



16-128

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

JASON KANDER  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

October 20, 2015

The Honorable Nicole Galloway  
State Auditor  
State Capitol Building  
Jefferson City, MO 65101

RE: Petition approval request from Brad Bradshaw regarding a proposed constitutional amendment to Article XV (2016-128)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Brad Bradshaw on October 19, 2015.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

cc: Hon. Chris Koster  
Sheri Hoffman  
Barbara Wood

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OCT 20 2015  
STATE AUDITORS OFFICE

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It is a class A misdemeanor punishable, notwithstanding the provisions of Section 560.021, RSMo, to the contrary; for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of State for the State of Missouri:

We, the undersigned, registered voters of the State of Missouri and \_\_\_\_\_ County (or City of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the State of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2016 and each for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Missouri and \_\_\_\_\_ County (or City of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot Title)

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CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF \_\_\_\_\_ I, \_\_\_\_\_ being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS Street, No PO Boxes (City, Town or Village)	ZIP CODE	CONG. DIST.	NAME (Printed or Typed)
1.	/ /				
2.	/ /				
3.	/ /				
4.	/ /				
5.	/ /				
6.	/ /				
7.	/ /				
8.	/ /				
9.	/ /				
10.	/ /				

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the State of Missouri and \_\_\_\_\_ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do \_\_\_ do not \_\_\_ (check one) expect to be paid for circulating this petition. If paid, list the payer \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant (Person obtaining signatures)  
\_\_\_\_\_  
Printed Name of Affiant (Person obtaining signatures)  
\_\_\_\_\_  
Address of Affiant (Person obtaining signatures)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary  
\_\_\_\_\_  
Address of Notary

Notary Public (Seal)

My commission expires \_\_\_\_\_

*Be it resolved by the people of the State of Missouri that the Constitution be amended:*

One new article and eleven new sections are adopted by adding eleven new sections to a new Article, to be known as Sections 1 through Section 11 of Article XV to read as follows:

**Section 1. Purpose.**

(a) For the purpose of benefiting the citizens of Missouri by providing for medical research to find and develop cures and treatments for cancer and other incurable and chronic diseases or medical conditions, and generate revenue therefrom by funding said medical research by the legalization and use of medical marijuana or its derivatives as palliative or ameliorative treatment for any such condition, with taxes on medical marijuana or any derivatives thereof as set forth herein, with the proceeds of such taxes to be used to establish, provide for, and continue such medical research as provided herein.

**Section 2. Definitions:**

As used in this Article XV, the following terms shall mean:

(a) “Administer” means the direct application of marijuana to the body of a qualifying patient by any approved method, as defined herein.

(b) “Approved methods” for the administration of marijuana are defined to include ingestion of capsules, teas and other sanctioned marijuana-infused products, vaporization or smoking of dried flowers/buds or plant material, application of ointments, patches, or balms, consuming marijuana-infused food products or any other method recommended by a qualifying patient’s physician and approved by the Research Board.

(c) “Authorized physician” means an individual who is licensed by the Missouri State Board of Registration for the Healing Arts and in good standing to practice medicine or osteopathy under Missouri law and has not, within the past ten (10) years, been subject to discipline by the Missouri State Board of Registration for the Healing Arts for inappropriate personal use of controlled substances or alcohol, or inappropriate prescribing of controlled substances.

(d) “Building and construction” means the erection, renovation, development or remodeling of any structure called for in this Article XV including, but not limited to, marijuana cultivation facilities, offices, buildings, clinics, hospitals, sidewalks, roads, public transit systems and structures, public recreational and entertainment zones and facilities, community development and zoology areas, landscaping, green spaces, business enterprise zones, housings, apartments, condominiums, grocery stores, parks, recreational areas and the planning, design, development, architectural design and engineering and management of any of the same.

(e) “Campus” means the primary and main physical location of a campus where medical research and treatment shall be performed, medical marijuana may be cultivated and studied for the diseases it ameliorates, the location of the headquarters of the Research Board and where the Board shall primarily operate, also including but not limited to, the campus selected and developed under land acquisition and land development, and used as the primary physical location for jobs, building and construction, land development, improvements, research and education in Missouri in the endeavor to find cures for presently incurable diseases under this Article XV.

(f) “Cures” means any and all cures, also including but not limited to, medical treatments, psychiatric and psychological treatments, medications, protocols, therapies, surgeries, genetic material, biologicals, behavioral treatments, clinical trials, laboratory studies, diagnostic tests, evaluations, counseling, treatments, implants, grafts, hardware, orthotics, machines, electronic devices, computers, software programs, studies, and endeavors that help or may help in studying, slowing, curing, eliminating, halting, placing in remission, ameliorating, ending, or regressing any or all presently incurable diseases, targeted diseases, or conditions, illnesses and diseases that are otherwise incurable.

(g) “Designated primary caregiver” means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualified patient who has a physician certification, as identified in the application for a designated primary caregiver identification card consistent with the regulations of the Research Board.

(h) “Designated primary caregiver identification card” means a card issued by the Research Board to a designated primary caregiver.

