

# Section for Medical Marijuana Regulation



**Session Title:**

**Missouri Medical Marijuana  
Regulatory Program Update**

**Presenter:**

**Lyndall Fraker**

**Section for Medical Marijuana  
Regulation, Director**





# 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.



# Section for Medical Marijuana Regulation

## Vision

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

### Strategic Priority #1

Make medical marijuana accessible for qualifying patients

### Strategic Priority #2

Uphold safety and quality standards for medical marijuana

### Strategic Priority #3

Regulate the medical marijuana industry to comply with Mo. law and keep communities safe

# Section for Medical Marijuana Regulation Stakeholders



Physicians

Communities

Medical  
Marijuana  
for  
Patients

Other  
Government  
Agencies

Support  
Organizations

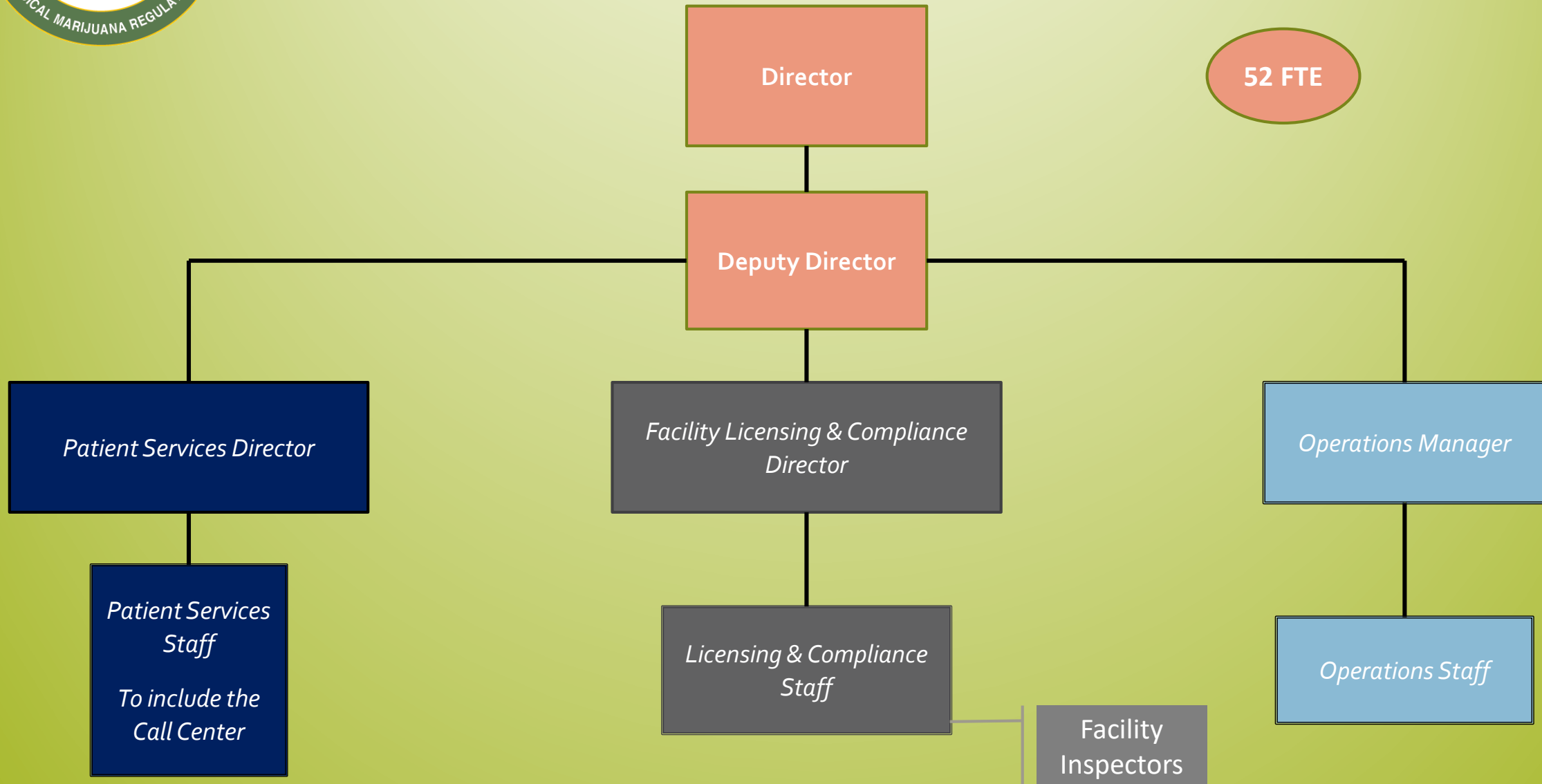
Licensed  
Medical  
Marijuana  
Facilities

