

# Section for Medical Marijuana Regulation



**Session Title:**

**Missouri Medical Marijuana  
Regulatory Program Update**

**Presenter:**

**Lyndall Fraker**

**Section for Medical Marijuana  
Regulation, Director**





## Article XIV, Missouri Constitution

Article XIV is intended to allow state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions.

The section allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physicians to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician.



# Section for Medical Marijuana Regulation

## **Mission**

To administer Missouri's Medical Marijuana Regulatory Program in alignment with the provisions of Article XIV of the Constitution, as determined by the will of the citizens of Missouri.

## **Vision**

A program that provides safe and secure access to medical marijuana for qualifying Missouri patients through consistent regulation, enforcement, and education.



# Section for Medical Marijuana Regulation Stakeholders





# Section for Medical Marijuana Regulation

**How did we get here?**

- 1. Missouri voters approved constitutional amendment**
- 2. Researched best practices from other state MMJ programs**
- 3. Public Engagement**



# Section for Medical Marijuana Regulation

- 4. Rules were developed.
- Both emergency and proposed rules were filed with the Secretary of State's Office – 19 CSR 30-95.
- The rules are posted on our website.

All Rules can be viewed at:

<https://medicalmarijuana.mo.gov>

July 1, 2019  
Vol. 44, No. 13

## Emergency Rules

MISSOURI  
REGISTER

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2016. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 95—Medical Marijuana

### EMERGENCY RULE

19 CSR 30-95.000 Definitions

*PURPOSE: This rule defines terms used in Chapter 95.*

*EMERGENCY STATEMENT: This emergency rule informs the public of the definitions applicable to Chapter 95. This rule is necessary to comply with Article XIV, Section 1 of the Missouri Constitution, which became effective on December 6, 2018. Article XIV requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and*

*safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.*

- (1) "Administer" means the direct application of marijuana to a qualifying patient by way of any of the following methods:
  - (A) Ingestion of capsules, teas, oils, and other marijuana-infused products;
  - (B) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
  - (C) Application of ointments or balms;
  - (D) Transdermal patches and suppositories;
  - (E) Consuming marijuana-infused food products; or
  - (F) Any other method recommended by a qualifying patient's physician.
- (2) "Affiliate" means any entity effectively controlling or controlled by another entity or associated with other entities under common ownership or control, including a parent or subsidiary.
- (3) "Batch" means a specifically identified quantity of medical marijuana, from immature plant stage to harvest, that is uniform in strain and cultivated utilizing the same growing practices.
- (4) "Canopy space" means a space measured from the outermost point of a mature flowering plant in a designated growing area and continuing around the outside of all mature flowering plants in that designated growing area but not including space allocated for walkways or ancillary equipment. This space may be spread over a single level or multiple levels.
- (5) "Church" means a permanent building primarily and regularly used as a place of religious worship.
- (6) "Daycare" means a child-care facility, as defined by section 210.201, RSMo, that is licensed by the state of Missouri.
- (7) "Department" means the Department of Health and Senior Services, or its successor agency.
- (8) "Disqualifying felony offense" means a violation of, and conviction of or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that—
  - (A) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana;
  - (B) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five (5) years old; or
  - (C) More than five (5) years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.
- (9) "Dried, unprocessed marijuana or its equivalent" means the marijuana flower after it has been cured and trimmed or its equivalent amount of marijuana concentrate or tetrahydrocannabinol (THC). For purposes of purchase and possession limitations, one (1) ounce of dried, unprocessed marijuana is equivalent to eight (8) grams of medical marijuana concentrate or eight hundred (800) milligrams of THC