- (i) “Education” means any and all education, also including but not limited to, teaching, training and education that is, directly or indirectly, necessary, helpful or supportive to jobs, building and construction, land development, campus development, campus improvement, research, jobs and education in Missouri in the endeavor to find cures for incurable diseases.
- (j) “Endeavor” means any and all endeavors, also including but not limited to, attempts, quests, searches, championing, pursuit, travel, work, inquiries, treatments, protocols, implementations, and research relating to jobs, building and construction, land development, campus, research and education in Missouri in the effort to find cures for presently incurable diseases.
- (k) “In Missouri” means within the geographic boundaries of the State of Missouri as established by law and this Constitution.
- (l) “Jobs” means any and all forms of jobs and work, also including but not limited to, employment of individuals where the work classification is directly or indirectly related to building and construction, land development, campus, research and education in Missouri in the endeavor to find cures for presently incurable diseases.
- (m) “Land acquisition” means the acquisition of real and personal property, also including but not limited to investigations, inquiries, studies, plans and review of data to determine from three (3) to five (5) potential locations for land development and acquisition for a campus where jobs will be had, building and construction will occur and research and education in Missouri will take place in the endeavor to find cures for presently incurable diseases and where the Research Board shall be primarily located.
- (n) “Land development” means any and all land planning and development, also including but not limited to studies, inquiries, exploration, research, planning, and actual purchase of lands, buildings, real estate and property related to site development and the campus, land acquisition, land design and use, covenants, restrictions, and ancillary jobs, building and construction, research and education in Missouri in the endeavor to find cures for presently incurable diseases.
- (o) “Marijuana” means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana or otherwise designated as such by the Research Board.
- (p) “Medical Marijuana Cultivation Facility” means a facility licensed by the Research Board, to cultivate, transport and sell marijuana to a Medical Marijuana Dispensary Facility for sale for medical use or to a Medical Marijuana-Infused Products Manufacturing Facility for use and manufacture in marijuana-infused products for sale to a Medical Marijuana Dispensary Facility for sale for medical use.
- (q) “Medical Marijuana Dispensary Facility” means a facility, licensed by the Research Board, to sell and transport marijuana or marijuana-infused products for medical use, as provided in this Article XV.
- (r) “Medical Marijuana-Infused Products Manufacturing Facility” means a facility, licensed by the Research Board, to manufacture and transport marijuana-infused products for sale to a Medical Marijuana Dispensary Facility for sale for medical use.
- (s) “Medical use of marijuana” means the production, possession, delivery, transportation, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as a reasonable benefit for a person to mitigate the symptoms or effects of the person’s qualifying medical condition.
- (t) “Participating research entities” means public, private, quasi-public or quasi-private entities that enter into contracts with the Research Board for research, jobs, education, building and construction, and endeavors to facilitate finding cures for presently incurable diseases.
- (u) “Physician certification” means a written document, signed by an authorized physician that states in the physician’s professional opinion, the qualifying patient suffers from a qualifying medical condition, and that the potential benefits of the medical use of marijuana may outweigh the health risks to the qualifying patient.
- (v) “Plant canopy” means the area dedicated to live marijuana plants, such as plants cultivated for sale, maintaining mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, gardening tools, office space, walkways and the like.
- (w) “Presently incurable diseases” means any and all diseases and disorders that are presently as well as in the future determined to be incurable, including but not limited to, illnesses, diseases, ailments, conditions and syndromes that are terminal, fatal, progressive, not necessarily progressive but result in long term and frequently permanent injury, disability or suffering, or such conditions that are not readily or not effectively treatable to a full cure.

(x) “Qualifying medical condition” means diseases that medical marijuana ameliorates, including but not limited to:

- i. cancer,
- ii. epilepsy,
- iii. multiple sclerosis,
- iv. human immunodeficiency virus and acquired immune deficiency syndrome,
- v. glaucoma,
- vi. intractable migraines unresponsive to other treatment,
- vii. a chronic medical condition that causes persistent pain and/or persistent muscle spasms including but not limited to those associated with paralysis, Bell’s Palsy, and Tourette’s syndrome,
- viii. debilitating psychiatric disorders that benefit from medical marijuana and have been treated at some point in the patient’s medical history by a physician who has received at least one year of training in a psychiatric internship or residency program,
- ix. a terminal illness, and
- x. any other diseases that the Research Board determines, based upon reliable data and generally accepted scientific principles, will benefit from treatment with medical marijuana.

(y) “Qualifying patient” means 1) a patient, eighteen (18) years old or older, with one or more qualifying medical conditions, or 2) a patient, under eighteen (18) years old, with one or more qualifying medical conditions who also has notarized written consent from a parent or legal guardian to use medical marijuana or medical marijuana-infused products.

(z) “Qualifying patient identification card” means a card issued by the Research Board for a qualifying patient with a valid physician certification.

(aa) “Research” means any and all research and development, also including but not limited to, teaching, training, studies, analysis, evaluations, and education that is, directly or indirectly, necessary, helpful or supportive to discovering, implementing, or finding cures, and studies for cures of illnesses and diseases that are presently incurable diseases and ancillary jobs, building and construction, research and education in Missouri in the endeavor to find cures for presently incurable diseases.

(bb) “Research Board” means the Board of Research and Drug Development.

(cc) “Secondary campus” means Research Board discretionary secondary physical locations, including but not limited to building and construction of such secondary campuses that will operate in collaboration with any accredited medical or pharmacy school located within Missouri under this Article XV, section 3 and section 5, and used for jobs, building and construction, research, and education in Missouri in the endeavor to find cures for presently incurable diseases under this Article XV.

(dd) “Targeted disease(s)” means any and all presently incurable diseases that are, or may be, specifically identified or singled out, or otherwise isolated, whether by type, sub-type, sub-sub-type, and to show by example: breast cancer, or interlobular breast cancer, or estrogen positive breast cancer, or estrogen negative interlobular breast cancer, or poorly differentiated estrogen positive interlobular breast cancer, etc.; or leukemia or chronic lymphocytic leukemia or acute lymphocytic leukemia, or acute lymphocytic leukemia with certain genetic markers, or chronic myelogenous leukemia, etc.; or Parkinson’s disease, or early onset Parkinson’s disease, etc.; or endogenous depression, or depression secondary to bipolar disorder, etc.

All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

**Section 3. Research Board and Duties.**

(a) There is hereby created and established as a governmental instrumentality of the state of Missouri the “Research and Drug Development Institute” which shall constitute a body corporate and politic and operate pursuant to this Article XV. The Research and Drug Development Institute shall exist on a campus established by building and construction on land acquired and land developed pursuant to this Article XV. On this Research and Drug Development Institute, campus research shall be performed in the endeavor to find cures for presently incurable diseases. The Research and Drug Development Institute shall have located on its campus targeted disease research groups to further this research.

(b) “Research and Drug Development Institute” shall be governed by the “Board of Research and Drug Development,” hereinafter “Research Board”.

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(c) The Research and Drug Development Institute and the Research Board shall not be assigned to any Missouri Department but rather shall be independent entities existing and operating pursuant to this Article XV under the direction of the Lieutenant Governor who shall be the director of the Research Board.

(d) In the event the "Research and Drug Development Institute" and "Research Board" are transferred by operation of Article IV section 12 to a Department, then they shall be assigned to the Department of Health and Senior Services with supervision of the department extending only to budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the department shall not extend to matters relating to policies, regulatory functions, contracts, or other matters specifically entrusted to the Research Board by this Article XV, and neither the director of the department nor any employee of the department shall, directly or indirectly, interfere with the activities of the Research Board or the research provided by this Article XV.

(e) The Research Board is charged by the people of the State of Missouri to effectuate this Article XV, to find cures for currently incurable diseases, and to the extent reasonably practicable generate income to the State of Missouri with such cures.

(f) It is the duty of the Research Board to promulgate rules and regulations in accordance with the provisions of this Article XV, and to effectuate the provisions of this Article XV. The Research Board shall file proposed rules with the secretary of state no later than ten (10) months after the effective date of this Article XV.

