

SENATE BILL NO. 697

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

2569S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 312, RSMo, by adding thereto nine new sections relating to hemp businesses, with penalty provisions.

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

Section A. Chapter 312, RSMo, is amended by adding thereto
2 nine new sections, to be known as sections 312.1000, 312.1005,
3 312.1010, 312.1015, 312.1020, 312.1025, 312.1030, 312.1035, and
4 312.1040, to read as follows:

**312.1000. As used in sections 312.1000 to 312.1040,
2 the following terms mean:**

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

5 (2) "Division", the division of alcohol and tobacco
6 control;

7 (3) "Hemp beverage" or "hemp beverage product", a
8 beverage intended for human consumption, which does not
9 include cannabis flower or cannabis concentrate; and:

10 (a) Contains or consists of hemp plant parts; or

11 (b) Contains hemp concentrate or artificially derived
12 cannabinoids in combination with other ingredients;

13 (4) "Hemp business", one of the following licensed
14 under sections 312.1000 to 312.1040:

15 (a) Hemp beverage manufacturer;

16 (b) Hemp beverage wholesaler; or

17 (c) Hemp beverage retailer.

18 "Hemp business" does not include a person or entity licensed
19 to grow industrial hemp for commercial or research purposes
20 or to process industrial hemp for commercial purposes;

21 (5) "Hemp concentrate":

22 (a) The extracts and resins of a hemp plant or hemp
23 plant parts;

24 (b) The extracts or resins of a hemp plant or hemp
25 plant parts that are refined to increase the presence of
26 targeted cannabinoids; or

27 (c) A product that is produced by refining extracts or
28 resins of a hemp plant or hemp plant parts and is intended
29 to be consumed by combustion or vaporization of the product
30 and inhalation of smoke, aerosol, or vapor from the product.

31 "Hemp concentrate" does not include artificially derived
32 cannabinoids, hemp beverages, hemp-derived consumer
33 products, or hemp-derived topical products;

34 (6) "Hemp plant", all parts of the plant of the genus
35 Cannabis that is growing or has not been harvested and has a
36 delta-9 tetrahydrocannabinol concentration of no more than
37 three-tenths of one percent on a dry weight basis;

38 (7) "Hemp plant parts", any part of the harvested hemp
39 plant, including the flower, bud, leaves, stems, and stalk,
40 but does not include derivatives, extracts, cannabinoids,
41 isomers, acids, salts, and salts of isomers that are
42 separated from the plant. "Hemp plant parts" do not include
43 hemp fiber products, hemp grain, or hemp seed;

44 (8) "Hemp seed", the viable seed of the plant of the
45 genus Cannabis that is intended to be planted and is
46 reasonably expected to grow into a hemp plant. "Hemp seed"
47 does not include cannabis seed or hemp grain;

48 (9) "Industrial hemp", the plant *Cannabis sativa L.*
49 and any part of the plant, whether growing or not, including
50 the plant's seeds, and all the plant's derivatives,
51 extracts, cannabinoids, isomers, acids, salts, and salts of
52 isomers, whether growing or not, with a delta-9
53 tetrahydrocannabinol concentration of not more than three-
54 tenths of one percent on a dry weight basis. Industrial
55 hemp is not marijuana, as defined under article XIV of the
56 Constitution of Missouri.

 312.1005. 1. The division shall issue the following
2 types of hemp business licenses:

- 3 (1) Hemp beverage manufacturer;
- 4 (2) Hemp beverage wholesaler; and
- 5 (3) Hemp beverage retailer.

6 2. Notwithstanding any provisions of sections 312.1000
7 to 312.1040 or chapter 311 to the contrary, there shall be
8 no interpretations that prohibit liquor licensees from
9 manufacturing, distributing, or selling hemp beverage
10 products that comply with the provisions of sections
11 312.1000 to 312.1040 and any other rules adopted by the
12 division.

13 3. A person, cooperative, or business may hold both a
14 hemp beverage manufacturer and hemp beverage retailer
15 license, but may only operate hemp beverage retail
16 operations on site at the premises in which the hemp
17 beverage product is manufactured.