## Section for Medical Marijuana Regulation

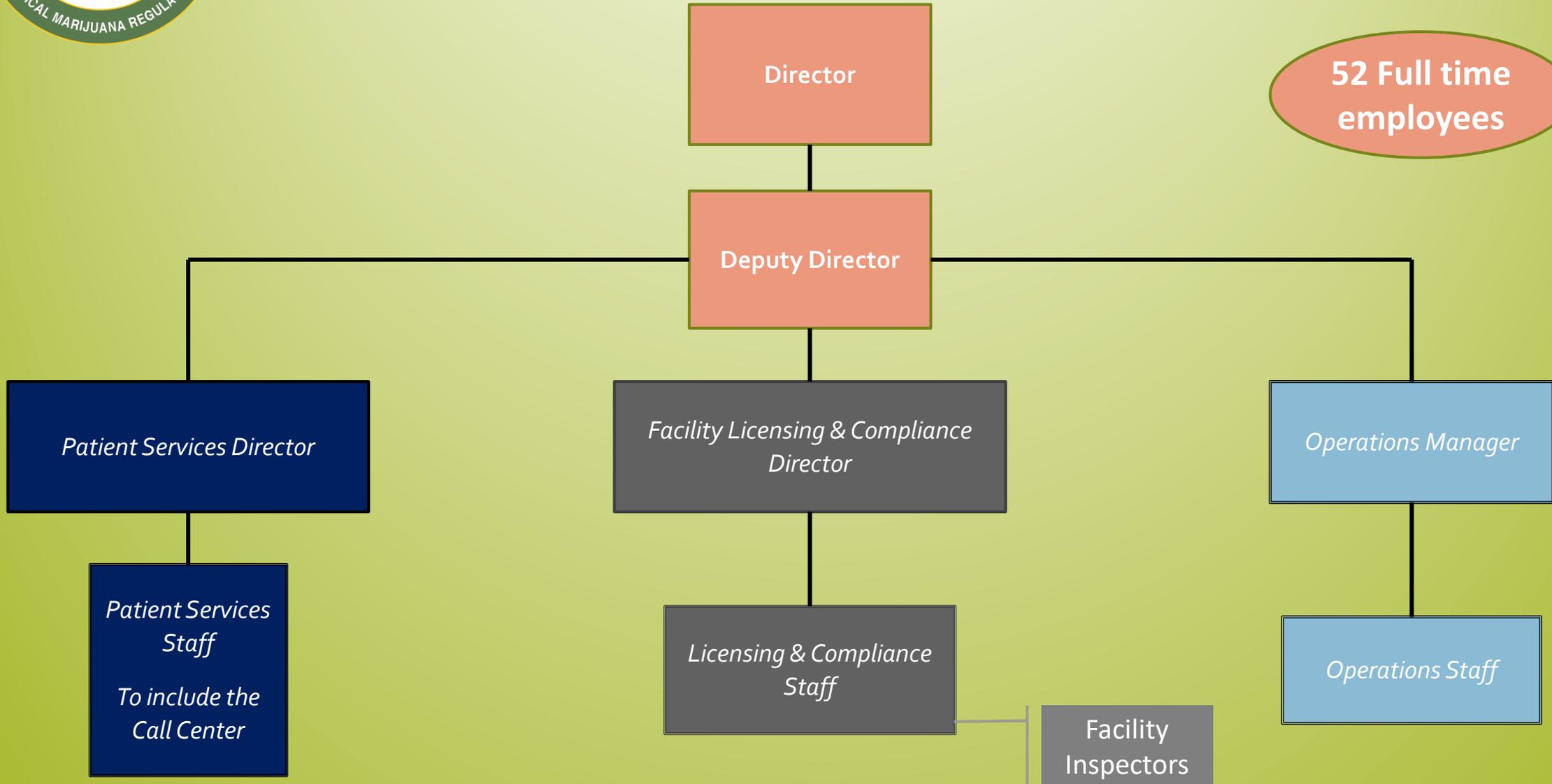
### 5. Public Communication.

- The Patient Services Call Center activated on May 31 and accepts calls Monday – Friday from 8:30 am to 3:30 pm 866-219-0165.
- Our email address: [medicalmarijuanainfo@health.mo.gov](mailto:medicalmarijuanainfo@health.mo.gov).
- Updates are posted to our website as needed: <https://medicalmarijuana.mo.gov>



