

# SENATE BILL NO. 54

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0393S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 195, RSMo, by adding thereto three new sections relating to cannabis, with penalty provisions.

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

Section A. Chapter 195, RSMo, is amended by adding thereto  
2 three new sections, to be known as sections 195.800, 195.819,  
3 and 195.900, to read as follows:

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

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

195.819. Marijuana dispensary facilities, as described  
2 in Article XIV of the Constitution of Missouri, selling  
3 marijuana, marijuana-infused products, or intoxicating  
4 cannabinoids, as defined in section 195.900, to end user  
5 consumers shall not create or retain any record containing

6 the consumer's identifying information upon the consumer's  
7 written request. The provisions of this section shall not  
8 apply to any record-keeping requirements relating to  
9 qualifying patients and primary caregivers under Article  
10 XIV, Section 1 of the Constitution of Missouri. Any  
11 dispensary facility that violates the provisions of this  
12 section shall be assessed a five hundred dollar fine per  
13 occurrence.

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

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

4 (1) "CBD", cannabidiol, a nonintoxicating cannabinoid  
5 found in cannabis and hemp;

6 (2) "Cannabinoids", ligands that are either plant-  
7 derived, synthetic, or semisynthetic, and have an affinity  
8 for and activity at cannabinoid receptors;

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

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

17 (5) "Intoxicating cannabinoids":

18 (a) Any cannabinoid, however derived or created, that  
19 has an intoxicating effect when consumed or otherwise  
20 ingested, irrespective of whether the cannabinoid was  
21 created or developed through natural means or through  
22 chemical conversion, isomerization, synthetic derivation,  
23 heat, or any other process by which molecules may be  
24 manipulated, including, without limitation, THC-A; and

25           (b) Any cannabinoid, semisynthetic or synthetic  
26 cannabinoid, or precursor to an intoxicating cannabinoid  
27 that may become intoxicating when heated, decarboxylated, or  
28 otherwise manipulated, excluding, without limitation, CBD.  
29 "Intoxicating cannabinoids" shall be construed to conform  
30 to, and be included in the definition of "marijuana" under  
31 article XIV of the Constitution of Missouri and shall not be  
32 construed to conform to or be included in the definition of  
33 "hemp" in this section or "industrial hemp" in section  
34 195.010;

35           (6) "Marijuana", as such term is defined in article  
36 XIV of the Constitution of Missouri and shall not be  
37 construed to conform to or be included in the definition of  
38 "hemp" in this section.

39           3. The general assembly hereby declares that the state  
40 has a compelling interest in ensuring that products  
41 containing intoxicating cannabinoids are regulated in  
42 relation to the standards applied to similar products,  
43 including, but not limited to, robust safety, testing,  
44 packaging, and labeling requirements, as well as safeguards  
45 to prohibit the consumption of intoxicating cannabinoids by  
46 children. It is the intent of this section that  
47 intoxicating cannabinoid products should be subject to the  
48 legal framework contained in Article XIV of the Constitution  
49 of Missouri, under which the purchase, possession,  
50 consumption, use, delivery, manufacturing, and sale of  
51 marijuana is regulated by the department.

52           4. Hemp, industrial hemp, and hemp-derived products  
53 that do not contain intoxicating cannabinoids shall not be  
54 considered marijuana and shall not be subject to the legal  
55 framework contained in Article XIV of the Constitution of  
56 Missouri. It is the intent of the general assembly that

57 nothing in this section shall be construed to regulate hemp,  
58 industrial hemp, or products that do not contain  
59 intoxicating cannabinoids. Nothing in this section shall be  
60 construed to conflict or otherwise preempt the Agriculture  
61 Improvement Act of 2018, P.L. 115-334.

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

65 6. Notwithstanding any provision of law to the  
66 contrary, all intoxicating cannabinoid products are  
67 marijuana and shall be regulated by the department in the  
68 same manner as the department regulates marijuana under  
69 Article XIV of the Constitution of Missouri, including, but  
70 not limited to, requiring intoxicating cannabinoid products  
71 to be subject to the same growing, manufacturing,  
72 dispensing, transportation, advertising, marketing, testing,  
73 packaging, and labeling requirements as marijuana, and that  
74 all intoxicating cannabinoid products are cultivated,  
75 manufactured, and sold only at a licensed comprehensive  
76 facility, medical facility, or marijuana microbusiness  
77 facility, as such terms are defined in Article XIV of the  
78 Constitution of Missouri. The department shall regulate all  
79 intoxicating cannabinoid products consistent with, and in  
80 addition to, other natural marijuana products pursuant to  
81 its constitutionally-mandated requirement to regulate  
82 marijuana within the framework of Article XIV of the  
83 Constitution of Missouri.

84 7. No person or entity other than a comprehensive or  
85 medical marijuana dispensary facility or a microbusiness  
86 dispensary facility, as such terms are defined in Article  
87 XIV of the Constitution of Missouri, shall carry on,  
88 conduct, or transact business under a name that contains as

89 part of the name the word "dispensary" or any word or  
90 similar import.

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

95 9. The department of health and senior services shall  
96 promulgate all rules and regulations necessary to implement  
97 the provisions of this section. Any rule or portion of a  
98 rule, as that term is defined in section 536.010, that is  
99 created under the authority delegated in this section shall  
100 become effective only if it complies with and is subject to  
101 all of the provisions of chapter 536 and, if applicable,  
102 section 536.028. This section and chapter 536 are  
103 nonseverable and if any of the powers vested with the  
104 general assembly pursuant to chapter 536 to review, to delay  
105 the effective date, or to disapprove and annul a rule are  
106 subsequently held unconstitutional, then the grant of  
107 rulemaking authority and any rule proposed or adopted after  
108 August 28, 2025, shall be invalid and void.

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