18 4. Except as otherwise provided in this section, no
19 person, cooperative, or business holding any one of the
20 three types of hemp beverage licenses shall hold either of
21 the other two types of hemp beverage licenses and shall not
22 have a financial interest, either direct or indirect, in a

23 person, cooperative, or business holding any of the other
24 two types of hemp beverage licenses.

25 5. Except as otherwise provided in this section, no
26 hemp beverage manufacturer shall sell or otherwise convey
27 hemp beverage products to retailers. Hemp beverage
28 manufacturers are authorized to solicit and sell hemp
29 beverage products to hemp beverage wholesalers. Hemp
30 beverage wholesalers are authorized to solicit and sell hemp
31 beverage products to hemp beverage retailers.

32 6. A person, cooperative, or business holding a hemp
33 beverage manufacturer license, a hemp beverage wholesaler
34 license, or a hemp beverage retailer license, or any
35 combination of the three, shall not hold a marijuana
36 facility license or a medical facility license, as such
37 terms are defined in article XIV of the Constitution of
38 Missouri.

39 7. No license shall be issued to a hemp beverage
40 retailer unless the hemp beverage retailer also has an
41 active license issued by the division allowing it to sell
42 alcoholic beverages. This restriction shall not apply to
43 hemp beverage manufacturers or hemp beverage wholesalers,
44 unless they are seeking a hemp beverage retailer license.

45 8. No hemp beverage wholesaler or hemp beverage
46 retailer shall distribute or sell any hemp beverage products
47 that the wholesaler or retailer knows or reasonably should
48 know were manufactured outside of the United States.

312.1010. 1. The division, by rule, shall establish
2 forms and procedures for the processing of hemp licenses
3 issued under sections 312.1000 to 312.1040. At a minimum,
4 any application to obtain or renew a hemp business license
5 shall include the following information, if applicable:

6 (1) The name, address, and date of birth of the
7 applicant;

8 (2) The address and legal property description of the
9 business;

10 (3) Proof of business name registration;

11 (4) Certification that the applicant shall comply with
12 the requirements of sections 312.1000 to 312.1040 relating
13 to the ownership and operation of a hemp business;

14 (5) Identification of one or more controlling persons
15 or managerial employees as agents who shall be responsible
16 for dealing with the division on all matters; and

17 (6) A statement that the applicant agrees to respond
18 to the division's supplemental requests for information.

19 2. An application on behalf of a corporation, limited
20 liability company, partnership, or association shall be
21 signed by at least two officers or managing agents of that
22 entity.

23 3. The division may issue a hemp business license to
24 an applicant who:

25 (1) Is, or is owned and managed by persons, at least
26 twenty-one years of age who has or have not been convicted
27 of a felony related to controlled substances within the
28 previous ten years in any state or federal jurisdiction and
29 who is or are current in filing all applicable tax returns
30 to the department of revenue and in payment of all taxes,
31 interest, and penalties assessed by the department of
32 revenue;

33 (2) Has completed an application for licensure or
34 application for renewal and has fully and truthfully
35 complied with all information requests relating to license
36 application and renewal;

37 (3) Has paid the applicable application and license
38 fees. For hemp beverage manufacturers, the license fee
39 shall be one thousand dollars. For hemp beverage
40 wholesalers, the license fee shall be five hundred dollars.
41 For hemp beverage retailers, the license fee shall be two
42 hundred fifty dollars per location, and shall not exceed
43 five thousand dollars for an entity with multiple locations;

44 (4) Is not employed by the division, department, or
45 any other state agency with regulatory authority over
46 sections 312.1000 to 312.1040; and

47 (5) Does not hold any marijuana facility or medical
48 facility license, as such terms are defined in article XIV
49 of the Constitution of Missouri.

50 4. Licenses shall be renewed annually.

51 5. Licenses shall not be transferred.