# Section for Medical Marijuana Regulation

52 Full time employees





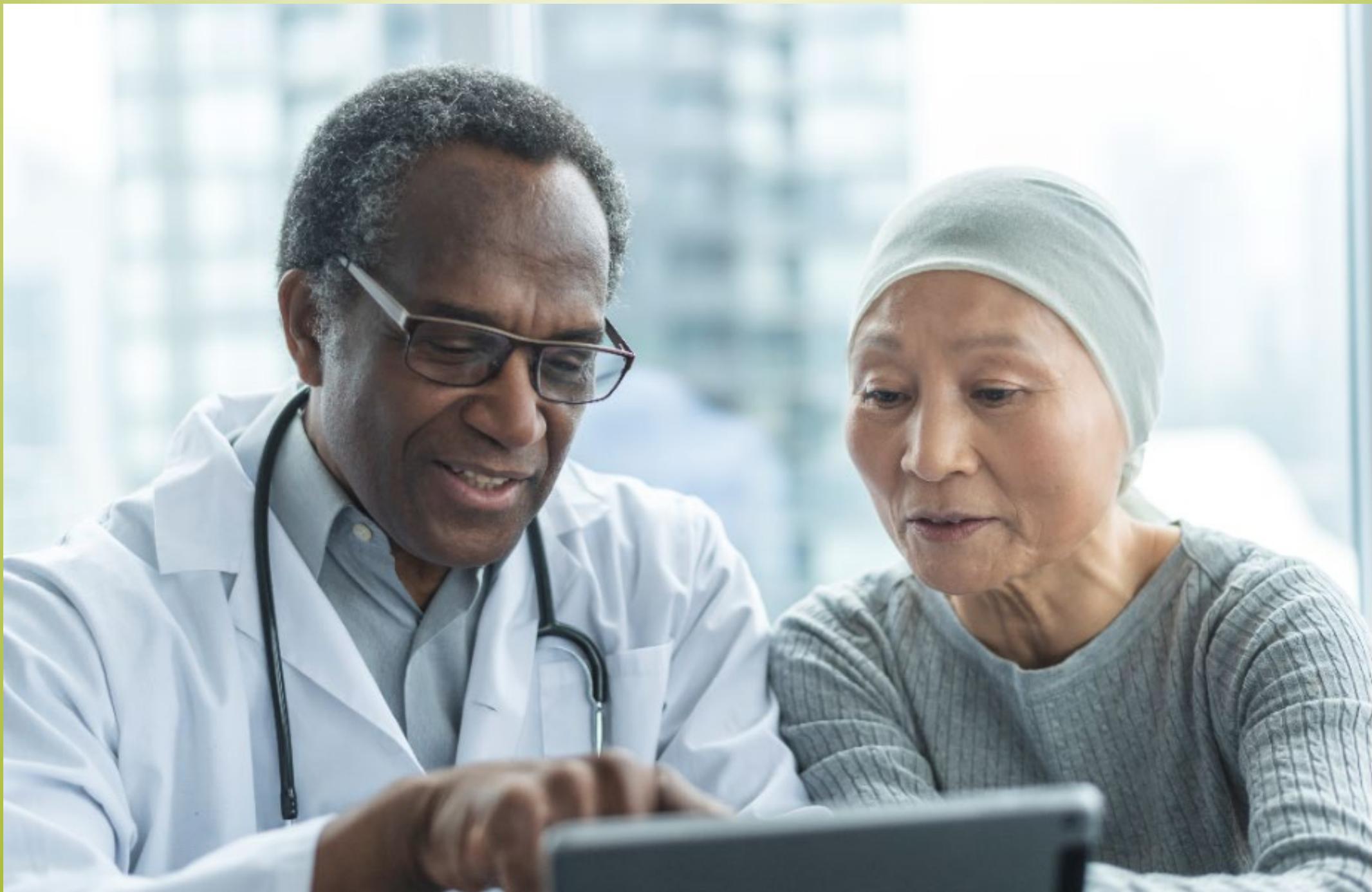
# Key Dates





## Patient Services

- Starting June 28<sup>th</sup> - patients and caregivers began submitting electronic applications:
  - **\$25 nonrefundable** for a one year patient license
    - Plus a **\$100 fee** for **patient cultivation license** (able to grow up to six flowering plants)
    - Minors are not able to apply for patient cultivation license
  - **\$25** for a one year caregiver license
    - Caregivers can have up to three patients.
    - Additional **\$100 fee to grow** up to six flowering plants





## Section for Medical Marijuana Regulation

### ***As a patient, questions to ask your physician regarding marijuana use:***

- What benefits can be expected from marijuana therapy?
- What are the risks related to marijuana therapy?
- Do the known benefits outweigh the risks?
- Will marijuana therapy affect the use of any medications I'm currently taking?
- What side effects can be expected?
- Will marijuana therapy be covered by health insurance?

A qualifying patient should consider keeping a marijuana-use log to establish an ideal marijuana treatment regimen. Periodically reviewing the log can help you and your doctor make decisions about what works best.



# Obtaining a Medical Marijuana Patient / Cultivation Card

- 1) The Department of Health & Senior Services (DHSS) only accepts patient/caregiver applications submitted through its secure, on-line registry. Any mailed patient/caregiver application and/or payment will **not** be accepted.
  - a) Therefore, the patient must have access to the internet to submit their application.
  - b) The patient must have an email account before online registration is possible.
  - c) The patient needs an electronic method of payment - for the registration fees.
- 2) It is strongly recommended to use the browser "Google CHROME" to submit an application from a Personal Computer. Mobile devices (such as smart phones or tablets) and other browsers may result in difficulty with the application process.