(g) All rules and regulations of the Research Board, except those relating to its organization and internal management, shall take effect not less than ten (10) days after the filing thereof in the office of the secretary of state.

(h) The Research Board shall consist of the Lieutenant Governor, and eight (8) members to be selected by the Lieutenant Governor as set forth in this Article XV. The members of the Board, other than the temporary "then existing Research Board" in section 3(p), appointed by the Lieutenant Governor shall serve the following terms: four (4) shall serve three (3) years, and four (4) shall serve six (6) years. Thereafter, each appointment shall be for a term of six (6) years. If for any reason a vacancy occurs, the Lieutenant Governor shall appoint a new member to fill the unexpired term. Members are eligible for up to four reappointments. Other than the Lieutenant Governor, no member of such Research Board shall hold any public office, and no member shall hold any official position in a political party.

(i) Five (5) members of the Research Board shall constitute a quorum. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Research Board. The Research Board may act only by the concurrence of a majority of a quorum, with such quorum meeting in person when practicable but by video teleconference or similar means when approved by a majority of the quorum. Except for the Lieutenant Governor, failure to regularly and frequently participate in Research Board business shall be grounds for dismissal from the Research Board upon a vote of six (6) members of the Research Board.

(j) The Research Board is hereby granted, has and may exercise all powers necessary or appropriate to implement, carry out, enforce and effectuate its purpose, and the purposes of this Article XV including but not limited to the following:

- i. To make, purchase or participate in the purchase of property;
- ii. Adopt bylaws for the regulation of its affairs and the conduct or discharge of its business and define terms so as to reasonably and effectively carry out the purpose of this Article XV;
- iii. To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;
- iv. To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;
- v. To sue and be sued;
- vi. To have a seal and alter the same at will;
- vii. To make, promulgate, and, from time to time, amend and repeal rules and regulations;
- viii. To perform all administrative duties necessary or that reasonably assist in the discharge and conduct of its business as defined in this Article XV, including, but not limited to, the formation of committees and subcommittees and the delegation of its authority to such committees and subcommittees.
- ix. To acquire, hold and dispose of personal property for its purpose;
- x. To sell, at public or private sale, any mortgage, negotiable instrument or obligation securing building and construction or land development;
- xi. To enter into agreements or other transactions with any federal or state agency, any person or any domestic or foreign partnership, corporation, association, organization, or participating research entity;
- xii. To acquire real property, or an interest therein, in its own name, to lease for up to one hundred (100) years and one option to renew up to another one hundred (100) years such property to a tenant to develop, for building and construction, and to manage and operate such property, to enter into management contracts with respect to such property and to mortgage such property;

xiii. To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

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xiv. To issue and sell revenue bonds to fund any purpose authorized by this Article XV. Any bonds issued under the provisions of this Article XV shall not be deemed to be an indebtedness of the State of Missouri or of any political subdivision thereof, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. The proceeds of the sale or sales of any bonds issued hereunder shall be paid into the state treasury and be credited to a fund to be designated the "Research and Drug Development Institute Trust Fund" General Purpose Account. The bonds shall be retired serially and by installments within a period not to exceed twenty-five (25) years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

(k) The Research Board shall issue rules and regulations for licensure of marijuana facilities, including but not limited to procedures for issuing, renewing and revoking licenses for Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, and Medical Marijuana Dispensary Facilities, for the issuance, renewal and revocation of qualifying patient identification cards and designated primary caregiver identification cards, and the creation of a confidential qualifying patient and designated primary caregiver registry. The purpose of the regulations within this subsection (k) is to ensure the availability and safe use of marijuana by qualifying patients.

(l) The Research Board shall charge each applicant for a license to operate a Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Products Manufacturing Facility, all fees and taxes as provided in this Article XV, and an additional fee equal to the pro-rata estimated average yearly cost to the Research Board of administering and enforcing this Article XV, estimated over a five (5) year period beginning on January 1st of the year the applicant applies for such license, divided equally among all applicants based on the yearly estimated number of applicants for such licenses over the same five (5) year period, as reasonably estimated by the Research Board.

(m) The Research Board may set a limit on the amount of marijuana that may be purchased per month, provided that limit is not less than one hundred (100) grams per month of dried unprocessed marijuana or its extract equivalent as reasonably determined by the Research Board. Any such limit shall not apply to a qualifying patient with written certification from two physicians, not of the same clinic, that there are compelling reasons for additional amounts.

(n) The Research Board shall restrict the number of licenses granted for Medical Marijuana Dispensary Facilities within each county or city not within a county to two (2) for every twenty thousand (20,000) inhabitants. If a county or city not within a county has fewer than twenty thousand (20,000) inhabitants, the Research Board shall restrict the number of licenses granted for Medical Marijuana Dispensary Facilities to two (2). Upon the written request of the governing body of a county or city not within a county to increase the number of available licenses, the Research Board shall accordingly increase the number of licenses granted for Medical Marijuana Dispensary Facilities within the same county or city not within a county.

(o) The Lieutenant Governor shall not receive compensation under this Article XV but shall receive reimbursements for discharging his/her duties under this Article XV. Other members of the Research Board shall receive compensation and reimbursement for expenses incurred in discharging their duties under this Article XV. For members other than the Lieutenant Governor the initial eight members of the Research Board shall have their compensation set as the annual salary received by the Missouri Supreme Court Chief Justice. Thereafter, for new members of the Research Board, the compensation shall be an amount agreed upon by the Lieutenant Governor, and one fourth of the Research Board, and approved by the Governor, but not less than the annual salary received by the Missouri Supreme Court Chief Justice. Upon further years of service, the compensation shall be increased every three years by the greater of a cost of living increase based upon the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency, or at a raised amount agreed upon unanimously by the Research Board and approved by the Lieutenant Governor and Governor.