52 6. The division shall promulgate such regulations
53 related to hemp business licensees for the administration of
54 sections 312.1000 to 312.1040 and shall design all necessary
55 forms. Any rule or portion of a rule, as that term is
56 defined in section 536.010, that is created under the
57 authority delegated in this section shall become effective
58 only if it complies with and is subject to all of the
59 provisions of chapter 536 and, if applicable, section
60 536.028. This section and chapter 536 are nonseverable and
61 if any of the powers vested with the general assembly
62 pursuant to chapter 536 to review, to delay the effective
63 date, or to disapprove and annul a rule are subsequently
64 held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28,
66 2025, shall be invalid and void.

67 7. Whenever it shall be determined that a hemp
68 business licensee has violated any of the provisions of

69 sections 312.1000 to 312.1040, the supervisor of the
70 division may warn, place on probation on such terms and
71 conditions as the supervisor deems appropriate for a period
72 not to exceed twelve months, fine in an amount not to exceed
73 five thousand dollars per violation, suspend for a period
74 not to exceed twelve months, or revoke the license of the
75 licensee. The licensee shall have thirty days' notice of
76 the imposition of discipline and may seek a determination
77 thereon by the administrative hearing commission pursuant to
78 the provisions of section 621.045.

79 8. (1) There is hereby created in the state treasury
80 the "Hemp-Derived Products Fund", which shall consist of all
81 fees authorized to be charged by the division under this
82 section. The state treasurer shall be custodian of the
83 fund. In accordance with sections 30.170 and 30.180, the
84 state treasurer may approve disbursements. The fund shall
85 be a dedicated fund and money in the fund shall be used
86 solely by the division for the purposes of administration of
87 sections 312.1000 to 312.1040.

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

92 (3) The state treasurer shall invest moneys in the
93 fund in the same manner as other funds are invested. Any
94 interest and moneys earned on such investments shall be
95 credited to the fund.

312.1015. 1. A hemp beverage manufacturer license
2 entitles the license holder to:

3 (1) Purchase hemp plant parts, hemp concentrate, and
4 artificially derived cannabinoids from cannabis

5 manufacturers, cannabis wholesalers, and hemp beverage
6 manufacturers;

7 (2) Purchase hemp plant parts and propagules from
8 industrial hemp growers;

9 (3) Purchase hemp concentrate from industrial hemp
10 processors;

11 (4) Make hemp concentrate;

12 (5) Manufacture artificially derived cannabinoids;

13 (6) Manufacture hemp beverages for public consumption;

14 (7) Package and label hemp beverages for sale to
15 customers;

16 (8) Sell hemp concentrate to cannabis businesses and
17 other hemp businesses;

18 (9) Sell hemp beverage products to hemp beverage
19 wholesalers; and

20 (10) Perform any other actions approved by the
21 department and division.

22 2. All hemp beverage manufacturing shall take place in
23 a facility and on equipment that meets the applicable health
24 and safety requirements established by the department,
25 including requirements for cleaning and testing machinery
26 between production of different products.

27 3. A hemp beverage manufacturer shall comply with all
28 applicable packaging, labeling, and testing requirements
29 established by the department. Labels and packaging for the
30 hemp beverage products shall not consist of images or
31 designs that suggest that the products are intended for
32 consumption by children.

33 4. All hemp beverage products shall be registered by
34 the manufacturer with the department prior to sale.

35 5. A hemp beverage manufacturer that creates hemp
36 concentrate or artificially derived cannabinoids shall
37 obtain an endorsement from the department.

38 6. A hemp beverage manufacturer seeking an endorsement
39 to create hemp concentrate shall inform the department of
40 all methods of extraction and concentration that the
41 manufacturer intends to use and identify the volatile
42 chemicals, if any, that will be involved in the creation of
43 hemp concentrate. A hemp beverage manufacturer shall not
44 use a method of extraction and concentration or a volatile
45 chemical without approval by the department.

46 7. A hemp beverage manufacturer seeking an endorsement
47 to create artificially derived cannabinoids shall inform the
48 department of all methods of conversion that the
49 manufacturer will use, including any specific catalysts that
50 the manufacturer will employ, to create artificially derived
51 cannabinoids and the molecular nomenclature of all
52 cannabinoids or other chemical compounds that the
53 manufacturer will create. A business licensed or authorized
54 to manufacture hemp beverages shall not use a method of
55 conversion or a catalyst without approval by the department.

