authorizing the person or entity to engage in that business prior to the commencement of the business or, for a business operating before the effective date of the rules promulgated under sections 195.2540 to 195.2620, within a time period specified by the division by rule.

2. Any person or entity engaging in the business of manufacturing or selling hemp-derived consumable beverage products in this state without a valid license required under sections 195.2540 to 195.2620 shall be subject to a fine not to exceed two hundred fifty dollars.

3. (1) Any license granted to a retailer shall be location-specific. The division shall require a retailer to obtain a separate license for each location at which the retailer sells hemp-derived consumable beverage products for consumption.

(2) Any license granted to a manufacturer or distributor shall not be location-specific. The division shall not require a manufacturer or distributor to obtain a separate license for each location at which the manufacturer or distributor operates.

4. To obtain and maintain a manufacturer, distributor, or retailer license under this section, a person or entity shall:

(1) Submit to the division information the division prescribes as necessary for the efficient enforcement of sections 195.2540 to 195.2620;

(2) For initial licensing, pay to the division a fee of:

(a) For manufacturers and distributors, five hundred dollars; and

(b) For retailers, two hundred fifty dollars per location, not to exceed two thousand five hundred dollars for a retailer with multiple locations; and

(3) Consent to reasonable inspection and sampling by the division of the person's or entity's inventory of hemp-derived consumable beverage products.

5. A license issued under this section shall be valid for a period of one year and may be renewed annually. The division shall charge an annual renewal fee of:

(1) For manufacturers and distributors, two hundred fifty dollars; and

(2) For retailers, one hundred dollars per location, not to exceed two thousand five hundred dollars for a retailer with multiple locations.

6. The division may deny or revoke a license for any violation of sections 195.2540 to 195.2620 or the rules promulgated under sections 195.2540 to 195.2620.

7. No more than ninety days after the promulgation of rules under sections 195.2540 to 195.2620, the division shall issue licenses for the manufacture, distribution, and sale of hemp-derived consumable beverage products in this state.

8. Notwithstanding any other provision of this section to the contrary, any applicant that meets the requirements set forth in sections 195.2540 to 195.2620 shall be issued a license by the division. A license application shall be automatically deemed approved, and a license shall be issued, if the division fails to approve or deny the

application within thirty days of the date of the submission of the application.

9. All fees payable under this section shall be collected by the division and transmitted to the department of revenue for deposit in the state treasury to the credit of the hemp business fund established under section 195.2563.

195.2563. 1. There is hereby created in the state treasury the "Hemp Business Fund". All fees authorized to be charged by the division under section 195.2560 shall be collected by the director of the division and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely for the administration of sections 195.2540 to 195.2620.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer 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.

195.2565. 1. Before April 1, 2026, the division shall promulgate rules on the licensure of hemp-derived consumable beverage product businesses to implement the provisions of sections 195.2540 to 195.2620. The rules shall, at a minimum:

(1) Set forth application forms and guidelines for obtaining a license as a hemp-derived consumable beverage product business;

(2) Specify the date by which hemp-derived consumable beverage product businesses operating before the effective date of the rules promulgated under this section shall obtain a license to continue operating; and

(3) Set forth requirements for business operations in accordance with sections 195.2540 to 195.2620.

2. Before April 1, 2026, the department shall promulgate rules on the testing of hemp-derived consumable beverage products.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

195.2575. 1. The label of a hemp-derived consumable beverage product offered for distribution or sale in this state shall contain the following information in not less than three-point font:

(1) Product name or common name on the front of the label;

(2) Brand name on the front of the label;

(3) Size of the container or net count of individual items on the front of the label;

(4) Net weight or volume;

(5) Suggested product use, including serving sizes if the product is intended for ingestion;

(6) List of ingredients, including:

(a) The amount of any advertised cannabinoid in milligrams; and

(b) The amount of any primary cannabinoid in milligrams;

(7) List of potential allergens;

(8) The name and address of the manufacturer or distributor;

(9) Batch number;

(10) A statement that use while pregnant or breast-feeding may be harmful;

(11) A statement that the product contains hemp-derived cannabinoids and that consumption of certain cannabinoids may impair the consumer's ability to drive or operate heavy machinery;

(12) A statement to keep out of the reach of children;

(13) A statement that the product is only for persons twenty-one years of age or older;

(14) A statement to consult a physician before use;

(15) A statement that consuming hemp-derived consumable beverage products may result in a failed drug test; and

(16) A best-by date in accordance with rules promulgated by the department.