## Medical Marijuana Patient / Cultivation Card - Continued

- 3) Obtain a blank “Physician Certification” form, then visit a Missouri-licensed physician, who is active and in good standing to practice medicine or osteopathy. The Physician Certification form must be completed in its entirety and signed by the physician. The Physician Certification form can be found online at: <https://health.mo.gov/safety/medical-marijuana/pdf/physician-certification-form.pdf>.
  - a) A physician certification is required as part of the qualified patient application process. However, physicians are not required to participate in the medical marijuana program.
  - b) DHSS does not maintain a list of physicians who are willing to complete the physician certification form.
  - c) Nothing in Article XIV shall be construed as mandating health insurance coverage of medical marijuana for qualifying patient use.



## Medical Marijuana Patient / Cultivation Card - Continued

- 4) The patient must submit the physician certification form with their online application. The physician certification must be issued no more than 30 days prior to the patient submitting their online application.
- 5) To submit your online application, physician certification and other documents –
  - a) Navigate to the DHSS website: <https://medicalmarijuana.mo.gov>
  - b) Click on Click on “How to Apply – Patient” in the menu.
  - c) Click on the blue button that reads “Patient/Caregiver Application Registration”.
  - d) Click **Yes** at the pop-up box warning that you are exiting site in order to be redirected to the Missouri Medical Marijuana Program (MMMP) Registry Portal.



## Medical Marijuana Patient / Cultivation Card - Continued

- Applications must be submitted electronically and include:
  - Color photo,
  - Government issued identification,
  - Proof of legal guardianship (if applicable),
  - Consent form (if applicable),
  - Written description of the patient cultivation facility security arrangements and processes (if applicable).
- DHSS will either approve or deny the application within 30 days of receipt of the completed application.



# Patient Services – Physician Certification Form

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES  
SECTION FOR MEDICAL MARIJUANA REGULATION  
MEDICAL MARIJUANA REGULATORY PROGRAM  
PHYSICIAN CERTIFICATION FORM

This form is required to be completed in its entirety for all qualifying patients. The date of the physician certification must be no earlier than thirty (30) days before the date the patient will apply for a patient identification card or renewal. Please see instructions below for further details regarding: [1] physician name, [2] license type, and [3] recommended amount of medical marijuana.

### QUALIFYING PATIENT INFORMATION

LAST NAME	FIRST NAME	MIDDLE NAME
SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM-DD-YYYY)	
IS THE PATIENT 18 YEARS OR OLDER? <input type="checkbox"/> Yes <input type="checkbox"/> No		

### PHYSICIAN INFORMATION

PHYSICIAN NAME AS APPEARS ON LICENSE [1]	EMAIL ADDRESS		
LICENSE TYPE [2] <input type="checkbox"/> MD <input type="checkbox"/> DO	MISSOURI ISSUED LICENSE NUMBER	OFFICE PHONE NUMBER	
OFFICE ADDRESS			
CITY	STATE	ZIP CODE	COUNTY

### QUALIFYING PATIENT'S QUALIFYING MEDICAL CONDITION

Cancer

Epilepsy

Glaucoma

Intractable migraines unresponsive to other treatment

A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome  
(Please specify underlying chronic medical condition): \_\_\_\_\_

Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress order, if diagnosed by a state licensed psychiatrist  
(Diagnosing psychiatrist): \_\_\_\_\_

Human immunodeficiency virus or acquired immune deficiency syndrome

A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication.  
(Please specify chronic medical condition): \_\_\_\_\_

A terminal illness  
(Please specify the terminal illness): \_\_\_\_\_

In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome  
(Please specify medical condition): \_\_\_\_\_

### RECOMMENDED AMOUNT OF MEDICAL MARIJUANA [3]

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Physician certifications must be complete.

- Physician's name
- Licensee number and whether licensed to practice medicine or osteopathy;
- Physician's business address, telephone number, and email address;
- Qualifying patient's name, date of birth, and social security number;
- Qualifying patient's qualifying condition;
- Physician's recommendation on the amount of medical marijuana the qualifying patient should be allowed to purchase in a 30-day period – up to four ounces of unprocessed marijuana or its equivalent.



## What conditions qualify?

Cancer;

Epilepsy;

Glaucoma;

Intractable migraines unresponsive to other treatment;

A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state licensed psychiatrist;

Human immunodeficiency virus or acquired immune deficiency syndrome;

A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

A terminal illness; or

In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.



# Section for Medical Marijuana Regulation

## Missouri Marijuana Equivalency Units (MMEs)



Monthly Purchase Limits - Qualified patients are allowed to purchase up to 4 oz. (32 MMEs) of compliant product per month.