56 8. A hemp beverage manufacturer shall obtain a
57 certification from an independent third-party industrial
58 hygienist or professional engineer approving:

59 (1) All electrical, gas, fire suppression, and exhaust
60 systems; and

61 (2) The plan for safe storage and disposal of
62 hazardous substances, including, but not limited to, any
63 volatile chemicals.

64 9. Upon the sale of hemp concentrate or artificially
65 derived cannabinoids to any person, cooperative, or
66 business, a hemp beverage manufacturer shall provide a

67 statement to the buyer that discloses the method of
68 extraction and concentration or conversion used and any
69 solvents, gases, or catalysts, including, but not limited
70 to, any volatile chemicals involved in that method.

71 10. All areas within the premises of a hemp beverage
72 manufacturer used for producing hemp beverages shall meet
73 the sanitary standards specified in rules adopted by the
74 department.

75 11. A hemp beverage manufacturer may only add
76 chemicals or compounds approved by the department to hemp
77 concentrate or artificially derived cannabinoids.

78 12. Upon the sale of any hemp beverage, a hemp
79 beverage manufacturer shall provide a statement to the buyer
80 that discloses the product's ingredients, including, but not
81 limited to, any chemicals or compounds and any major food
82 allergens declared by name.

83 13. A hemp beverage manufacturer shall not add any
84 artificially derived cannabinoid, hemp plant part, or hemp
85 concentrate to a product if the manufacturer of the product
86 holds a trademark to the product's name, except that a hemp
87 beverage manufacturer may use a trademarked food product if
88 the manufacturer uses the product as a component or as part
89 of a recipe and if the hemp beverage manufacturer does not
90 state or advertise to the customer that the final retail
91 hemp beverage product contains a trademarked food product.

92 14. A hemp beverage manufacturer shall not add any
93 cannabis flower, cannabis concentrate, or cannabinoid
94 derived from cannabis flower or cannabis concentrate to a
95 product.

96 15. The hemp beverage manufacturer shall have a hemp
97 beverage product tested prior to distribution to confirm
98 compliance with all statutory and regulatory requirements.

99 The testing shall be performed by a laboratory holding an
100 ISO 17025 accreditation or that is registered with the Drug
101 Enforcement Administration in accordance with 21 CFR
102 1301.13, and which does not have a direct or indirect
103 interest in the entity whose product is being tested.

104 16. No hemp beverage manufacturer who designates a
105 specific geographic area for which a hemp beverage
106 wholesaler shall be responsible, shall enter into any
107 agreement with any other person for the purpose of
108 establishing an additional wholesaler for the same brands of
109 hemp beverage products in such designated area.

110 17. Any hemp beverage manufacturer or wholesaler who
111 violates the provisions of this section, or permit its
112 employees, officers, or agents to do so, shall be guilty of
113 a misdemeanor, and upon conviction thereof shall be punished
114 only as follows:

115 (1) For the first offense, by a fine of one thousand
116 dollars;

117 (2) For the second offense, by a fine of five thousand
118 dollars; and

119 (3) For the third or any subsequent offense, by a fine
120 of twenty-five thousand dollars.

312.1020. 1. A hemp beverage wholesaler may transport
2 hemp beverages on public roadways provided:

3 (1) The hemp beverages are in a safe and secured
4 storage compartment that is part of the motor vehicle or in
5 a locked storage container that has a separate key or
6 combination pad;

7 (2) The hemp beverages are packaged in tamper-evident
8 containers that are not visible or recognizable from outside
9 the transporting vehicle;

10 (3) The hemp beverage wholesaler has a shipping
11 manifest in the hemp beverage wholesaler's possession that
12 describes the contents of all tamper-evident containers;

13 (4) All departures, arrivals, and stops are
14 appropriately documented; and

15 (5) No person other than a designated employee enters
16 a vehicle at any time that the vehicle is transporting hemp
17 beverages.

18 2. A hemp beverage wholesaler may sell to retailers
19 hemp beverage products that:

20 (1) Are obtained from a licensed Missouri hemp
21 beverage manufacturer;

22 (2) Meet all applicable packaging and labeling
23 requirements established by the department; and

24 (3) Comply with any other rules adopted by the
25 department.