(p) A nonpartisan scientific nominating committee, hereafter nominating committee, of five (5) individuals shall review applications, interview candidates and for each vacancy in the Research Board shall select a panel of seven individuals from which the Lieutenant Governor shall appoint as member(s) of the Research Board. Residents of the State of Missouri who are licensed Missouri physicians or licensed Missouri pharmacists and living in the State of Missouri at least six (6) months over the twelve (12) months before the election shall elect a grand total of four (4) from the combined pool of licensed Missouri physicians and pharmacists to serve as members of said nominating committee. The members of the nominating committee shall serve four (4) year terms, except from the first election of the nominating committee the two members who received the most votes shall serve a four (4) year term, and the two members elected who received the least votes shall each serve a two (2) year term. The Lieutenant Governor shall appoint one citizen from among the residents of this state to serve as a member of said nominating committee for a four (4) year term. The members of the nominating committee shall select one of their number to serve as chairperson. No member of the nominating committee shall hold any public office, and no member shall hold any official position in a political party. The nominating committee may act only by the concurrence of a majority of its members. The members of such nominating committee

shall receive a salary equal to that of an elected state senator as compensation for their services and they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. Any and all such nominating committees shall be administered, and all nominating committee elections provided for under this section shall be held by, and regulated under, such rules as a panel of three (3) retired Missouri judges appointed by the Lieutenant Governor shall promulgate. Said rules shall be presented to the Research Board who shall, either with or without modifications by the Research Board, file such rules with the secretary of state within twenty-one (21) days of receiving them from the three judge panel. The three judge panel shall be compensated the standard rate of retired senior judges paid out of the General Purpose Account during the weeks in which they perform work. Pending selection and appointment that will fill the Research Board, the Lieutenant Governor shall appoint four (4) temporary members who together shall be the "then existing Research Board" and shall have the power and duties of the Research Board until such member positions are otherwise filled pursuant to this Article XV. Those temporary members shall serve at the same rate as Research Board members so long as there are funds available. If no funds are immediately available, the members may serve without compensation until funds are available and when funds become available the members shall be reimbursed for time served from appointment, and for their reasonable expenses incurred to effectuate their duties. 16-128

(q) For vacancies in the Research Board any licensed physician or licensed pharmacist residing in the State of Missouri may submit an application to the nominating committee for consideration. Any citizen of the United States, or Nobel Laureate in the field of medicine, chemistry, physics, and economics with permanent residence in the United States, who holds a PhD in Biology, Chemistry, Biochemistry, Physics, Genetics, or equivalent degree, from an accredited university that has been in existence at least fifty (50) years, upon nomination of a Dean of the School of Medicine of the University of Missouri – Columbia, Kansas City, St. Louis, St. Louis University, or Washington University in St. Louis, or upon nomination of a member of the Missouri State Senate may submit their application to the nominating committee for consideration.

(r) The Research Board shall establish targeted diseases research groups, hereafter research groups, aimed at research, finding cures, and endeavors for fighting specific "targeted" presently incurable diseases consistent with the purpose of the charge of this Article XV. Specific targeted incurable diseases shall be identified by the Research Board, and such targeted diseases may be identified for receiving segregated donations and contributions before and after the targeted disease research group is established. Each research group shall be governed by a panel of not less than three (3) individuals and not more than seven (7), chosen by the Research Board, each panel shall oversee, administer, steer, and regulate the research group's research to find cures. Individuals on the Research Board may sit on up to four (4) targeted disease research group governing panels.

(s) Members of the Research Board, except as allowed under this Article XV shall not enter into any financial or business relationships with an entity that profits from medical research or medications and therapies to treat incurable disease under this Article XV, other than in an accredited university faculty position, during the member's tenure on the Research Board, and for a period of two (2) years after that member's tenure on the Research Board ends. A Research Board member shall not ever steer research to or toward a particular direction or activity with the purpose of helping an entity or company or for personal or for family financial gain. Except for participating research entities, nothing in this subsection (s) shall prohibit or prejudice a member from entering into any financial or business relationship so long as such does not steer or influence Article XV research toward a particular company nor toward a result/outcome.

(t) The monies generated, obtained, and distributed under this Article XV shall not be included within the definition of "total state revenues" as that term is used in section 17 of Article X of this constitution nor be considered as an "expense of state government" as that term is used in section 20 of Article X of this constitution.

(u) The Research Board shall establish a public website for transmission and receipt of information to and from the public, hereafter Research Board website.

(v) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

#### **Section 4. Taxation and Reporting.**

(a) A tax is hereby imposed on each wholesale sale in Missouri by a Medical Marijuana Cultivation Facility to a Medical Marijuana-Infused Products Manufacturing Facility, by a Medical Marijuana Cultivation Facility to a Medical Marijuana Dispensary Facility or by a Medical Marijuana-Infused Products Manufacturing Facility to a Medical Marijuana Dispensary Facility, at a rate of ten percent (10%) of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to ten percent (10%) of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange.

i. If said Medical Marijuana Cultivation Facility or Medical Marijuana-Infused Products Manufacturing Facility is owned, in whole or in part, by any person or entity, either directly or indirectly, that also owns, in whole or in part, either directly or indirectly, the Medical Marijuana-Infused Products Manufacturing Facility or the Medical Marijuana Dispensary Facility to which the wholesale sale is made, there shall be a rebuttable presumption that the purchase price paid is the greater of the amount paid or the current fair market value for marijuana as determined by the Research Board yearly.

ii. The tax must be collected by the Medical Marijuana Cultivation Facility or, if the sale is by a Medical Marijuana-Infused Products Manufacturing Facility by the Medical Marijuana-Infused Products Manufacturing Facility, and paid to the Department of Revenue within thirty (30) days.

iii. For all wholesale sales of marijuana, a receipt must be given by the seller which identifies all the parties involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations and grand total sale amounts.

(b) A tax is hereby imposed on each retail sale in Missouri by a Medical Marijuana Dispensary Facility at a rate of seventy-five percent (75%) of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to seventy-five percent (75%) of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange.

i. The tax must be collected by the Medical Marijuana Dispensary Facility and paid to the Department of Revenue within thirty (30) days of the retail sale.

ii. For all retail sales of marijuana, a receipt must be given by the seller which identifies all the parties involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations and grand total sale amounts.

(c) Subject to the limitations within this Article XV a person or entity may apply for and obtain a license to operate a Medical Marijuana Cultivation Facility. Such person or entity may apply to the Research Board for and obtain up to ten (10) yearly licenses to grow marijuana. Each license shall be valid for growing marijuana in up to one hundred (100) square meters of plant canopy. Marijuana grown indoors must be grown in an enclosed, locked facility: a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by authorized personnel, meeting industry standards for safety and safe use of electricity. Marijuana grown outdoors must be grown in an enclosed area which is defined as an outdoor space surrounded by solid ten (10) foot walls constructed of metal, concrete, or stone that meet industry standards for such walls and prevent any viewing of the marijuana plants, with a one-inch-thick metal gate. Each license shall be taxed at an initial rate of twenty thousand dollars (\$20,000) per license, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency.

i. Upon request to the Research Board, state institutions of higher education governed by sections 174.020 to 174.500 Revised Statutes of Missouri and chapter 172 Revised Statutes of Missouri shall be granted, without charge, ten (10) licenses per institution per year to grow marijuana.

ii. Upon request to the Research Board by an entity operating under authority of section 10 of this Article XV, the Research Board may grant, without charge, up to one (1) license to a total of no more than ten (10) such entities for purposes of researching the benefits of medical marijuana for various presently incurable diseases.