Marijuana  
3.5 grams

=

Marijuana  
Concentrate  
1 gram

=

THC Infused  
Product  
100 mg

- A common purchase quantity of marijuana is 3.5 grams which is equal to 1 MME.
- This means that 1 MME is also equivalent to 1 gram of marijuana concentrate or 100 mg of THC infused product.  
*(See reverse side)*

*(Example Purchase)* 7 grams of marijuana + 4 grams of marijuana concentrate + 200 mg of THC infused products.

7 grams of marijuana =  $7 \div 3.5 = 2$  MMEs

4 grams of concentrate =  $4 \div 1 = 4$  MMEs

200 mg of THC infused product =  $200 \div 100 = 2$  MMEs

**$2 + 4 + 2 = 8$  MMEs**

**32 MMEs - 8 = 24 MMEs remaining from monthly allotment**

*(From above example)*



## Patient Services – Statistics

### Patient / Caregiver Application Stats – Morning of October 15, 2019

<b>Total Applications</b>	<b>16,743</b>
<b>Patient Applications</b>	<b>16,320</b>
<b>Caregiver Applications</b>	<b>423</b>
<b>Approved to Date</b>	<b>14,048</b>
<b>Rejection Status*</b>	<b>91</b>

**\*Reject Status is not denials, just an opportunity for applicant to provide additional needed information.**



# Projections – Patients

## Projected Qualified Patients

**DHSS research estimates a 2 - 3% adoption rate within the first 3 years.**

**120,000 -  
180,000  
Qualified  
Patients**



# Section for Medical Marijuana Regulation

## Constitutionally-Prescribed Minimums

- **2 Testing Facilities – We will certify up to 10 Facilities**
- **60 Cultivation Facilities**
- **86 Manufacturing Facilities**
- **192 Total Dispensaries**

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**340 - 348 Total Facilities**



# Facility Licensing and Compliance

License / Certification Type	New Application Fee (12/2018 – 12/2021)	Annual Fee	Renewal Fee	New Application Fees (1/2022)
Cultivation Facility	\$10,000	\$25,000	\$5,000	\$5,000
Dispensary Facility	\$6,000	\$10,000	\$3,000	\$3,000
Facility Agent	\$75		\$75	\$75
Laboratory Testing Facility	\$5,000	\$5,000	\$5,000	\$5,000
Manufacturing Facility	\$6,000	\$10,000	\$3,000	\$3,000
Seed-to-Sale	\$5,000	\$5,000		\$5,000
Transporter	\$5,000	\$5,000	\$5,000	\$5,000



## Facility Licensing and Compliance

- Facilities electronically submitted applications from Aug 3, 12:00 a.m. to Aug 19, 4:30 p.m.
  - 150 days for approval.
- Applications will be evaluated to see if they meet minimum standards and then scored by an independent third party.
  - Best scores for cultivators, manufacturers, and laboratory testing.
  - Best score and district location for dispensary.



# Facility Licensing and Compliance Minimum Standards

1. Authorization to operate as a business in Missouri
2. That the entity is majority owned by natural persons who have been residents of Missouri for at least one year
3. That the entity is not under substantially common control as another entity or a combination of other entities in violation of 19 CSR 20-95.040(3)(C)-(D)



## Facility Licensing and Compliance Minimum Standards

4. That the entity is not within 1000 feet of an existing elementary or secondary school, daycare, or church, or, if a local government allows for closer proximity to schools, daycares, and churches, that the entity complies with the local government's requirements
5. Eligibility to operate in a local jurisdiction
6. That the entity will not be owned, in whole or in part, or have as an officer, director, board member, or manager, any individual with a disqualifying felony offense.



# Facility Licensing and Compliance

## Additional Evaluation Criteria – To be brief

1. The character and relevant experience of principal officers or managers
2. The business plan proposed by applicant
3. Site security
4. Experience in a legal cannabis market
5. In the case of testing facilities, experience with the health care industry and with testing marijuana, food, or drugs for toxins and/or potency
6. The potential for the facility to have a positive economic impact in the site community



## Facility Licensing and Compliance

### Additional Evaluation Criteria – To be brief

7. In the case of cultivation facilities, capacity or experience with agriculture, horticulture, and health care
8. In the case of dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients
9. In the case of infused products manufacturing facilities, capacity or experience with food and beverage manufacturing
10. Maintaining competitiveness in the medical marijuana marketplace



# Facility Licensing and Compliance

- Transportation certification
  - This certification will not be scored – but will need to meet the criteria specified in the Transportation Rule.
- Seed-to-Sale Certification
  - The Department will issue certifications for all eligible seed-to-sale entities.
- Agent Identification Cards
  - All owners, managers and employees will be licensed.