26 3. Any vehicle assigned for the purposes of hemp
27 beverages is subject to inspection by the division at any
28 time.

29 4. Any hemp beverage products stored by a hemp
30 beverage wholesaler shall be stored in a secure climate-
31 controlled location that is locked and inaccessible to the
32 general public.

33 5. All hemp beverage wholesalers shall be resident
34 businesses. A "resident business" shall be a business
35 created under the laws of Missouri, in which at least sixty
36 percent of all of the financial interest in the business is
37 owned by bona fide Missouri residents who have continuously
38 resided in Missouri for a period of at least three years
39 immediately prior to the date of filing of the application
40 for a license, and in which at least sixty percent of all
41 directors, officers, or managers of the business are bona

42 fide Missouri residents who have continuously resided in
43 Missouri for a period of at least three years immediately
44 prior to the date of filing of the application for a license.

312.1025. 1. A hemp beverage retailer shall only sell
2 hemp beverages to individuals who are at least twenty-one
3 years of age. No person under twenty-one years of age shall
4 sell or assist in the sale or dispensing of the hemp
5 beverages.

6 2. A hemp beverage retailer shall not sell any product
7 the retailer knows, or has reason to know, contains more
8 than three-tenths of one percent of tetrahydrocannabinol
9 content.

10 3. A hemp beverage retailer may sell hemp beverage
11 products that:

12 (1) Are obtained from a licensed Missouri hemp
13 beverage wholesaler or is manufactured by the hemp beverage
14 retailer as a licensed hemp beverage manufacturer on the
15 premises it is sold; and

16 (2) Meet all applicable packaging and labeling
17 requirements established by the department.

18 4. A hemp beverage retailer shall not ship or deliver
19 hemp beverages to consumers, and all sales of hemp beverage
20 products shall be made on the licensed premise of the hemp
21 beverage retailer.

22 5. A hemp beverage retailer may sell other products or
23 items for which the hemp beverage retailer has a license or
24 authorization or that do not require a license or
25 authorization.

26 6. It shall constitute a class B misdemeanor for a
27 hemp beverage retailer or any other person to sell or
28 provide hemp beverage products to a person under twenty-one
29 years of age. It shall constitute a class B misdemeanor for

30 a person under twenty-one years of age to knowingly acquire,
31 possess, or consume a hemp beverage product.

32 Notwithstanding the other provisions of this section to the
33 contrary, law enforcement efforts utilizing a person under
34 twenty-one years of age but at least eighteen years of age,
35 wherein the person does not consume the hemp beverage
36 product, are not precluded. The division may enforce
37 compliance with this section by conducting random,
38 unannounced inspections at locations where such products are
39 sold or distributed to ensure compliance with sections
40 312.1000 to 312.1040. The division shall submit an annual
41 publicly accessible report to the general assembly
42 describing in detail the division's enforcement efforts.

43 7. A hemp beverage retailer shall ensure that all hemp
44 beverages offered for sale comply with the limits on the
45 amount and types of cannabinoids that a hemp beverage
46 product can contain, including, but not limited to, the
47 requirement that hemp beverages:

48 (1) Consist of servings that contain no more than five
49 milligrams of delta-9 tetrahydrocannabinol, no more than
50 twenty-five milligrams of cannabidiol, no more than twenty-
51 five milligrams of cannabigerol, or any combination of those
52 cannabinoids that does not exceed the identified amounts;

53 (2) Do not contain more than a combined total of five-
54 tenths of a milligram of all other cannabinoids per serving;
55 and

56 (3) Do not contain an artificially derived cannabinoid
57 other than delta-9 tetrahydrocannabinol.

58 8. If a hemp beverage is packaged in a manner that
59 includes more than a single serving, the hemp beverage label
60 shall indicate each serving by scoring, wrapping, or other
61 indicators that appear on the hemp beverage label

62 designating the individual serving size. If it is not
63 possible to indicate a single serving by an indicator that
64 appears on the product, the hemp beverage shall not be
65 packaged in a manner that includes more than a single
66 serving in each container. The hemp beverage container
67 shall not contain more than two servings per container. No
68 hemp beverage container may contain more than five
69 milligrams of delta-9 tetrahydrocannabinol total.