2. The label of each hemp-derived consumable beverage product shall include:

(1) The following text: "This product has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, mitigate, or prevent any disease."; and

(2) The following text: "Warning - The safety of this product has not been determined.".

3. Hemp-derived consumable beverage product labels shall not:

(1) Have any likeness or bear any reasonable resemblance to a human, animal, cartoon character, or fictional character;

(2) Appear to imitate a food, candy, or other commonly available snack product that is typically marketed toward or appealing to children; or

(3) Infringe upon any trademarks protected by the U.S. Patent and Trademark Office or the Missouri office of the secretary of state.

195.2580. 1. A hemp-derived consumable beverage product that is sold in this state shall be labeled in accordance with section 195.2575 and include a quick response code that directs consumers to all label information required by section 195.2575 and all information on product testing required by department rules.

2. (1) A hemp-derived consumable beverage product that is sold in this state shall be manufactured in the United States under all applicable laws governing the manufacture of hemp-derived products in its jurisdiction of origin including, but not limited to, abiding by Current Good Manufacturing Practices (CGMP) and Generally Recognized as Safe (GRAS) standards.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, cannabinoids are allowed in a hemp-derived consumable beverage product despite not having GRAS status. All ingredients other than cannabinoids in the final hemp-derived consumable beverage product shall have GRAS status.

3. Any hemp-derived consumable beverage product that is sold in this state shall not be sold without a validly

issued certificate of analysis issued by an independent testing laboratory within the previous twenty-four months.

4. A hemp-derived consumable beverage product that is sold or offered for sale in violation of sections 195.2540 to 195.2620 shall be subject to seizure and forfeiture.

195.2585. 1. A retailer or manufacturer of a hemp-derived consumable beverage product shall not advertise, market, or offer for sale a hemp-derived consumable beverage product by using any trade dress, trademark, branding, or related imagery or scenery that is prohibited under this section in the labeling or design of the product or product packaging or in advertising or marketing materials for the product.

2. Any trade dress, trademark, branding, or related imagery or scenery shall be prohibited under this section if the trade dress, trademark, branding, or related imagery or scenery depicts or signifies characters or symbols known to appeal primarily to persons under twenty-one years of age or mimics commonly available candy or snack products.

3. Nothing in this section prohibits the use of drawings, illustrations, or artwork depicting nonmythical creatures, inanimate objects, scenery, humanoid characters, fruit- or flavor-focused images, or any other items not known to appeal primarily to persons under twenty-one years of age.

195.2590. 1. Sections 195.2540 to 195.2620 shall not be construed to permit a person to undertake any task while impaired by the use of a hemp-derived consumable beverage product if doing so would constitute negligence or professional malpractice.

2. (1) A person shall not operate, navigate, or be in actual physical control of a motor vehicle, aircraft,

motorized watercraft, or any other vehicle while impaired by the use of a hemp-derived consumable beverage product.

(2) Conduct while intoxicated from the use of a hemp-derived consumable beverage product shall be subject to the penalties for driving while intoxicated under section 577.010 in the same manner that conduct while intoxicated from the use of any other drug is subject to such penalties.

3. (1) A person shall not drive a motor vehicle on a public road while consuming a hemp-derived consumable beverage product.

(2) A person shall not possess an open container of a hemp-derived consumable beverage product while driving a motor vehicle on a public road.

(3) A violation of subdivision (1) or (2) of this subsection is an infraction for which four points shall be assessed to the person's driver's license under section 302.302.

4. Sections 195.2540 to 195.2620 shall not require an employer to accommodate the use of a hemp-derived consumable beverage product in the workplace or an employee working while impaired by the use of a hemp-derived consumable beverage product.