# Facility Applications & Program Status

**2,243**

- Facility Applications received as of September 23<sup>rd</sup>
- Exceeding \$13 million in collected fees
- **Missouri Veterans' Health and Care Fund**  
As established in Article XIV of the Constitution, taxes on medical marijuana sold and money collected by DHSS through fees—after covering the program's operating expenses—will be transferred to the new Missouri Veterans' Health and Care Fund.



# Section for Medical Marijuana Regulation

## What's Next?

- Facility Compliance Inspections
- Facility Compliance Education
- Facility Agent ID Applications
- Seed-to-Sale Checks
- Continue with Patient and Caregiver IDs
- Continue to provide Patient and Physician Education

# Section for Medical Marijuana Regulation

## Stay Up-to-Date



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## Medical Marijuana Regulation

DHSS Home » Licensing & Regulations » Medical Marijuana » Home

### Special Notices Facilities:

- **REMINDER:** After uploading files or editing data, be sure you click the "SAVE" button to commit your changes before submitting or resubmitting your application to the department. **NEW**
- Per **state statute**, "No person shall carry on, conduct or transact a business under a name which contains as part of the name the words "pharmacist", "pharmacy", "apothecary", "apothecary shop", "chemist shop", "drug store", "druggist", "drugs", "consultant pharmacist", or any word of similar or like import, unless the place of business is supervised by a licensed pharmacist." Additional information can be found at Chapter 338.260.

### Special Notices Patients/Caregivers/Physicians:

- To enter a patient application, navigate to the **How to Apply** page located under Patient Information.
- DHSS would like to remind the public that any physician certifications they receive for medical marijuana must be no more than thirty days old at the time an individual applies for a patient identification card, and DHSS will not begin accepting patient identification card applications until June 28, 2019.
- At this time, the department is only accepting the Physician Certification as an uploaded document to the patient's application, which can be submitted as early as June 28, 2019. Patients should download the **Physician Certification form**  and take it with them to their medical examinations for their physicians to fill out.

<https://medicalmarijuana.mo.gov>

Facility Information



Hemp (Department of Agriculture)

How to Apply - Facility

How to Apply - Patient

News Releases

Patient Information



Physician Information



Reports and Data



Resources



Rules and Law



### Contact Information

Section for Medical Marijuana Regulation

PO Box 570

Jefferson City, MO 65102-0570

Toll-Free Access Line: 866-219-0165 (8:30 am – 3:30 pm CST Monday-Friday)

For general inquiries:

[medicalmarijuanainfo@health.mo.gov](mailto:medicalmarijuanainfo@health.mo.gov)

# Section for Medical Marijuana Regulation



Access FAQs, review the rules or access other patient and facility information by visiting our website:

<https://medicalmarijuana.mo.gov>

**866-219-0165 (M-F: 8:30-3:30)**



## Patient Services – Frequently Asked Questions

### ***Can I legally possess medical marijuana in Missouri?***

- Only patients and caregivers with a valid department-issued identification card, or
- A person with a pending qualified patient or caregiver application that has been filed through the Missouri Department of Health and Senior Services' (DHSS) electronic registration system, as long as they are able to produce their valid physician certification and show proof of pending status.
- An equivalent identification card or authorization issued by another state or political subdivision of another state will also meet the requirements for possession.



## Patient Services – Frequently Asked Questions

*Legally possess medical marijuana in Missouri (continued).*

- *If requested, the possessor of medical marijuana must produce on demand to the appropriate authority, a valid department-issued identification card or equivalent identification card issued by another state or political subdivision.*
- ❖ Even though medical marijuana is legal in Missouri, marijuana possession remains a federal offense. Federal law applies to offenses committed on federal property, including all national parks, military property and other land under federal control. Federal law also applies to offenses involving interstate commerce and importation from other countries.



## Patient Services – Frequently Asked Questions

### ***Can I grow my own marijuana plants?***

Yes, upon receipt of a patient cultivation identification card. There is an additional \$100 fee to grow up to six flowering plants per patient and security regulations that must be followed:

- All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the qualifying patient or by such patient's primary caregiver.
- One qualifying patient may cultivate up to six flowering marijuana plants, six nonflowering marijuana plants (over 14 inches tall), and six clones (plants under 14 inches tall) at any given time in a single, enclosed locked facility.