70 9. A hemp beverage retailer shall not:

71 (1) Sell a hemp beverage to a person who is visibly
72 intoxicated;

73 (2) Sell cannabis flower or cannabis products; or

74 (3) Allow for the dispensing of hemp beverage products
75 in vending machines.

76 10. A hemp beverage retailer may permit onsite
77 consumption of hemp beverage products on a portion of its
78 premises if the hemp beverage retailer sells other nonhemp
79 beverage products that are consumed by consumers onsite at
80 the retail premises and earns at least seventy-five percent
81 of its revenue from the sale of nonhemp beverage products
82 that are consumed by consumers onsite.

83 11. A hemp beverage retailer shall ensure that hemp
84 beverage products sold for onsite consumption comply with
85 sections 312.1000 to 312.1040 and rules adopted pursuant to
86 sections 312.1000 to 312.1040 regarding testing.

87 12. Hemp beverage products may be served outside of
88 their packaging provided that the information that is
89 required to be contained on the label of a hemp beverage is
90 posted or otherwise prominently displayed by the hemp
91 beverage retailer.

92 13. Food and beverages not otherwise prohibited by
93 this section may be prepared and sold onsite provided that

94 the hemp beverage retailer complies with all relevant state
95 and local laws, ordinances, licensing requirements, and
96 zoning requirements.

97 14. A hemp beverage retailer with an onsite
98 consumption endorsement shall not:

99 (1) Sell hemp beverage products to a customer who the
100 hemp beverage retailer knows or reasonably should know is
101 intoxicated, either from consumption of alcohol, other hemp
102 beverages, or any other drug;

103 (2) Sell hemp beverage products that are designed or
104 reasonably expected to be mixed with an alcoholic beverage;
105 or

106 (3) Permit hemp beverage products that have been
107 removed from the products' packaging to be removed from the
108 premises of the hemp beverage retailer.

109 15. A hemp beverage retailer shall maintain compliance
110 with state and local building, fire, and zoning codes,
111 requirements, or regulations.

112 16. A hemp beverage retailer shall ensure that the
113 licensed premises is maintained in a clean and sanitary
114 condition, free from infestation by insects, rodents, or
115 other pests.

116 17. No hemp beverage manufacturer or wholesaler may
117 pay to a hemp beverage retailer, nor shall any hemp beverage
118 retailer accept, any payment, credit, or any other
119 consideration to induce the hemp beverage retailer to
120 advertise or display a hemp beverage product in a certain
121 manner on the hemp beverage product's licensed premises.
122 Further, no hemp beverage manufacturer or wholesaler may pay
123 to a hemp beverage retailer any fee rental or other
124 consideration for the use of any part of the licensed retail

125 premises for advertising any brand name for the purpose of
126 advertising the same.

127 18. A hemp beverage retailer is subject to inspection
128 by the division at any time.

129 19. The division shall not issue a hemp beverage
130 license to any retail establishment located within three
131 hundred feet of any educational institution providing
132 education to children at any level between preschool and
133 twelfth grade, or the equivalent, nor to any retail
134 establishment located within three hundred feet of any
135 church or place of worship.

312.1030. 1. As used in this section, "franchise"
2 means a written or oral arrangement for a definite or
3 indefinite period in which a person grants to another person
4 a license to use a trade name, trademark, service mark, or
5 related characteristic, and in which there is a community of
6 interest in the marketing of goods or services at wholesale,
7 retail, by lease, agreement, or otherwise, including, but
8 not limited to, a commercial relationship of definite
9 duration or continuing indefinite duration, between a hemp
10 beverage wholesaler, to hemp beverage retailers, duly
11 licensed in this state, and a hemp beverage manufacturer,
12 and wherein a hemp beverage wholesaler is granted the right
13 to offer, sell, and distribute within this state or any
14 designated area thereof some or all of the hemp beverage
15 manufacturer's hemp beverage products to hemp beverage
16 retailers.