(d) Subject to the limitations within this Article XV a person or entity may apply for and obtain a license to operate a Medical Marijuana Dispensary Facility. Such person or entity may apply to the Research Board and obtain a license to sell marijuana or marijuana-infused products for medical use for a twelve (12) month period within a county or city not within a county. Each such license shall be taxed at an initial rate of fifty thousand dollars (\$50,000) for the first year per license (which must be by money order, cashier's check, or other means as determined by the Research Board and accompany the application and will be returned if the application is unsuccessful) and then annually fifteen thousand dollars (\$15,000) per license upon renewal, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency.

i. Initial applications for licenses shall be accepted beginning one year after passage of this Article XV. The initial application period shall remain open for ninety (90) days.

ii. After the initial application period, when one or more licenses become available in a county or city not within a county, the opening shall be published on the Research Board's website for ninety (90) days, after which an additional application period of ninety (90) days shall immediately commence.

iii. In issuing licenses, priority shall be given in the following order and shall not proceed to the next class until all applications in priority above it are extinguished:

a. Class 1: Individuals who are licensed Missouri pharmacists or entities owned in whole by licensed Missouri pharmacists,

b. Class 2: Individuals who are licensed Missouri physicians or entities owned in whole by licensed Missouri physicians, and

c. Class 3: Individuals who are licensed Missouri health care providers or entities owned in whole by licensed Missouri health care providers.

d. Class 4: All other individuals and entities.

iv. When there are more applications for licenses than there are licenses available before a class is extinguished, licenses within that class shall be on the basis of competitive bids (such bids must be by

money order, cashier's check, or other means as determined by the Research Board, and accompany the application and will be returned if the bid is unsuccessful), with licenses awarded to the highest bidder. <sup>16-128</sup> Such bids shall be made in a manner to avoid disclosure of bid amounts to competing bidders during the bidding process.

v. No individual, or entity owned or controlled, in whole or in part, directly or indirectly, by the same individual or other entity involved in the bidding process, shall bid on or be awarded more than five (5) licenses in the same calendar year, nor possess more than fifty percent (50%) of the licenses for a given county or city not within a county.

(e) Subject to the limitations within this Article XV a person or entity may apply for and operate a Medical Marijuana-Infused Products Manufacturing Facility. Such person or entity may apply to the Research Board for and obtain a license to sell medical marijuana-infused products to a Medical Marijuana Dispensary Facility for a twelve (12) month period within a county or city not within a county. Each such license shall be taxed at an initial rate of twenty thousand dollars (\$20,000) for the first year per license (which must be by money order, cashier's check, or other means as determined by the Research Board and accompany the application and will be returned if the application is unsuccessful) and then annually ten thousand dollars (\$10,000) per license upon renewal, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency.

(f) A qualifying patient must obtain annually a qualifying patient identification card from the Research Board and shall be taxed at an initial rate of twenty-five dollars (\$25) per issuance with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency. Upon application for a qualifying patient identification card, the Research Board must, within thirty (30) days, provide either the card or a written explanation for its denial of the card. It shall not be grounds for denial that use of medical marijuana is not approved under federal law.

(g) A designated primary caregiver must obtain annually a designated primary caregiver identification card from the Research Board and shall be taxed at an initial rate of twenty-five (\$25) per issuance, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency. Upon application for a designated primary caregiver identification card, the Research Board must, within thirty (30) days, provide either the card or a written explanation for its denial of the card. It shall not be grounds for denial that use of medical marijuana is not approved under federal law.

(h) The taxes imposed pursuant to this section are separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property. All revenues collected from the taxes imposed on the sale of medical marijuana pursuant to this section must be deposited in the Research and Drug Development Institute Trust Fund General Purpose Account. All revenues and taxes collected from the issuance of licenses to Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, and Medical Marijuana Dispensary Facilities must likewise be deposited in the Research and Drug Development Institute Trust Fund General Purpose Account.

(i) No taxes or fees shall be imposed on the sale of medical marijuana except as provided in this Article XV.

(j) No license under this Section shall be sold, traded, subleased, or otherwise transferred or assigned.

(k) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

#### Section 5 Trust Fund

(a) The "Research and Drug Development Institute Trust Fund" is hereby established in the state treasury. Within the Research and Drug Development Institute Trust Fund there shall be the following accounts which include but are not necessarily limited to:

- i. General Purpose Account;
- ii. Land Acquisition Account;
- iii. Targeted Diseases Account and its sub-accounts.

(b) At the conclusion of each fiscal year, the state treasurer shall allocate all monies in the Research and Drug Development Institute Trust Fund that are not otherwise in an account to the Research Board for disbursement and investment as directed in this section. During the first five (5) years, the monies shall be deposited fifty percent (50%) into the General Purpose Account, twenty-five percent (25%) into the Land Acquisition Account and twenty five percent (25%) into the targeted diseases account. Thereafter the Research

Board shall direct the percentage of money to be deposited into each account. Monies deposited in the fund shall include but are not limited to the designated funds received from sections 4, 5 and 10 of Article XV, 16-128 money transferred from the Research Board and any other amounts which may be received from grants, gifts, devises, bequests, contributions, donations, and money from contracts, from the state or federal government, derivative of intellectual property rights, or any other source. Monies in the fund shall be used solely for the purposes established by this Article XV.

(c) Monies deposited into the General Purpose Account shall be used for research, presently incurable diseases, targeted diseases, building and construction, the campus, cures, endeavors, jobs, administrative expenses, and education in Missouri. Up to five percent (5%), but no more, of the General Purpose Account may be allocated by the Board to various universities in the State of Missouri with accredited medical or pharmacy schools, or currently existing at the time of passage of this Article XV independently accredited medical or pharmacy schools within the State of Missouri, for collaborative efforts pursuant to section 10 of Article XV, and to the development of secondary campuses in Missouri at these in-state universities with accredited medical schools and pharmacy schools. Additionally, up to three percent (3%), but no more, of the General Purpose Account may be allocated by the Board to various joint collaborative in-Missouri/non-Missouri research efforts pursuant to section 10 of Article XV.

(d) Monies deposited into the Land Acquisition Account shall be used for land acquisition and land development. The Land Acquisition Account may receive specific designated grants, gifts, devises, bequests, contributions, donations, and money from contracts received pursuant to section 10 of Article XV, from the state or federal government, derivative of intellectual property rights, or any other source, and such specific designated monies shall be segregated for land acquisition and land development, not commingled with other money.