5. Sections 195.2540 to 195.2620 shall not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the use of a hemp-derived consumable beverage product or relieve a person from any requirement under the law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

195.2595. 1. Nothing in sections 195.2540 to 195.2620 shall prohibit hemp-derived consumable beverage product manufacturers from assigning exclusive territories for distribution of hemp-derived consumable beverage products.

2. (1) Any person, cooperative, or business holding any one of the three types of hemp-derived consumable beverage product licenses who is engaged in the production, manufacturing, distribution, or sale of hemp-derived consumable beverage products shall not hold either of the other two types of hemp-derived consumable beverage product licenses and shall not have a financial interest, either direct or indirect, in a person, cooperative, or business holding any of the other two types of hemp-derived consumable beverage product licenses.

(2) A hemp-derived consumable beverage product manufacturer shall not directly solicit, sell, or otherwise convey hemp-derived consumable beverage products to retailers. Hemp-derived consumable beverage product manufacturers are authorized to solicit and sell hemp-derived consumable beverage products to hemp-derived consumable beverage product distributors. Hemp-derived consumable beverage product distributors are authorized to solicit and sell hemp-derived consumable beverage products to hemp-derived consumable beverage product retailers.

(3) The prohibitions of this subsection shall not apply to any hemp-derived consumable beverage product manufacturer who sells less than one thousand gallons of the product each year.

3. No person or entity shall deliver, ship, or cause to be delivered or shipped any hemp-derived consumable beverage product directly to any resident of this state.

195.2600. 1. Each hemp-derived consumable beverage product distributed or available for distribution in this state shall be officially registered with the division and shall comply with the requirements of this section.

2. Application for registration shall be made to the division on a form provided by the division and shall include the following information:

(1) The name and address of the applicant;

(2) The name and address of the person whose name will appear on the label if such person is not the applicant;

(3) The name of the product;

(4) The type and use of the product;

(5) A complete copy of the label as it will appear on the product in a legible format;

(6) If the product has been assigned a National Drug Code in accordance with 21 CFR 207.33, the National Drug Code number; and

(7) The applicant's proof of using Current Good Manufacturing Practices (CGMP) and Generally Recognized as Safe (GRAS) standards as required under sections 195.2540 to 195.2620.

3. The application for registration shall include a certificate of analysis for the hemp-derived consumable beverage product that is from an independent testing laboratory and that meets requirements set forth in rules promulgated by the department.

4. The division may deny registration for an incomplete application.

5. A new registration is required for any of the following:

(1) Any change in a hemp-derived consumable beverage product's ingredients;

(2) Any change to the directions for use; and

(3) Any change of name for the product.

6. Any change not described in subsection 5 of this section shall not require a new registration, but the

registrant shall submit copies of each label change to the division as soon as the change is effective.

7. The registrant is responsible for the accuracy and completeness of the information submitted.

8. A hemp-derived consumable beverage product that has been discontinued shall continue to be registered in the state until the product is no longer available for distribution.

195.2605. 1. Testing of any hemp-derived consumable beverage product for purposes of sections 195.2540 to 195.2620 shall be conducted on the hemp-derived consumable beverage product in its final form in accordance with the rules promulgated by the department.

2. The certificate of analysis for a hemp-derived consumable beverage product shall report the test results required by department rules in specified units of measure and in accordance with the requirements for a hemp-derived consumable beverage product in section 195.2580.

195.2607. 1. The division shall conduct randomized inspections of hemp-derived consumable beverage products distributed or available for distribution in this state for compliance with the requirements of sections 195.2540 to 195.2620.

2. The division shall periodically sample, analyze, and test hemp-derived consumable beverage products distributed within this state for compliance with registration and labeling requirements and the certificate of analysis.

3. The division may conduct inspections of hemp-derived consumable beverage products distributed or available for distribution for any reason the division deems necessary.

195.2610. 1. All retail establishments and food service establishments offering hemp-derived consumable beverage products shall be licensed by the division in accordance with sections 195.2540 to 195.2620.