## Patient Services – Frequently Asked Questions

### *Can I grow my own marijuana plants - continued?*

- Two qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed, locked facility. No more than 12 flowering marijuana plants, 12 nonflowering plants, and 12 clones may be cultivated in a single, enclosed locked facility, unless when one of the qualifying patients, as a primary caregiver, also holds a patient cultivation identification card for a third qualifying patient, in which case that primary caregiver may cultivate six additional flowering marijuana plants, six additional nonflowering marijuana plants, and six additional clones for a total of 18 flowering marijuana plants, 18 nonflowering marijuana plants, and 18 clones in a single, enclosed locked facility.



# Patient Services – Frequently Asked Questions

## *Can I grow my own marijuana plants - continued?*

- All cultivated flowering marijuana plants in the possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patient's name.
- The cultivation identification card with a cultivation authorization shall be clearly displayed within the enclosed cultivation area and in close proximity to the marijuana plants. The authorization shall list the name of the qualifying patient or primary caregiver and the address of the facility in which that qualifying patient or primary caregiver is authorized to cultivate marijuana.



# Patient Services – Frequently Asked Questions

## *Can I grow my own marijuana plants - continued?*

- Enclosed, locked facility” means—  
An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or
- An outdoor stationary structure—  
That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top;



# Patient Services – Frequently Asked Questions

## *Can I grow my own marijuana plants - continued?*

- In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and
- That is equipped with locks or other security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.



## Patient Services – Frequently Asked Questions

### **Can I own and/or purchase guns if I have a medical marijuana or cultivation identification card?**

Article XIV of the Missouri Constitution, which authorizes medical use of marijuana in Missouri, does not reference or prohibit the use, possession, or purchase of firearms. However, federal law still may prohibit the use, possession, or purchase of a firearm by individuals who use marijuana, regardless of whether a state has legalized marijuana for medical use. DHSS does not regulate the use, possession, purchase of firearms and therefore cannot say how the federal prohibition will be enforced within Missouri. Questions about the use, possession, or purchase of firearms should be directed to the appropriate law enforcement agencies.



## Patient Services – Frequently Asked Questions

### **Which medical professionals can certify patients to obtain an identification card?**

Per Article XIV of the Missouri Constitution, only physicians who are licensed and in good standing to practice medicine or osteopathy under Missouri law may certify qualifying medical conditions in patients. The practice of medicine or osteopathy means practice by persons who hold a physician and surgeon license pursuant to Chapter 334, RSMo, including those who are admitted to practice in Missouri by reciprocity pursuant to section 334.043, RSMo.



# Facility Licensing & Compliance

## Frequently Asked Questions

**Can a dispensary sell other retail goods and services?**

**Yes.** All retail sales of items other than medical marijuana products are subject to any otherwise applicable laws including retail sales taxes and licenses.



## Facility Licensing & Compliance

### Frequently Asked Questions

# Are medical marijuana facilities prohibited from using certain words in their business ?

**Yes.** 338.260 RSMo. states that no person shall carry on, conduct or transact a business under a name which contains as part of the name the words "pharmacist", "pharmacy", "apothecary", "apothecary shop", "chemist shop", "drug store", "druggist", "drugs", "consultant pharmacist", or any word of similar or like import, unless the place of business is supervised by a licensed pharmacist.



# Facility Licensing & Compliance

## Frequently Asked Questions

**Are my application fees refundable?**

**No.** All application fees are non-refundable.



# Facility Licensing & Compliance

## Frequently Asked Questions

### **When will I receive my cultivation, manufacturing, or dispensing license?**

Within 150 days after the application is received, if your application is approved.



## Facility Licensing & Compliance

### Frequently Asked Questions

# What might cause licenses and certification for facilities to be suspended, denied or revoked?

1. If the facility provides false or misleading information in an application. Plans, assurances, and projections offered in answers to 19 CSR 30-95.025(4) evaluation criteria questions may be considered false or misleading if, upon application for license renewal, the department determines the facility has not made a reasonable effort to implement or follow-through on those plans, assurances, or projections.
2. If the a facility violates any provision as set forth in rule or fails to comply with a corrective action plan.