(e) Monies deposited into the Targeted Diseases Account shall be used for research performed by targeted disease research groups, targeted diseases research building and construction, targeted disease research jobs, ancillary activities of the research groups and for support of the research of targeted diseases research groups as set forth in this Article XV. Individual targeted diseases groups may receive specific designated grants, gifts, bequests, contributions, donations, and money from contracts received pursuant to section 10 of Article XV, from the state or federal government, derivative of intellectual property rights, or any other source, and such specific designated monies shall be segregated into targeted disease sub accounts for that individual targeted disease group, not commingled with other money, and shall be used only for the purposes of that research group.

(f) Except where specifically stated otherwise, all administrative costs of this program incurred under this Article XV and by the Research Board shall be paid from the General Purpose Account of this fund.

(g) The unexpended balance existing in the fund and its accounts and their subaccounts at the end of any biennium year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

(h) All monies deposited in the Research and Drug Development Institute Trust Fund and its accounts and their subaccounts shall remain separate and apart from the general review of the State of Missouri and shall be used only for the purposes of this Article XV. Monies in the Research and Drug Development Institute Trust Fund shall be first used to repay bonds and any other form of indebtedness, if any, issued by the Board for the purposes authorized by Article XV. The unexpended balances of such monies shall remain in the Research and Drug Development Institute Trust Fund and in the particular account and subaccounts in which the monies are placed, and such balances shall not revert to the general revenue fund.

(i) Money from any account, individually or in combination, shall never be used to clone a human or humans nor for embryonic stem cell research from an aborted embryo, fetus or baby.

(j) To maintain transparency, each year the Research Board shall publish the itemized income and expenses from the fund and its accounts and subaccounts in a report made available on the Research Board's website using generally accepted accounting principles.

(k) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

#### **Section 6. Land Acquisition.**

(a) Within the Research Board shall be established a subcommittee known as the Land Acquisition Board. Such subcommittee members shall not receive any additional pay. The Land Acquisition Board shall consist of five (5) individuals, four (4) members of the Research Board selected by the Lieutenant Governor, and the fifth member being the Lieutenant Governor. The members of the Land Acquisition Board appointed by the

Lieutenant Governor shall serve the following initial terms: one shall serve two (2) years, one shall serve three (3) years, and two (2) shall serve four (4) years. Thereafter, each appointment shall be for a term of four (4) years. If for any reason a vacancy occurs, the Lieutenant Governor shall appoint a new member from within the Research Board to fill the unexpired term. Members are eligible for reappointment. Before the appointments occur that will fill the Research Board and then in turn the Land Acquisition Board, the Lieutenant Governor shall appoint four (4) temporary members of the Land Acquisition Board who together shall be the "then existing Land Acquisition Board" and shall have the power and duties of the Land Acquisition Board. The then existing Land Acquisition Board may consist of individuals other than those who are members of the then existing Research Board. Those temporary members shall serve at the same rate as Research Board members so long as there are funds available. If no funds are immediately available, the members may serve without compensation until funds are available and when funds become available the members shall be reimbursed for time served from appointment, and reasonable expenses incurred to effectuate their duties.

(b) The Land Acquisition Board shall make investigations, inquiries, studies and review data to identify no more than five (5) but no less than three (3) potential locations for land development and land acquisition and for a campus.

(c) The Land Acquisition Board shall have the authority to promulgate any necessary and supportive rules, regulations and procedures to fulfill its duties and authorized activities under this Article XV, by and through the Research Board.

(d) The Land Acquisition Board shall report an overview of activities and status of the Land Acquisition Board to the Research Board no less than once every one hundred and twenty (120) days.

(e) No earlier than one year after the Land Acquisition Board is formed, and no later than four (4) years after it is formed, the Land Acquisition Board shall submit a report of final proposed locations for a campus and designate on maps for each proposed location. Such maps shall be drawn, by lines of longitude and latitude or by use of historical boundaries such as state lines, rivers, long standing thoroughfares, and county or city boundaries. The final dimensions and geographic inclusions of the land for campus development, which shall at a minimum include the inner two (2) contiguous square miles, layered by additional increments at four (4), nine (9), sixteen (16), twenty-five (25), and thirty-six (36) contiguous square miles, with thirty-six (36) being the maximum that could be purchased by eminent domain for campus development, will be determined by the Land Acquisition Board. The proposed locations of the campus and maps must be approved by two-thirds (2/3) of the Research Board, or if the Research Board is not yet formed then by a unanimous vote of the then-existing Research Board members and the consent of the Governor.

(f) Upon approval pursuant to section 6(e), in the next general election more than six (6) months after the section 6(e) approval occurs, voters of the affected county or counties, shall have a "yes" or "no" vote on whether they desire to allow the land to be acquired and the campus developed, along with its building and construction and Article XV activities, on the proposed location that is within their respective county. Maps that include more than one county shall be designated a multi-county map, and the votes of all affected counties within the multi-county map shall be counted as though one county.

(g) The proposed campus location county which receives the most "yes" votes by percentage of votes cast in the respective proposed campus location counties shall be the approved campus development site.

(h) The question presented to voters shall be in the following format:

Shall a campus for research, development and cures for incurable diseases, and all that entails under Article XV of the Missouri Constitution, be built on the proposed campus development site that includes the county in which I live and will result in some or all land, in and around the vicinity set forth on the Research and Drug Development Institute Map below, being affected and/or taken by eminent domain:

Yes \_\_\_\_\_ No \_\_\_\_\_

[map here]

The amount to be acquired shall be a minimum of two (2) square miles of contiguous property, but otherwise limited only by purchasing funds to a maximum of thirty six contiguous square miles.

(i) As funds become available, and offers are made to landowners to purchase property, landowners willing to sell their land within the designated campus location with an agreed upon fair market value and without an action for eminent domain will receive one and one half times the fair market value of the property, except land that has been within the same family for more than one hundred (100) years shall be paid two (2) times the fair market value. If the fair market value cannot be agreed upon or a landowner is otherwise unwilling to sell their land, then the land may be taken by eminent domain.

(j) The amount to be acquired shall be a minimum of two (2) square miles of a contiguous property, but

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otherwise limited only by purchasing funds to a maximum of thirty-six (36) square miles of contiguous property. The final dimensions and geographic inclusions of the land for campus development, which shall at a minimum include the inner two (2) contiguous square miles, will be determined by the Land Acquisition Board.