Support  
Businesses





# Section for Medical Marijuana Regulation





# Section for Medical Marijuana Regulation

**How did we get here?**

- 1. Missouri voters approved constitutional amendment**
- 2. Researched best practices from other state 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 CST (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>





# Key Dates





## Patient Services

- Starting June 28<sup>th</sup> - patients and caregivers began submitting electronic applications:
  - \$25 nonrefundable for a 1-year patient license
    - Plus a \$100 fee for patient cultivation license (able to grow up to 6 flowering plants)
    - Minors are not able to apply for patient cultivation license
  - \$25 for a 1-year caregiver license
    - Caregivers can have up to 3 patients.
    - Additional \$100 fee to grow up to 6 flowering plants



# Patient Services

- Applications must 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).



# 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?  
 Yes  No

**PHYSICIAN INFORMATION**

PHYSICIAN NAME AS APPEARS ON LICENSE [1]: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

LICENSE TYPE [2]:  MD  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 disorder, 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]**

\_\_\_\_\_

MO 580-3277 (6-19) DHSS-MMRP-8 (6-19)

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 4 ounces of unprocessed marijuana or its equivalent.



# Patient Services

License Type	License Fees	Renewal
Qualified Patient	\$25.00	\$25.00
Additional Fee for Patient Cultivation	\$100.00	\$100.00
Primary Caregiver for a Qualified Patient	\$25.00	\$25.00



## Patient Services – Statistics

### Patient / Caregiver Application Stats – (as of August 19, 2019)

<b>Total Applications</b>	<b>7,745</b>
<b>Patient Applications</b>	<b>7,563</b>
<b>Caregiver Applications</b>	<b>182</b>
<b>Approved to Date</b>	<b>6,554</b>
<b>Current Reject Status*</b>	<b>74</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



## 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 blind 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 - Ongoing

- 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



## Facility Applications & Program Status

### 2163

- Facility Applications received as of August 20<sup>th</sup>
- Exceeding \$13 million in collected fees
- 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

### 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	Annual Fee	Renewal Fee	New Application Fees
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



# 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



## **Patient Services – Frequently Asked Questions**

**Can I have an ID card and own and/or purchase guns?**

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



# Facility Licensing & Compliance

## Frequently Asked Questions

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

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

**Are my application fees refundable?**



# Facility Licensing & Compliance

## Frequently Asked Questions

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

**What might cause denial of my application?**





## Physician – Frequently Asked Questions

**Why are only MD and DO listed on the physician certification form?**

Article XIV of the Missouri Constitution and our rules only allow an MD or a DO to certify qualifying medical conditions.



# Physician – Frequently Asked Questions

## 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;



# Physician – Frequently Asked Questions

## What conditions qualify? (continued)

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

Go to: <https://medicalmarijuana.mo.gov>



# Section for Medical Marijuana Regulation

## Stay Up-to-Date



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**Health & Senior Services**

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Governor Parson

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Licensing & Regulations

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## Medical Marijuana Regulation


DHSS Home » [Licensing & Regulations](#) » [Medical Marijuana](#)

**NEW!** Because the Medical Marijuana Program is anticipating a high volume of facility application submissions near the end of the application window and because the program wants to be fully available to applicants for any technical issues that may arise on the last day of filing, the deadline for submitting an application has been extended until **Monday, August 19, at 4:30 pm CDT.**

### Special Notices Facilities:

- 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.

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)

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

The Department of Health and Senior Services is tasked with implementing the provisions of Article XIV. This includes but is not limited to:

- Issuing registrations to qualified patients and their primary caregivers.



# Section for Medical Marijuana Regulation

Any questions for me?



# Section for Medical Marijuana Regulation



**Thank You!**

Access FAQs and review the rules, visit our website:

<https://medicalmarijuana.mo.gov>