2. A hemp-derived consumable beverage product may be sold by on-premises retailers or in food service establishments if the hemp-derived consumable beverage product has been registered in accordance with section 195.2600. Any other hemp-derived consumable beverage product or class of products shall not be sold by on-premises retailers or in food service establishments.

3. A retail establishment, on-premises retailer, or food service establishment shall not offer hemp-derived consumable beverage products at a temporary event or festival unless the retail establishment, on-premises retailer, or food service establishment is licensed by the division in accordance with sections 195.2540 to 195.2620 and obtains a temporary event permit from the division.

4. A business that distributes, sells, or serves hemp-derived consumable beverage products shall not permit any person who is under twenty-one years of age to serve hemp-derived consumable beverage products unless the person is an employee of the business who is eighteen years of age or older and under the direct supervision of a person twenty-one years of age or older.

5. A hemp-derived consumable beverage product shall not be sold for on-site consumption unless the prospective purchaser or recipient has presented proof of age or an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient is not under twenty-one years of age.

6. Except as set forth in this section, only prepackaged registered hemp-derived consumable beverage

products shall be offered for direct consumption at on-premises retailers or food service establishments.

7. Hemp-derived consumable beverage products shall not be added to an ingestible food product at a food service establishment.

8. Hemp-derived consumable beverage products may be combined with nonalcoholic ingestible beverage products at an on-premises retailer or food service establishment.

9. On-premises retailers and food service establishments serving hemp-derived consumable beverage products shall not provide hemp-derived consumable beverage products to individuals who are believed to be intoxicated.

10. An on-premises retailer or food service establishment offering any hemp-derived consumable beverage product shall provide to consumers upon request:

- (1) The common name of the product; and
- (2) The distributor or manufacturer of the product.

11. On-site sampling of hemp-derived consumable beverage products provided by a manufacturer at the manufacturer's place of business is permitted provided that the persons sampling are twenty-one years of age or older and the sampling is conducted in a manner that reflects responsible serving practices.

195.2615. The division may regulate the advertising and promotion of hemp-derived consumable beverage product sales, but any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales.

195.2617. For all tax years beginning on or after January 1, 2026, an excise tax is levied and imposed upon the retail sale of hemp-derived consumable beverage products to consumers within this state at the rate and in the manner set forth in section 144.028.

195.2620. 1. As used in this section, the following terms mean:

(1) "Good cause":

(a) Failure by the hemp-derived consumable beverage product distributor to comply substantially with the provisions of an agreement or understanding with the hemp-derived consumable beverage product manufacturer if the provisions are both essential and reasonable;

(b) Use of bad faith or failure to observe reasonable commercial standards of fair dealing in the trade; or

(c) Revocation or suspension for more than thirty days of the hemp-derived consumable beverage product distributor's state or local license required for the normal operations of its business;

(2) "Good faith", the duty of each party to any franchise and all officers, employees, or agents thereof to act in a fair and equitable manner toward each other.

2. If more than one franchise for the same brand or brands of hemp-derived consumable beverage products is granted to different hemp-derived consumable beverage product distributors in this state, it shall be unlawful for any hemp-derived consumable beverage product manufacturer to discriminate between the distributors with respect to any of the terms, provisions, and conditions of these franchises.

3. Notwithstanding the terms, provisions, and conditions of any franchise to the contrary, no hemp-derived consumable beverage product manufacturer shall unilaterally terminate or refuse to continue or change substantially the condition of any franchise with the hemp-derived consumable beverage product distributor unless the manufacturer has first established good cause for such termination, noncontinuance, or change.

4. Any hemp-derived consumable beverage product distributor may bring an action in a court of competent jurisdiction against a hemp-derived consumable beverage product manufacturer for violation of any of the provisions of this section and may recover damages sustained by such distributor together with the costs of the action and reasonable attorney's fees.

5. In any action brought by a hemp-derived consumable beverage product distributor against a hemp-derived consumable beverage product manufacturer for termination, noncontinuance, or substantial change in violation of the provisions of this section, it is a complete defense for the hemp-derived consumable beverage product manufacturer to prove that the termination, noncontinuance, or substantial change was done in good faith and for good cause.