(k) The Land Acquisition Board shall begin acquiring land by purchasing land, as outlined in this section of Article XV, six (6) months after the general election referenced in section 6(f) takes place, or as soon thereafter as practicable. The purchasing shall proceed in a manner consistent with reasonable campus development.

(l) Clerical, research and general administrative support staff for the Land Acquisition Board shall be provided wages or salaries by the Land Acquisition Account. The Research Board, and the then existing Land Acquisition Board members until the Research Board members are all appointed and fill the Land Acquisition Board, shall have the authority to employ, hire, fire and set wages for all clerical, research and general administrative support staff for the Land Acquisition Board and to fulfill its functions under this Article XV.

(m) The Land Acquisition Board, until the board is terminated and its powers and duties then transferred to the Research Board, may establish a land use plan and set aside up to twenty-five percent (25%) of the acquired land for building and construction not primarily or specifically research related, such as sidewalks, enterprise zones, housing, parks, recreational activities and management, within the campus. Such land, at the Research Board's discretion, may be leased but not purchased from the Research Board.

(n) By unanimous vote of the Land Acquisition Board, upon the final payment for land made, or on January 1, 2028, whichever occurs first, the Land Acquisition Board shall terminate and all powers and duties shall transfer to the Research Board, including but not limited to all those powers and duties under this section 6.

(o) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

#### **Section 7. Immunities.**

(a) The medical use of marijuana pursuant to this Article XV is legal in Missouri.

(b) A Medical Marijuana Dispensary Facility may sell medical marijuana or medical marijuana-infused products to a qualifying patient or designated primary caregiver upon production of a valid qualifying patient identification card or designated primary caregiver identification card, respectively.

(c) Medical marijuana cultivation, transportation, infusion of products, and sale pursuant to this Article XV is hereby legal, and shall not be subject to criminal or civil liability or sanctions under Missouri law except as provided for by this Article XV.

(d) The possession of marijuana, in quantities less than the monthly limit established by the Research Board, shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that a valid qualifying patient identification card, a designated primary caregiver identification card, or the equivalent issued to a non-Missouri resident by another state or political subdivision of another state that is that non-Missouri resident's place of residency, is produced upon demand.

(e) A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri State Board of Registration for the Healing Arts for issuing a physician certification or recommending the use of Medical Marijuana to a person diagnosed with a qualifying medical condition in a manner consistent with this Article XV.

(f) A health care provider, including but not limited to any pharmacist, shall not be subject to professional discipline, or to criminal or civil liability or sanctions under Missouri law, for providing health care services that involve the medical use of marijuana consistent with this Article XV.

(g) A designated primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing or administering marijuana for medical use by a qualifying patient in a manner consistent with this Article XV. No individual shall serve as the designated primary caregiver for more than seven (7) qualifying patients at one time.

(h) Actions and conduct by a Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or a Medical Marijuana-Infused Products Manufacturing Facility, licensed and registered with the Research Board, or employees of such facilities, pursuant to and as permitted by this Article XV and in compliance with Research Board regulations, shall not be subject to criminal or civil liability or sanctions relating to marijuana under Missouri law except as provided for by this Article XV.

i. A Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Product Manufacturing Facility who allows any license under this Article XV to lapse

or expire through failure to timely renew or reapply for such license shall still be subject to the protections of this Article XV, provided the licensee obtain a valid license within ninety (90) days of the date of the lapse or expiration of the prior license and pay all fines called for in this Article XV.

ii. A Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Products Manufacturing Facility who allows any license under this Article XV to lapse or expire through failure to timely renew or reapply for such license shall be subject to and must pay a fine of five thousand dollars (\$5,000) if a valid license is obtained within ninety (90) days of the lapse or expiration of the prior license.

(i) There shall be no immunities for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat, under the influence of marijuana, and except as specifically set out in this Article XV, the use of marijuana shall not be a defense to any civil liability or criminal activity except as specifically provided in this section 7.

(j) Missouri attorneys providing legal advice or representation relative to this Article XV shall not be subject to professional discipline, or to criminal or civil liability or sanctions under Missouri law

(k) Patient information under this Article XV shall be afforded the same protection and confidentiality under the law as other patient medical information.

(l) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

**Section 8. Legislation.**

(a) Nothing in this Article XV shall limit the legislature from enacting laws consistent with this Article XV, or otherwise effectuating this Article XV, but the legislature shall not be allowed to enact laws to hinder the effectiveness of this Article XV or otherwise alter this Article XV. Except as specifically provided in this Article XV, nothing in this Article XV shall limit the authority of a municipality or county under its land planning and zoning regulations to restrict the location, but not the number of or presence of in a municipality or county of Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities or Medical Marijuana-Infused Products Manufacturing Facilities.

(b) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

**Section 9. Limitations.**

(a) Nothing in this Article XV permits a person to:

- i. Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or
- ii. Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or
- iii. Bring a claim against any employer, former employer or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer or prospective employer prohibiting the employee, former employee or prospective employee from being under the influence of marijuana while at work or disciplining the employer or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana; or
- iv. Consume, smoke, or use marijuana in a jail, prison, or other correctional facility; or
- v. Consume, smoke, or use marijuana in a drug rehabilitation facility; or
- vi. Consume, smoke or use marijuana in a public place, including specifically, but not limited to, sidewalks, parks, playgrounds, sporting facilities, businesses, airports, bus stations, trains, casinos, government buildings, churches, synagogues or mosques; or
- vii. Undertake growing or processing marijuana in a negligent or dangerous manner.

(b) A physician certification may only be given after the physician has conducted a full assessment of the patient's medical history and an in-person physical examination. A physician certification may be valid for up to twelve months.

(c) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Products Manufacturing Facility shall be owned, in whole or in part, or have as an officer, director, board member, manager or employee, any individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, a state or federal crime that is,

or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the Research Board determines that:

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- i. The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or
  - ii. The person's conviction was for a non-violent crime that is more than ten (10) years old and for which the person was not incarcerated in the Missouri Department of Corrections, or its equivalent in other jurisdictions; or
  - iii. The person's conviction was for a non-violent crime for which the person was incarcerated in the Missouri Department of Corrections, or its equivalent in other jurisdictions, that is more than fifteen (15) years old; provided that at least ten (10) years has elapsed since that person's release from incarceration.
- (d) A Medical Marijuana Cultivation Facility shall not be owned or controlled, in whole or in part, by any person who has not been a resident of Missouri for at least nine months prior to the date of the Medical Marijuana Cultivation Facility's application.
- (e) No marijuana or medical marijuana-infused product may be brought into the State of Missouri from outside of the state for use, sale or distribution.
- (f) A Medical Marijuana Dispensary Facility must have on call during all operating hours an individual licensed in Missouri to practice pharmacy as defined in Chapter 338 of the Revised Statutes of Missouri, who is available for on-site or telephone consultation within thirty (30) minutes. A Medical Marijuana Dispensary Facility shall not be owned or controlled, in whole or in part, by any person who has committed a disqualifying felony offense. A Medical Marijuana Dispensary Facility shall not be owned or controlled, in whole or in part, directly, indirectly or by derivative, by any person or group of persons or business entity or affiliated business entities that owns or controls five (5) such facilities, not more than three of which may be in the same county, and who has not been a resident of Missouri for at least the nine month immediately prior to the date of the Medical Marijuana Dispensary Facility's application.
- (g) The limited purpose of a Medical Marijuana-Infused Products Manufacturing Facility is to manufacture those products which qualify as approved methods for the administration of marijuana for medical use, as provided for in this Article XV. A Medical Marijuana-Infused Products Manufacturing Facility shall not be owned or controlled, in whole or in part, directly, indirectly or by derivative, by any person, group of persons or business entity who has not been a resident of Missouri for at least the nine (9) months immediately prior to the date of the Medical Marijuana-Infused Products Manufacturing Facility's application.
- (h) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Products Manufacturing Facility shall manufacture, package or label marijuana or marijuana-infused products in a false, misleading or confusing manner or in any manner likely to cause confusion between the marijuana or marijuana-infused product and any product not containing marijuana.
- (i) All edible marijuana-infused product must be sold in individual child-resistant re-closeable containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products must be sold in containers clearly and consciously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana," or a "Marijuana-Infused Product." The amount of dosages per container may be limited by the Research Board.
- (j) No poisonous or deleterious substances shall be added to any marijuana or marijuana-infused product. Doing so shall be punishable by law as established by the State of Missouri.
- (k) It shall be the responsibility of the Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility and Medical Marijuana-Infused Products Facility to provide each subsequent person or entity in the stream of commerce a listing of all substances used in the growth of medical marijuana, other than soil, water, and seed, and in any subsequent processing, and such shall be made available to any qualifying patient purchasing that particular medical marijuana.
- (l) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Products Manufacturing Facility shall assign, sell, give, lease, sublicense, or otherwise transfer its license to any other facility, person, or entity.
- (m) This Article XV shall not be construed as requiring health insurance companies to provide coverage for medical marijuana use.
- (n) No new license shall be granted to any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Products Manufacturing Facility that is located within one thousand feet of any then-existing school, group day care home, child day care center, church, synagogue or mosque.
- (o) A physician:

- i. shall not issue physician certifications for the use of medical marijuana exceeding twenty percent (20%) of the number of prescriptions written by that physician in the same calendar year;
- ii. shall not have an income from treating qualifying patients with primarily medical marijuana exceeding twenty percent (20%) of the physician's gross income.

(p) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

**Section 10. Public-Private Collaborative Ventures.**

(a) The Research Board may enter into leases of property owned by the Research Board on the campus to participating research entities for research to find cures, and in such endeavors enter into contracts for joint ventures and collaborative efforts and to find cures and treatments for presently incurable diseases and targeted diseases and to develop cures that may be discovered, improved or patented, in whole or part, and lease property for reasonable campus development and pursuant to this Article XV.

(b) Any participating research entities, whether public, private, quasi-public or quasi-private, which develops cures or treatments which occurs in whole or part, directly or indirectly, by having its presence on the Research and Drug Development Institute Campus or in participation by written agreement with the Research Board, shall pay to the State of Missouri an agreed upon contractual amount but if no contract has been entered into as to an amount, then the greater of three percent of all gross revenues or seventeen percent of all profits derived from the participating research entities cures or treatments, whether such monies were produced, earned, derivative, interest or otherwise received. All contracts shall be published on the Research Board's website at least fourteen (14) calendar days before any contract is finalized and published again after the contract is finalized.

(c) The Research Board may, along with or in conjunction with the participating research entity, or other entities, or on its own, make, produce, develop, market, distribute, license, and sell cures, goods, services and products, both of a medical and non-medical nature.

(d) All participating research entities shall establish a physical presence in Missouri, be licensed to do business in the State of Missouri and consent to jurisdiction of Missouri courts, and all contracts shall be governed by Missouri law.

(e) Participating research entities shall not provide anything of value to any member of the Research Board or their employees that would be reasonably interpreted as something that was provided with the intent to influence academic or research freedom, or otherwise interfere with the academic or research freedom of any member of the Research Board, nor to targeted disease groups or panels. Participating research entities who violate this prohibition shall have leases voided, and shall surrender all profits derived from the participating cures and treatments produced, earned or received, to the State of Missouri, and shall be liable for any actual and consequential damages and in appropriate circumstances also punitive damages, to the Research Board with all such damage awards being credited to the General Purpose Account.

- (f) Any monies received pursuant to this section 10 shall be disbursed by the following formula:
- i. twenty-five percent to the Research and Drug Development Institute Trust Fund General Purpose Account;
  - ii. twenty-five percent (25%) to general revenue of the State of Missouri with
    - a) one-third (1/3) of this twenty-five (25%) for the exclusive purpose of funding Missouri state roads and bridges infrastructure repairs,
    - b) one-third (1/3) of this twenty-five (25%) for the exclusive purpose of funding public pre-school programs, public elementary and secondary school programs, and to provide grants to in-state Missouri students to attend state institutions of higher education governed at the time of the enactment of this Article XV by sections of 174.020 to 174.500 Revised Statutes of Missouri and chapter 172 Revised Statutes of Missouri, and
    - c) one-third (1/3) of this twenty-five percent (25%) for the exclusive purpose of funding medical care for Missouri residents; and
  - iii. fifty percent (50%) to be refunded to Missouri state income tax paying citizens, refunded equally to all citizens of Missouri who have paid state income taxes of more than five hundred (\$500) or more in the year prior to the payments being received by the Research Board pursuant to this section 10, up to the total amount of state income tax paid by such Missouri citizen in that year. The refund check to Missouri citizens shall clearly state "Research Board Tax Refund".

(g) All contracts entered into pursuant to this section 10 and this Article XV shall require that any cures obtained pursuant to section 10 and this Article XV shall be made available to the residents of the State of Missouri at cost, with no mark-up.

(h) All of the provisions of this section shall be self-enforcing. All of the provisions and phrases of this section are severable. If any provision or phrase of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions or phrases of this section shall be and remain valid.

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**Section 11. Effective Date.**

(a) The provisions of this Article XV shall become effective on January 26, 2017.