

## Missouri Patient Care Act Analysis

The **Missouri Patient Care Act** is a marijuana ballot proposal that would change Missouri statute to allow for a marijuana and its constituent parts to be used for medical purposes. This analysis seeks to describe some of the pertinent provisions of this amendment and the framework it would create. This proposal may be on the November 2018 ballot.

### **Qualifying conditions/eligibility:**

The Missouri Patient Care act creates a framework where physicians may recommend a patient consume marijuana or marijuana products (edibles, waxes, dabs, vapes, etc.) to treat 9 specified conditions or classes of conditions, but also contains a provision allowing a recommendation for “any other chronic, debilitating or other medical condition...” This final section of qualifying conditions would enable marijuana recommendations for any medical condition. Physicians must have a “bona fide” physician-patient relationship before recommending marijuana.

### **Limits and taxes:**

The Division of Alcohol and Tobacco is granted oversight of this program. An individual may possess 2.5 ounces as a 14 day supply, and may possess up to a 60 day supply at a time. In other words, an individual would be able to legally possess 2/3 of a pound of marijuana at any given time.

This proposal creates a 2% retail level sales tax and declares, "The purpose and intent of the tax is to impose a tax upon the privilege of engaging in the business, in this state, of selling medical cannabis".

### **Tracking growth and distribution:**

This statute requires the Division of Alcohol and Tobacco to create a “seed to sale” tracking system. It also requires licensees to have vertical integration from cultivation to sale.

### **Regulation:**

This statute requires local municipalities to pass regulating ordinances and requirements for licensure. Municipalities may vote to prohibit cultivation and sale of marijuana with a 2/3 vote in a general election. Licenses must be dispersed geographically in accordance with population. No one entity may have more than 3 licenses. Regulations establish packaging and labelling requirements. This statute creates reciprocity for qualified patients from other states.

### **Precautionary measures and immunities:**

The Division of Alcohol and Tobacco may limit licenses to 1 per 100,000 Missouri residents, but is not required to do so. Licensed entities must be at least 60% owned by individuals who have been Missouri residents for at least 3 years. No provisions allow for individuals to cultivate marijuana in their residence. Sales hours are limited to 8 a.m. – 7 p.m., 7 days a week.