## Facility Licensing & Compliance

### What might cause licenses and certification for facilities to be suspended, denied or revoked? - continued

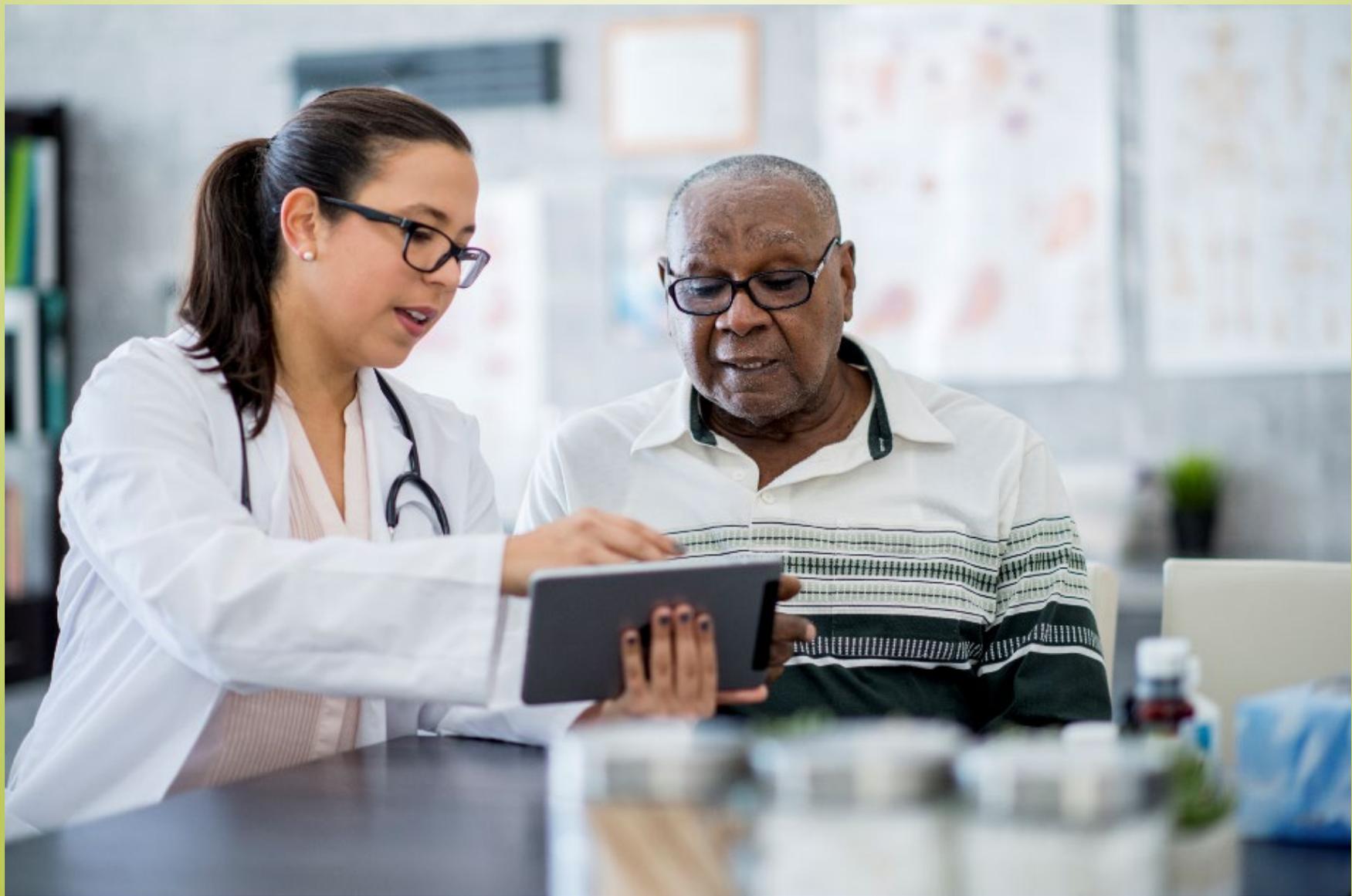
3. If an applicant fails to provide a complete application within seven days of being notified that an application is incomplete.
4. If a facility is granted a license or certification but has not passed a commencement inspection within one year of the department issuing the license or certification.
5. If a facility fails to comply with a department order to immediately suspend all or a part of its operations.
6. If an application does not meet the minimum standards for licenses and certifications pursuant to 19 CSR 30-95.025(4).



## Facility Licensing & Compliance

### What might cause licenses and certification for facilities to be suspended, denied or revoked? - continued

7. If a facility uses combustible gases or other dangerous materials to extract resins from marijuana without a manufacturing facility license.
  8. If a facility packages medical marijuana in a false or misleading manner, or in any manner designed to cause confusion between a marijuana product and any product not containing marijuana.
  9. If a facility or a facility employee fails to comply with seed-to-sale tracking requirements or intentionally misuses or falsifies seed-to-sale tracking data.
- ❖ See 19 CSR 30-95.040(1)(F) for details on reasons why an application may be suspended, denied or revoked.



<https://medicalmarijuana.mo.gov>

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