17 2. If more than one franchise for the same brand or
18 brands of hemp beverage products is granted to different
19 hemp beverage wholesalers in Missouri, it is a violation for
20 any hemp beverage manufacturers to discriminate between the

21 wholesalers with respect to any of the terms, provisions,
22 and conditions of these franchises.

23 3. Notwithstanding the terms, provisions, and
24 conditions of any franchise, no hemp beverage manufacturer
25 shall unilaterally terminate or refuse to continue or change
26 substantially the condition of any franchise with the hemp
27 beverage wholesaler unless the manufacturer has first
28 established good cause for such termination, noncontinuance,
29 or change.

30 4. Any hemp beverage wholesaler may bring an action in
31 a court of competent jurisdiction against a hemp beverage
32 manufacturer for violation of any of the provisions of this
33 section and may recover damages sustained by such wholesaler
34 together with the costs of the action and reasonable
35 attorney's fees.

36 5. In any action brought by a hemp beverage wholesaler
37 against a hemp beverage manufacturer for termination,
38 noncontinuance, or substantial change in violation of the
39 provisions of this section, it is a complete defense for the
40 hemp beverage manufacturer to prove that the termination,
41 noncontinuance, or change was done in good faith and for
42 good cause.

43 6. As used in this section, "good faith" is the duty
44 of each party to any franchise and all officers, employees,
45 or agents thereof to act in a fair and equitable manner
46 towards each other, and "good cause" means the following:

47 (1) Failure by the hemp beverage wholesaler to comply
48 substantially with the provisions of an agreement or
49 understanding with the hemp beverage manufacturer, which
50 provisions are both essential and reasonable;

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

53 (3) Revocation or suspension for more than thirty days
54 of the hemp beverage wholesaler's state or local license
55 required for normal operations of its business.

 312.1035. 1. A hemp beverage product that is sold in
2 this state shall be labeled with consumer protection
3 warnings in the form of statements that cover all of the
4 following:

5 (1) A list of ingredients and possible allergens and a
6 nutritional fact panel or have a code that can be scanned
7 that directs consumers to a website containing the list of
8 ingredients and possible allergens and a nutritional fact
9 panel;

10 (2) A statement that use while pregnant or
11 breastfeeding may be harmful;

12 (3) A statement that consumption of certain
13 cannabinoids may impair your ability to drive and operate
14 heavy machinery;

15 (4) A statement that the product is not approved by
16 the U.S. Food and Drug Administration;

17 (5) A statement to keep out of reach of children;

18 (6) A statement to consult your physician before use;

19 (7) The amount of hemp-derived cannabinoid in each
20 serving of the product, measured in milligrams;

21 (8) The total amount of hemp-derived cannabinoid in
22 the entire package, measured in milligrams;

23 (9) The net weight of the product; and

24 (10) An expiration date in accordance with applicable
25 federal or state law.

26 2. A manufacturer, wholesaler, or retailer of a hemp
27 beverage product shall not advertise, market, or offer for
28 sale the product by using, in the labeling or design of the
29 product or product packaging or in advertising or marketing

30 materials for the product trade dress, trademarks, branding,
31 or other related materials, any imagery or scenery that
32 depicts or signifies characters or symbols known to appeal
33 primarily to persons under twenty-one years of age,
34 including, but not limited to, superheroes, comic book
35 characters, video game characters, television show
36 characters, movie characters, and mythical creatures.

312.1040. 1. An excise tax at the rate of seven
2 percent is imposed on the retail sale of a hemp beverage
3 product. The tax is in addition to any tax imposed under
4 any other provision of federal, state, or local law.

5 2. The tax imposed by this section is intended to be
6 passed on to and borne by the purchaser of the hemp-derived
7 consumable product. The tax is a debt from the purchaser to
8 the retailer until paid. A retailer is considered to act as
9 a trustee on behalf of the state when it collects tax from
10 the purchaser on a taxable transaction. The tax shall be
11 stated and charged separately on any documentation provided
12 to the purchaser by the retailer at the time of the
13 transaction.

✓